Index

ABSENCE OF PRIOR ACCIDENTS
See index heading other accidents, evidence of

ACCEPTANCE
Tests and scientific evidence. See index heading tests and scientific evidence

ACCIDENT RECONSTRUCTION AND BIOMECHANIC EVIDENCE
Generally, **§ 10:134-10:143**
Dummies. See index heading dummies
Junk science and related evidence
opposing authorities, **§ 5:34**
supporting authorities, **§ 5:25**
Opposing authorities, **§ 10:145**
Suggested motion text, **§ 10:134**
Summary of motion, **§ 10:135**
Supporting authorities
anthropomorphic dummies, **§ 10:137**
biomechanic evidence
generally, **§ 10:136**
anthropomorphic dummies, **§ 10:137**
finite element analysis test, **§ 10:138**
Delta V testimony, excluding, **§ 10:140**
finite element analysis test, **§ 10:138**
human crash test dummy testimony, **§ 10:142**
junk science and related evidence, **§ 5:25**
low speed impact motor vehicle cases, generally, **§ 10:139**
miscellaneous unreliable tests, **§ 10:144**
photographs depicting no damage to motor vehicles, **§ 10:143**

ACCIDENT RECONSTRUCTION AND BIOMECHANIC EVIDENCE—Cont'd
Supporting authorities—Cont'd
plopping into a chair testimony, challenging, **§ 10:141**

ACCIDENT REPORTS
Generally, **§ 4:40-4:43**
Hearsay, inadmissible accident reports, **§ 4:44**
Suggested motion text, **§ 4:40**
Summary of motion, **§ 4:41**
Supporting authorities
hearsay, inadmissible, **§ 4:44**
miscellaneous grounds, **§ 4:45**
prejudicial evidence, exclusion of, **§ 4:42**
vehicle code, exclusion based on, **§ 4:43**

ACCIDENTS
Destroyed evidence, reference to, **§ 9:19**
Other accidents, evidence of
generally, **§ 10:41-10:59**
for detailed treatment see index heading other accidents, evidence of
Subsequent accidents. See index heading subsequent accidents

ACCURACY
Maps, models, and charts, accuracy not disputed, **§ 4:60**

ADMISSIBILITY
harmless error, **§ 1:11**

ADMISSION AGAINST INTEREST
Settlement evidence, opposing authorities, **§ 10:38**

ADMISSIONS, REQUEST FOR
Discovery motions, opposition authorities, **§ 6:12**

"ADVERSE INFERENCE"
Jury instruction, opposition to motion for, **§ 9:47**

AFFIRMATIVE DEFENSES, PREMATURE REBUTTAL TO
Generally, **§ 9:11-9:14**
Suggested motion text, **§ 9:11**
Summary of motion, **§ 9:12**
Supporting authorities
order of proof, **§ 9:14**
prejudicial matter, exclusion of, **§ 9:13**

ALCOHOL CONSUMPTION
Generally, **§ 10:91-10:98**
Blood alcohol content. See index heading blood alcohol content
Character or reputation, exclusion of improper impeachment evidence, **§ 7:11**
Impeachment evidence, exclusion of, **§ 7:11**
Irrelevant evidence
exclusion of, supporting authorities, **§ 10:93**
opposing authorities, relevance to issues, **§ 10:97, 10:98**
Motion to exclude evidence of, **§ 10:155**
Opposing authorities
miscellaneous grounds, **§ 10:96**
relevance to issues, **§ 10:97, 10:98**
witness perceptions, relevance to issues, **§ 10:98**
Prior DUI
generally, **§ 10:99-10:106**
for detailed treatment see index heading prior d. u. i.
Suggested motion text, **§ 10:91**
Summary of motion, **§ 10:92**
Supporting authorities
generally, **§ 10:93 et seq.**
alcohol evidence, exclusion of, **§ 10:95**
prejudicial evidence, exclusion of, **§ 10:94**

ANTHROPOMORPHIC DUMMIES
Accident reconstruction and biomechanic evidence, **§ 10:137**

APPEAL
reversible error, standard and scope of review, **§ 1:10**
standard and scope of review, **§ 1:10**

ARBITRATION
Lost or destroyed evidence, reference to, arbitration evidence and findings, **§ 9:26**
testimony, **§ 11:6**

ARBITRATOR AS WITNESS
Generally, **§ 8:54 et seq.**
For detailed treatment see index heading judge, arbitrator, mediator, or juror as witness

ARRESTS
Character or reputation, exclusion of improper impeachment evidence, **§ 7:12**

ARTICLES
Cumulative evidence, exclusion of, **§ 2:23**

AUTHENTICATION
Motion to exclude writings
opposing authorities, **§ 4:19**
supporting authorities, general authentication requirement, **§ 4:13**
Social media evidence, motion to exclude, **§ 4:76, 4:80**

AUTOMOBILES
See index heading motor vehicles

AVAILABILITY
Hearsay. See index heading hearsay
Noncalled witnesses, equal availability of witness, **§ 8:69**

BALLISTIC MATCHING EVIDENCE
Tests and scientific evidence, **§ 5:36**

BEST EVIDENCE RULE
Sample memoranda, **§ 11:3**

BIAS OR PREJUDICE
Emotional bias
generally, **§ 2:14-2:18**

BIAS OR PREJUDICE—Cont'd
Emotional bias—Cont'd
for detailed treatment see index heading emotional bias
Settlement evidence, opposing authorities, **§ 10:39**

BIFURCATED TRIAL, EVIDENCE OF DAMAGES IN
Generally, **§ 9:27-9:30**
Suggested motion text, **§ 9:27**
Summary of motion, **§ 9:28**
Supporting authorities
authority, **§ 9:30**
statutory authority, **§ 9:29**

BILLS
Medical bills
generally, **§ 4:62-4:67**
for detailed treatment see index heading medical records, reports, or bills

BIOMECHANIC EVIDENCE
Generally, **§ 10:134-10:143**
For detailed treatment see index heading accident reconstruction and biomechanic evidence

BLOOD ALCOHOL CONTENT
Junk science and related evidence
opposing authorities, **§ 5:29**
supporting authorities, **§ 5:16**

BUSINESS RECORDS
Hearsay exception, **§ 4:53**

CHAIR
Plopping into a chair testimony, accident reconstruction and biomechanic evidence, **§ 10:141**

CHARACTER OR REPUTATION
Generally, **§ 7:1-7:25**
Admissible character evidence, **§ 7:1**
Alcohol consumption, exclusion of improper impeachment evidence, **§ 7:11**
Arrests, exclusion of improper impeachment evidence, **§ 7:12**

CHARACTER OR REPUTATION —Cont'd
Conduct, character evidence used to prove
improper character evidence, motion to exclude evidence of, **§ 7:35**
irrelevant evidence
opposing authorities, relevant to material issue, **§ 7:29**
supporting authorities, **§ 7:25**
juvenile adjudication, motion to exclude evidence of, **§ 7:35**
marital infidelity, motion to exclude improper character evidence, **§ 7:32**
opposing authorities
relevant to material issue, **§ 7:29**
trait at issue, **§ 7:30**
religious beliefs, motion to exclude evidence of, **§ 7:34**
suggested motion text, **§ 7:23**
summary of motion, **§ 7:24**
supporting authorities
improper character evidence, exclusion of, **§ 7:27**
irrelevant evidence, exclusion of, **§ 7:25**
miscellaneous grounds, **§ 7:28**
prejudicial evidence, exclusion of, **§ 7:26**
tattoo, motion to exclude demonstration of, **§ 7:33**
trait at issue, opposing authorities, **§ 7:30**
Convictions, admissibility of for impeachment of credibility, **§ 7:21**
Criminal convictions, exclusion of improper impeachment evidence, **§ 7:13**
Defendant's tattoo, motion to exclude demonstration of, **§ 7:33**
Exclusion, character evidence subject to, **§ 7:2**
Fraudulent acts, exclusion of improper impeachment evidence, **§ 7:14**

CHARACTER OR REPUTATION —Cont'd
Good character of witness, exclusion of improper impeachment evidence, **§ 7:15**
Habit or custom evidence, **§ 7:3**
Impeachment of credibility
alcohol consumption, exclusion of improper impeachment evidence, **§ 7:11**
arrests, exclusion of improper impeachment evidence, **§ 7:12**
convictions, admissibility of, **§ 7:21**
criminal convictions, exclusion of improper impeachment evidence, **§ 7:13**
exclusion of improper impeachment evidence
generally, **§ 7:10**
alcohol consumption, **§ 7:11**
arrests, **§ 7:12**
criminal convictions, **§ 7:13**
fraudulent acts, **§ 7:14**
good character of witness, **§ 7:15**
religious belief, **§ 7:16**
facts at issue, opposing authorities, **§ 7:18**
fraudulent acts, exclusion of improper impeachment evidence, **§ 7:14**
good character of witness, exclusion of improper impeachment evidence, **§ 7:15**
irrelevant evidence, exclusion of, **§ 7:8**
miscellaneous grounds, **§ 7:17**
opposing authorities
convictions, admissibility of, **§ 7:21**
facts at issue, **§ 7:18**
impeachment, generally, **§ 7:20**
prior declaration of witness, **§ 7:22**
witness perceptions, **§ 7:19**
prejudicial evidence, exclusion of, **§ 7:9**

CHARACTER OR REPUTATION —Cont'd
Impeachment of credibility—Cont'd
religious belief, exclusion of improper impeachment evidence, **§ 7:16**
suggested motion text, **§ 7:6**
summary of motion, **§ 7:7**
witness perceptions, opposing authorities, **§ 7:19**
Improper character evidence, motion to exclude evidence of, **§ 7:35**
Inflammatory character evidence, opposition to motion to exclude, **§ 7:31**
Irrelevant evidence
conduct. See "Conduct, character evidence used to prove" under this heading
impeachment of credibility, **§ 7:8**
Irrelevant evidence, pre-trial motion, **§ 7:4**
Juvenile adjudication, motion to exclude evidence of, **§ 7:35**
Marital infidelity, motion to exclude improper character evidence, **§ 7:32**
Opposing authorities, **§ 7:5**
admission of other bad acts, **§ 7:5**
Overview
admissible character evidence, **§ 7:1**
exclusion, character evidence subject to, **§ 7:2**
habit or custom evidence, **§ 7:3**
Prejudicial evidence, exclusion of
conduct, character evidence used to prove, supporting authorities, **§ 7:26**
impeachment of credibility, **§ 7:9**
Religious belief, exclusion of improper impeachment evidence, **§ 7:16**
Religious beliefs, motion to exclude evidence of, **§ 7:34**
Suggested motion text
balancing inquiry, **§ 7:4**
conduct, character evidence used to prove, **§ 7:23**

CHARACTER OR REPUTATION —Cont'd
Suggested motion text—Cont'd
impeachment of credibility, **§ 7:6**
irrelevant evidence, pre-trial motion, **§ 7:4**
Witness perceptions, opposing authorities, impeachment of credibility, **§ 7:19**

CHARTS
Generally, **§ 4:55-4:59**
For detailed treatment see index heading maps, models, and charts

CHILD ABUSE SYNDROME
Psychological tests and syndromes, supporting authorities, **§ 5:21**

CHILDREN
Incompetent witness
opposing authorities, **§ 8:49**
supporting authorities, **§ 8:43**

CODEFENDANTS
Settlement with, liability, settlement evidence used to show, **§ 10:34**

COLLATERAL SOURCE PAYMENTS
Generally, **§ 10:1-10:14**
Disability payments, exclusion of collateral source evidence, supporting authorities, **§ 10:8**
Gratuitous payments, exclusion of collateral source evidence, supporting authorities, **§ 10:6**
Irrelevant evidence
opposing authorities, relevant to issues in case, **§ 10:12**
supporting authorities, **§ 10:3**
Liability policy payments, exclusion of collateral source evidence, supporting authorities, **§ 10:7**
Malingering, opposing authorities, **§ 10:13**
Medical policy payments, exclusion of collateral source evidence, supporting authorities, **§ 10:7**
Opposing authorities
malingering, **§ 10:13**

COLLATERAL SOURCE PAYMENTS—Cont'd
Opposing authorities—Cont'd
prejudice, lack of, **§ 10:14**
relevant to issues in case, **§ 10:12**
Prejudice, lack of, opposing authorities, **§ 10:14**
Suggested motion text, **§ 10:1**
Summary of motion, **§ 10:2**
Supporting authorities
disability payments, exclusion of collateral source evidence, **§ 10:8**
exclusion of collateral source evidence
generally, **§ 10:5**
disability payments, **§ 10:8**
gratuitous payments, **§ 10:6**
liability policy payments, **§ 10:7**
medical policy payments, **§ 10:7**
wage payments, **§ 10:10**
workers compensation benefits, **§ 10:9**
gratuitous payments, exclusion of collateral source evidence, **§ 10:6**
irrelevant evidence, exclusion of, **§ 10:3**
liability policy payments, exclusion of collateral source evidence, **§ 10:7**
medical policy payments, exclusion of collateral source evidence, **§ 10:7**
miscellaneous grounds, **§ 10:11**
prejudicial evidence, exclusion of, **§ 10:4**
wage payments, exclusion of collateral source evidence, **§ 10:10**
workers compensation benefits, exclusion of collateral source evidence, **§ 10:9**
Wage payments, exclusion of collateral source evidence, supporting authorities, **§ 10:10**
Workers compensation benefits, exclusion of collateral source

COLLATERAL SOURCE PAYMENTS—Cont'd
evidence, supporting authorities, **§ 10:9**

COMMON EXPERIENCE
Expert witnesses. See index heading expert witnesses

COMMUNICATE, ABILITY TO
Incompetent witness, opposing authorities, **§ 8:51**

COMPETENCE OF WITNESS
Generally, **§ 8:39 et seq.**
For detailed treatment see index heading incompetent witness

COMPROMISE
Generally, **§ 10:27-10:39**
For detailed treatment see index heading settlement evidence

CONCLUSIONS
Legal conclusions, terms containing, supporting authorities, **§ 9:40**

CONDITIONAL ADMISSIBILITY
Foundation, lack of, supporting authorities, **§ 4:4**

CONDUCT
Character evidence used to prove. See index heading character or reputation
Prior D. U. I., improper conduct, evidence used to prove, **§ 10:104**

CONFLICTING EVIDENCE
Ultimate issues, testimony on, **§ 9:45**

CONFUSING OR MISLEADING EVIDENCE
Generally, **§ 2:10-2:13**
Exclusion of confusing or misleading evidence, **§ 2:12**
Improper terminology, exclusion of, supporting authorities, generally, **§ 9:39**
Opposing authorities, **§ 2:13**
Suggested motion text, **§ 2:10**
Summary of motion, **§ 2:11**
Supporting authorities, **§ 2:12**

CONJECTURE
See index heading speculation or conjecture

CONTROL
Subsequent repairs, evidence of, opposing authorities, **§ 10:72**

CONTROVERSY, MATTERS NOT IN
Generally, **§ 3:10**
Suggested motion text, **§ 3:10**

CONVICTIONS
Admissibility of for impeachment of credibility, **§ 7:21**
Character or reputation, exclusion of improper impeachment evidence, **§ 7:13**

COURTROOM, EXCLUSION OF WITNESS FROM, PRIOR TO TESTIFYING
Generally, **§ 8:58 et seq.**
Opposing authorities, **§ 8:61**
Suggested motion text, **§ 8:58**
Summary of motion, **§ 8:59**
Supporting authorities, **§ 8:60**

CRASH TEST DUMMY
Human crash test dummy testimony, accident reconstruction and biomechanic evidence, **§ 10:142**

CREDIBILITY
Impeachment of credibility. See index heading character or reputation
Ultimate issues, testimony on, improper credibility assessment, **§ 9:44**

CRIMINAL CONVICTIONS
Character or reputation, exclusion of improper impeachment evidence, **§ 7:13**

CROSS EXAMINATION
Liability insurance, opposing authorities, **§ 10:23**

CUMULATIVE EVIDENCE, MOTION TO EXCLUDE OR LIMIT
Generally, **§ 2:19-2:28**
Articles, supporting authorities, **§ 2:23**
Demonstration, motion to exclude, **§ 2:29**
Inflammatory and prejudicial photographs, **§ 2:32**
Letters, supporting authorities, **§ 2:23**
Number of witnesses, supporting authorities, **§ 2:24**
Opposing authorities
general authority, **§ 2:27**
witness testimony, **§ 2:28**
Photographs, supporting authorities, **§ 2:25**
Prejudicial evidence, motion to exclude, **§ 2:30, 2:31**
Suggested motion text, **§ 2:19**
Summary of motion, **§ 2:20**
Supporting authorities
exclusion of cumulative evidence
generally, **§ 2:22**
articles, **§ 2:23**
letters, **§ 2:23**
number of witnesses, **§ 2:24**
photographs, **§ 2:25**
witness testimony, **§ 2:26**
time wasting evidence, **§ 2:21**
witness testimony. See ''Witness testimony'' under this heading
Time wasting evidence, supporting authorities, **§ 2:21**
Waste of court's time, supporting authorities, **§ 2:21**
Witness testimony
number of witnesses, supporting authorities, **§ 2:24**
opposing authorities, **§ 2:28**
supporting authorities
exclusion of cumulative evidence, **§ 2:26**
number of witnesses, **§ 2:24**
Witness testimony, motion to exclude, **§ 2:33**

CUSTOM
Evidence of used to show or attack character or reputation, **§ 7:3**

DAMAGES
Bifurcated trial, evidence of damages in
generally, **§ 9:27-9:30**
for detailed treatment see index heading bifurcated trial, evidence of damages in
Hedonic damage evidence. See index heading hedonic damage evidence
Motor vehicles. See index heading motor vehicles
New trial limited to, liability evidence where liability not at issue, **§ 10:127**
Punitive damages, financial status of party, necessary to support claim, **§ 10:122**
Voir dire, dollar amount of damages, preconditioning regarding, **§ 9:4**

DANGEROUS CONDITION
Other accidents. See index heading other accidents, evidence of

DEFECTIVE PRODUCTS
See index heading products liability

DEFENSES
Affirmative defenses, premature rebuttal to
generally, **§ 9:11-9:14**
for detailed treatment see index heading affirmative defenses, premature rebuttal to

DEFINITIONS
Writing, **§ 4:12**

"DELTA V" TESTIMONY
Accident reconstruction and biomechanic evidence, excluding, **§ 10:140**

DEMONSTRATION EVIDENCE
Motion to exclude, sample, **§ 2:29**

DESCRIPTION OF MOTION
Law, **§ 1:1**

DESTROYED EVIDENCE, REFERENCE TO
Generally, **§ 9:15-9:26**
For detailed treatment see index heading lost or destroyed evidence, reference to

DISABILITY PAYMENTS
Collateral source evidence, exclusion of, supporting authorities, **§ 10:8**

DISCOVERY MOTIONS
Generally, **§ 6:1 et seq.**
Admissions, request for, opposition authorities, **§ 6:12**
Authorities
generally, **§ 6:1**
opposition authorities. See "Opposition authorities" under this heading
Dismissal of claim, sanctions, **§ 6:2**
Expert witness testimony. See index heading expert witnesses
New trial, **§ 6:4**
Opposition authorities
admissions, request for, **§ 6:12**
expert witness testimony. See index heading expert witnesses
sanctions, **§ 6:9**
undisclosed witnesses, motion to exclude testimony of, **§ 6:13**
Plaintiff's undisclosed evidence, motion to exclude, **§ 6:14**
Preclusion of evidence, sanctions, **§ 6:3**
Sample motions
plaintiff's undisclosed evidence, motion to exclude, **§ 6:14**
undisclosed witnesses, motion to exclude testimony of, **§ 6:13**
Sanctions
dismissal of claim, **§ 6:2**
opposition authorities, **§ 6:9**
preclusion of evidence, **§ 6:3**
Summary of motion, **§ 6:1**
Undisclosed witnesses, motion to exclude testimony of, **§ 6:13**

DISCRETION OF COURT
Other accidents, evidence of, opposing authorities, **§ 10:53**

DISMISSAL OF CLAIM
Discovery motions, sanctions, **§ 6:2**

DISPUTE
See index heading controversy, matters not in

DOCUMENTARY EVIDENCE
See index heading writings and physical evidence

DOCUMENTS
Expert witnesses, reliance on others, opposing authorities, **§ 8:20**

DO UNTO OTHERS
See index heading golden rule argument

DRAFTING SUGGESTIONS
Generally, **§ 1:12**
Briefing requirements, local rules, **§ 1:15**
Facts, file motions supported by, **§ 1:13**
Succinctness, **§ 1:14**

DRIVING UNDER INFLUENCE
Prior D. U. I.
generally, **§ 10:99-10:106**
for detailed treatment see index heading prior d. u. i.

DUMMIES
Anthropomorphic dummies, accident reconstruction and biomechanic evidence, **§ 10:137**
Human crash test dummy testimony, accident reconstruction and biomechanic evidence, **§ 10:142**

DYING DECLARATION
Generally, **§ 8:84**

E-MAIL MESSAGES
Irrelevant, motion to exclude, **§ 3:11**

EMOTIONAL BIAS
Generally, **§ 2:14-2:18**
Opposing authorities, **§ 2:18**

EMOTIONAL BIAS—Cont'd
Suggested motion text, **§ 2:14**
Summary of motion, **§ 2:15**
Supporting authorities
jurors' emotions, exclusion of evidence intended to inflame, **§ 2:17**
prejudicial evidence, exclusion of, **§ 2:16**

EMPLOYMENT
Liability insurance, exclusion of evidence of, proof of employment, **§ 10:26**
Termination, **§ 11:4**

EQUAL AVAILABILITY
Noncalled witnesses, evidence of, **§ 8:69**

EVIDENCE
speculative, motion to exclude, **§ 3:14**

EXPENSES
Offer to pay, exclusion of evidence of, **§ 10:36**

EXPERT WITNESSES
Generally, **§ 8:1 et seq.**
Common experience, matters of
opposing authorities, **§ 8:22**
supporting authorities, **§ 8:9**
Computer-generated animations, opposing authorities, **§ 8:27**
Conjecture. See "Speculation or conjecture" under this heading
Discovery motions
fair scope rule. See "Fair scope rule" under this heading
identification of expert. See "Identification of expert" under this heading
opposition authorities
fair scope rule, **§ 6:11**
identification of expert, **§ 6:10**
spoliation of evidence, **§ 6:8**
Documents, reliance on others, opposing authorities, **§ 8:20**
Fair scope rule
generally, **§ 6:7**

EXPERT WITNESSES—Cont'd
Fair scope rule—Cont'd
opposition authorities, **§ 6:11**
Foundation, lack of
exclusion of expert witnesses, supporting authorities, **§ 4:7**
exclusion of lay witness, supporting authorities, **§ 4:6**
Hearsay. See index heading hearsay
Hypothetical questions. See index heading hypothetical questions
Identification of expert
generally, **§ 6:6**
opposition authorities, **§ 6:10**
Improper expert opinion
common experience, matters of. See "Common experience, matters of" under this heading
conjecture. See "Speculation or conjecture" under this heading
opposing authorities
common experience, matters of, **§ 8:22**
hypotheticals, **§ 8:17**
legal questions v. ultimate issues, **§ 8:21**
proper foundation, **§ 8:24**
proper subject of testimony, **§ 8:26**
reliance on others. See "Reliance on others" under this heading
speculation, **§ 8:23**
usurping jury function, **§ 8:25**
reliance. See "Reliance on others" under this heading
speculation. See "Speculation or conjecture" under this heading
suggested motion text, **§ 8:1**
summary of motion, **§ 8:2**
supporting authorities
common experience, matters of, **§ 8:9**
hearsay. See index heading hearsay
hypothetical questions, **§ 8:3**

EXPERT WITNESSES—Cont'd
Improper expert opinion—Cont'd
supporting authorities—Cont'd
irrelevant matters, **§ 8:15**
legal questions, **§ 8:7, 8:8**
miscellaneous grounds, **§ 8:16**
not perceived or personally known, **§ 8:11**
not reasonably relied upon by experts, **§ 8:10**
personal knowledge, lack of, **§ 8:11**
speculation or conjecture, **§ 8:12**
ultimate issues, legal questions compared, **§ 8:8**
usurping jury function, **§ 8:14**
variables, too many, **§ 8:13**
Irrelevant matters, improper expert opinion, supporting authorities, **§ 8:15**
Lay witness
foundation, lack of, exclusion of lay witnesses, supporting authorities, **§ 4:6**
opposing authorities
expert not required, **§ 8:38**
perceptions of witness, **§ 8:37**
perceptions of. See "Perceptions of lay witness" under this heading
speed of vehicle, motion to exclude, **§ 11:14**
suggested motion text, **§ 8:32**
summary of motion, **§ 8:33**
supporting authorities
foundation, lack of, exclusion of lay witnesses, **§ 4:6**
miscellaneous grounds, **§ 8:36**
perceptions of witness, **§ 8:34**
subject for expert, **§ 8:35**
Legal questions
supporting authorities, improper expert opinion, **§ 8:7, 8:8**
ultimate issues compared. See "Ultimate issues compared to legal questions" under this heading
Medical opinions
exclusion of improper medical records, or bills, supporting

EXPERT WITNESSES—Cont'd
Medical opinions—Cont'd
authorities, **§ 4:65**
medical expert opinion testimony, **§ 11:13**
Nonexpert. See "Lay witness" under this heading
Nonqualified expert. See "Qualifications" under this heading
Non-qualified expert testimony, motion to exclude, **§ 8:88**
Not perceived or personally known, improper expert opinion, supporting authorities, **§ 8:11**
Not reasonably relied upon by experts, improper expert opinion, supporting authorities, **§ 8:10**
Others
hearsay, inadmissible, opinions of others, **§ 8:5**
reliance on. See "Reliance on others" under this heading
Perceptions of lay witness
opposing authorities, **§ 8:37**
supporting authorities, **§ 8:34**
Personal knowledge, lack of, supporting authorities, **§ 8:11**
Proper subject of testimony, opposing authorities, **§ 8:26**
Qualifications
opposing authorities, **§ 8:31**
suggested motion text, **§ 8:28**
summary of motion, **§ 8:29**
supporting authorities, **§ 8:30**
tests and scientific evidence. See index heading tests and scientific evidence
Reasonable reliance by experts, improper expert opinion, supporting authorities, **§ 8:10**
Reliance on others
not reasonably relied upon by experts, supporting authorities, **§ 8:10**
opinions of others, opposing authorities, **§ 8:18-8:20**
statements of others, reliance on, opposing authorities, **§ 8:19**

EXPERT WITNESSES—Cont'd
Reliance on others—Cont'd
supporting authorities, not reasonably relied upon by experts, **§ 8:10**
treatises, documents, and texts, opposing authorities, **§ 8:20**
Speculation or conjecture
opposing authorities, **§ 8:23**
supporting authorities, **§ 8:12**
Spoliation of evidence, discovery motions, **§ 6:8**
Statements of others, reliance on, opposing authorities, **§ 8:19**
Subject for expert, lay witness, supporting authorities, **§ 8:35**
Suggested motion text
improper expert opinion, **§ 8:1**
lay witness, **§ 8:32**
qualifications, **§ 8:28**
supplemental expert reports, **§ 6:5**
Testimony, motion to exclude as hearsay, **§ 8:86**
testimony, sample memoranda, **§ 11:1, 11:2**
Texts
hearsay, improper expert opinion, supporting authorities, **§ 8:6**
reliance on others, opposing authorities, **§ 8:20**
Treatises
hearsay, improper expert opinion, supporting authorities, **§ 8:6**
reliance on others, opposing authorities, **§ 8:20**
Ultimate issues compared to legal questions
opposing authorities, **§ 8:21**
supporting authorities, **§ 8:8**
Usurping jury function, supporting authorities, **§ 8:14**
Variables, too many, supporting authorities, **§ 8:13**
Witness perceptions. See "Perceptions of lay witness" under this heading

EYEWITNESS IDENTIFICATION
Motion to exclude "junk science" and related evidence, **§ 5:35**

FACTS
Drafting suggestions, file motions supported by facts, **§ 1:13**

FAIR SCOPE RULE
Expert witnesses. See index heading expert witnesses

FEASIBILITY
Subsequent repairs, evidence of, opposing authorities, **§ 10:70**

FILM
Motion to exclude prejudicial film or videotapes
generally, **§ 4:27-4:30**
for detailed treatment see index heading photographs

FINANCIAL STATUS OF DEFENDANT
Motion to exclude evidence of, **§ 10:154**

FINANCIAL STATUS OF PARTY
Generally, **§ 10:115-10:122**
Exclusion of wealth or financial status, generally, **§ 10:119, 10:120**
Irrelevant evidence, exclusion of. supporting authorities, **§ 10:117**
Miscellaneous grounds, supporting authorities, **§ 10:121**
Motion to exclude, opposition to, **§ 10:159**
Opposing authorities, **§ 10:122**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:118**
Punitive damages claim, necessary to support, opposing authorities, **§ 10:122**
Suggested motion text, **§ 10:115**
Summary of motion, **§ 10:116**
Supporting authorities
irrelevant evidence, exclusion of, **§ 10:117**
miscellaneous grounds, **§ 10:121**
prejudicial evidence, exclusion of, **§ 10:118**
tax evidence, exclusion of, **§ 10:120**

FINANCIAL STATUS OF PARTY —Cont'd
Supporting authorities—Cont'd
wealth or financial status, exclusion of, generally, **§ 10:119, 10:120**
Tax evidence, exclusion of, supporting authorities, **§ 10:120**

FINITE ELEMENT ANALYSIS TEST
Biomechanic evidence, supporting authorities, **§ 10:138**

FOUNDATION, LACK OF
Generally, **§ 4:1-4:9**
Conditional admissibility, supporting authorities, **§ 4:4**
Documentary evidence, exclusion of, supporting authorities, **§ 4:5**
Expert witnesses. See index heading expert witnesses
Lay witnesses, exclusion of, supporting authorities, **§ 4:6**
Opposing authorities, **§ 4:9**
Scientific evidence, exclusion of, supporting authorities, **§ 4:8**
Social media evidence, motion to exclude, **§ 4:76, 4:80**
Suggested motion text, **§ 4:1**
Summary of motion, **§ 4:2**
Supporting authorities
generally, **§ 4:3**
conditional admissibility, **§ 4:4**
documentary evidence, exclusion of, **§ 4:5**
expert witnesses, exclusion of, **§ 4:7**
lay witnesses, exclusion of, **§ 4:6**
scientific evidence, exclusion of, **§ 4:8**

FRAUDULENT ACTS
Character or reputation, exclusion of improper impeachment evidence, **§ 7:14**

GATEKEEPING PROVISIONS
Statute violation, movant's reply argument, **§ 10:82**

GOLDEN RULE ARGUMENT
Generally, **§ 9:31-9:36**
Miscellaneous grounds, supporting authorities, **§ 9:35**
Opposition citations, **§ 9:36**
Prejudicial evidence, exclusion of, supporting authorities, **§ 9:33**
Rejection of golden rule argument, supporting authorities, **§ 9:34**
Suggested motion text, **§ 9:31**
Summary of motion, **§ 9:32**
Supporting authorities
miscellaneous grounds, **§ 9:35**
prejudicial evidence, exclusion of, **§ 9:33**
rejection of golden rule argument, **§ 9:34**

GOOD CHARACTER OF WITNESS
Exclusion of improper impeachment evidence, **§ 7:15**

GPS
data, hearsay, **§ 8:85**

GRATUITOUS PAYMENTS
Collateral source evidence, exclusion of, supporting authorities, **§ 10:6**

GRUESOME OR INFLAMMATORY PHOTOGRAPHS
Generally, **§ 4:20-4:24**
Irrelevant evidence, exclusion of, supporting authorities, **§ 4:23**
Opposing authorities, **§ 4:26**
Prejudicial evidence, exclusion of, supporting authorities, **§ 4:22**
Suggested motion text, **§ 4:20**
Summary of motion, **§ 4:21**
Supporting authorities
gruesome or inflammatory photographs, **§ 4:24**
irrelevant evidence, exclusion of, **§ 4:23**
miscellaneous grounds, **§ 4:25**
prejudicial evidence, exclusion of, **§ 4:22**

HABIT
Evidence of used to show or attack character or reputation, **§ 7:3**

HARMLESS ERROR
Seat belt, failure to wear, opposing authorities, **§ 10:90**

HEALTH OR INJURIES NOT AT ISSUE
Generally, **§ 10:107-10:114**
Impeachment, opposing authorities, **§ 10:114**
Irrelevant evidence
opposing authorities, relevant to issues in case, **§ 10:113**
supporting authorities, exclusion of irrelevant evidence, **§ 10:109**
Miscellaneous grounds, supporting authorities, **§ 10:112**
Opposing authorities
impeachment, **§ 10:114**
relevant to issues in case, **§ 10:113**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:110**
Relevant to issues in case, opposing authorities, **§ 10:113**
Suggested motion text, **§ 10:107**
Summary of motion, **§ 10:108**
Supporting authorities
exclusion of evidence of party's health or injuries where not at issue, **§ 10:111**
irrelevant evidence, exclusion of, **§ 10:109**
miscellaneous grounds, **§ 10:112**
prejudicial evidence, exclusion of, **§ 10:110**

HEARSAY
Accident reports, inadmissible, supporting authorities, **§ 4:44**
Availability of declarant
immaterial, witness evidence, opposing authorities, **§ 8:80**
unavailable declarant, witness evidence, opposing authorities, **§ 8:82**
Business records, hearsay exception, **§ 4:53**

HEARSAY—Cont'd
Documents, improper expert opinion, supporting authorities, **§ 8:6**
Examples of inadmissible written hearsay, supporting authorities, **§ 4:17**
Expert opinion, improper, supporting authorities
generally, **§ 8:4**
others, opinions of, **§ 8:5**
treatises, documents, and texts, **§ 8:6**
Expert testimony, motion to exclude, **§ 8:86**
General authority for exclusion, witness evidence, **§ 8:76**
GPS data, **§ 8:85**
Lay witness evidence, opposition to motion to exclude, **§ 8:87**
Lay witness testimony on causation, motion to exclude, **§ 8:89**
Letters. See index heading letters
Multiple hearsay, witness evidence, opposing authorities, **§ 8:83**
Necessary, testimony of declarant as, opposing authorities, **§ 8:81**
Non-qualified expert testimony, motion to exclude, **§ 8:88**
Others, opinions of, improper expert opinion, supporting authorities, **§ 8:5**
Pennsylvania Rules Of Evidence, hearsay exceptions, witness evidence, opposing authorities
generally, **§ 8:80 et seq.**
for detailed treatment see index heading pennsylvania rules of evidence
Published articles, motion to exclude
opposition authorities, nonhearsay, **§ 4:39**
supporting authorities, **§ 4:36**
Purpose of hearsay exceptions, witness evidence, opposing authorities, **§ 8:79**
Purpose of rule, witness evidence, supporting authorities, **§ 8:77**
Social media evidence, motion to exclude, **§ 4:75**

HEARSAY—Cont'd
Suggested motion text, witness evidence, **§ 8:74**
Texts, improper expert opinion, supporting authorities, **§ 8:6**
Treatises, improper expert opinion, supporting authorities, **§ 8:6**
Unavailable declarant, witness evidence, opposing authorities, **§ 8:82**
Witness evidence
generally, **§ 8:74 et seq.**
lay witness testimony on causation, motion to exclude, **§ 8:89**
non-qualified expert testimony, motion to exclude, **§ 8:88**
opposing authorities
availability of declarant immaterial, **§ 8:80**
hearsay exceptions, generally, **§ 8:78**
lay witness evidence, motion to exclude, **§ 8:87**
multiple hearsay, **§ 8:83**
necessary, testimony of declarant as, **§ 8:81**
Pennsylvania Rules Of Evidence, hearsay exceptions pursuant to, **§ 8:80 et seq.**
purpose of hearsay exceptions, **§ 8:79**
unavailable declarant, **§ 8:82**
Pennsylvania Rules Of Evidence, hearsay exceptions, opposing authorities
generally, **§ 8:80 et seq.**
for detailed treatment see index heading pennsylvania rules of evidence
suggested motion text, **§ 8:74**
summary of motion, **§ 8:75**
supporting authorities
general authority for exclusion, **§ 8:76**
purpose of rule, **§ 8:77**
Writings, motion to exclude
improper expert opinion, documents, supporting authorities, **§ 8:6**

HEARSAY—Cont'd
Writings, motion to exclude—Cont'd
published articles. See "Published articles, motion to exclude" under this heading
supporting authorities
generally, **§ 4:16**
examples of inadmissible hearsay, **§ 4:17**

HEDONIC DAMAGE EVIDENCE
Junk science and related evidence
opposing authorities, **§ 5:30**
supporting authorities, **§ 5:17**

HISTORY
Patient medical histories, exclusion of improper medical records, or bills, **§ 4:67**

HUMAN CRASH TEST DUMMY TESTIMONY
Accident reconstruction and biomechanic evidence, supporting authorities, **§ 10:142**

HYPNOSIS EVIDENCE
Junk science and related evidence
motion to exclude, **§ 5:38**
opposing authorities, **§ 5:33**
supporting authorities, **§ 5:23**

HYPOTHETICAL QUESTIONS
Opposing authorities, improper expert opinion, **§ 8:17**
Supporting authorities, improper expert opinion, **§ 8:3**

IDENTIFICATION
Expert. See index heading expert witnesses

IMPEACHMENT
Character or reputation. See index heading character or reputation
Health or injuries not at issue, opposing authorities, **§ 10:114**
Prior D. U. I., supporting authorities, **§ 10:103**
Subsequent repairs, evidence of, opposing authorities, **§ 10:68**

IMPROPER CHARACTER EVIDENCE
Motion to exclude evidence of, **§ 7:35**

INCOMPETENT WITNESS
Generally, **§ 8:39 et seq.**
Children. See index heading children
Communicate, ability to, opposing authorities, **§ 8:51**
General authority, opposing authorities, **§ 8:47**
Inability to express self or tell truth, supporting authorities, **§ 8:41**
Insanity, supporting authorities, **§ 8:44**
Memory. See index heading memory
Mental competence
opposing authorities, **§ 8:50**
supporting authorities, **§ 8:44**
Miscellaneous grounds, supporting authorities, **§ 8:46**
Motion to exclude testimony, **§ 8:53**
Opposing authorities
children, **§ 8:49**
communicate, ability to, **§ 8:51**
general authority, **§ 8:47**
memory, **§ 8:48**
mental competence, **§ 8:50**
personal knowledge, lack of, **§ 8:52**
Personal knowledge, lack of
opposing authorities, **§ 8:52**
supporting authorities, **§ 8:45**
Sanity, supporting authorities, **§ 8:44**
Suggested motion text, **§ 8:39**
Summary of motion, **§ 8:40**
Supporting authorities
children, **§ 8:43**
inability to express self or tell truth, **§ 8:41**
memory, impaired, **§ 8:42**
mental competence, lack of, **§ 8:44**
miscellaneous grounds, **§ 8:46**
personal knowledge of subject matter, lack of, **§ 8:45**
sanity, **§ 8:44**
Truth, inability to tell, supporting authorities, **§ 8:41**

INFERENCES
See index heading presumptions and inferences

INFLAMMATORY AND PREJUDICIAL PHOTOGRAPHS
Motion to exclude or limit, **§ 2:32**

INFLAMMATORY CHARACTER EVIDENCE
Opposition to motion to exclude, **§ 7:31**

INFLAMMATORY PHOTOGRAPHS
Generally, **§ 4:20-4:24**
For detailed treatment see index heading gruesome or inflammatory photographs

INJURIES
Not at issue
generally, **§ 10:107-10:114**
for detailed treatment see index heading health or injuries not at issue
Other accidents, similar injuries, relevant to issues in case, **§ 10:56**
Personal injury motions
generally, **§ 10:1 et seq.**
for detailed treatment see index heading personal injury motions

INSANITY
Incompetent witness, supporting authorities, **§ 8:44**

INSURANCE
Disability payments, collateral source evidence, exclusion of, supporting authorities, **§ 10:8**
Liability insurance
generally, **§ 10:15-10:26**
for detailed treatment see index heading liability insurance
Medical policy payments, collateral source evidence, exclusion of, supporting authorities, **§ 10:7**

INTENTIONAL DESTRUCTION OR SUPPRESSION OF EVIDENCE
Lost or destroyed evidence, reference to, supporting authorities, **§ 9:20**

INTOXICATING BEVERAGES
See index heading alcohol consumption

IRRELEVANT EVIDENCE
Generally, **§ 3:1 et seq.**
Admissibility, limited, **§ 3:9**
Alcohol consumption. See index heading alcohol consumption
Authorities for motion to exclude
opposing authorities, **§ 3:7**
suggested motion text, **§ 3:1**
summary of motion, **§ 3:2**
supporting authorities. See ''Supporting authorities'' under this heading
Collateral source payments. See index heading collateral source payments
Conduct, character evidence used to prove. See index heading character or reputation
Controversy, matters not in, **§ 3:10**
e-mail message, motion to exclude, **§ 3:11**
Expert witnesses, improper expert opinion, supporting authorities, **§ 8:15**
failure to plead, **§ 3:8**
Financial status of party, supporting authorities, **§ 10:117**
Gruesome or inflammatory photographs, supporting authorities, **§ 4:23**
Health or injuries not at issue. See index heading health or injuries not at issue
Liability evidence where liability not at issue, supporting authorities, **§ 10:125**
Liability insurance. See index heading liability insurance
Limited admissibility, **§ 3:9**

IRRELEVANT EVIDENCE—Cont'd
Maps, models, and charts relevant to issues, opposing authorities, **§ 4:61**
matters not in controversy, motion to exclude, **§ 3:15**
Medical malpractice actions, exclusion of irrelevant evidence, **§ 3:6**
Motion to exclude, sample motions
e-mail message, irrelevant, **§ 3:11**
speculative evidence, irrelevant, **§ 3:14**
text messages, irrelevant, **§ 3:13**
Opposing authorities, **§ 3:7**
Opposition to motion to exclude video surveillance evidence, **§ 3:12**
Other accidents. See index heading
Pre-trial motion to exclude, **§ 2:4, 7:4**
Prior D. U. I., supporting authorities, **§ 10:101**
Sample motions
generally, **§ 3:11-3:13**
irrelevant e-mail message, motion to exclude, **§ 3:11**
irrelevant text messages, motion to exclude, **§ 3:13**
speculative evidence, motion to exclude, **§ 3:14**
video surveillance evidence, opposition to motion to exclude, **§ 3:12**
Seat belt, failure to wear, supporting authorities, **§ 10:85**
Settlement evidence, supporting authorities, **§ 10:29**
speculative evidence, motion to exclude, **§ 3:14**
Speculative evidence, supporting authorities, **§ 3:5**
Statute violation, supporting authorities, **§ 10:75**
Subsequent repairs. See index heading
Suggested motion text, authorities for motion to exclude, **§ 3:1**
Supporting authorities
exclusion of irrelevant evidence, generally, **§ 3:3**

IRRELEVANT EVIDENCE—Cont'd
Supporting authorities—Cont'd
expert witnesses, improper expert opinion, **§ 8:15**
financial status of party, **§ 10:117**
gruesome or inflammatory photographs, **§ 4:23**
liability evidence where liability not at issue, **§ 10:125**
medical malpractice actions, exclusion of irrelevant evidence, **§ 3:6**
prior D. U. I., **§ 10:101**
seat belt, failure to wear, **§ 10:85**
settlement evidence, **§ 10:29**
speculative evidence, **§ 3:5**
statute violation, **§ 10:75**
tests and scientific evidence, **§ 5:8**
Tests and scientific evidence, supporting authorities, **§ 5:8**
Text messages, motion to exclude, **§ 3:13**
Video surveillance evidence, opposition to motion to exclude, **§ 3:12**

JUDGE, ARBITRATOR, MEDIATOR, OR JUROR AS WITNESS
Generally, **§ 8:54 et seq.**
Suggested motion text, **§ 8:54**
Summary of motion, **§ 8:55**
Supporting authorities
judge as witness, **§ 8:56**
juror as witness, **§ 8:57**

JUNK SCIENCE AND RELATED EVIDENCE
Generally, **§ 5:13 et seq.**
Accident reconstruction. See index heading accident reconstruction and biomechanic evidence
Approved tests, opposing authorities, **§ 5:28**
Blood alcohol content. See index heading blood alcohol content
Hedonic damage evidence. See index heading hedonic damage evidence
Hypnosis, motion to exclude, **§ 5:38**

JUNK SCIENCE AND RELATED EVIDENCE—Cont'd
Hypnosis evidence. See index heading hypnosis evidence
New scientific evidence, exclusion of, generally, **§ 5:15**
Opposing authorities
generally, **§ 5:28**
accident reconstruction, **§ 5:34**
approved tests, generally, **§ 5:28**
ballistic matching evidence, **§ 5:37**
blood alcohol content evidence, **§ 5:29**
eyewitness identification, **§ 5:35, 5:37**
hedonic damage evidence, **§ 5:30**
hypnosis evidence, **§ 5:33**
polygraph evidence, **§ 5:31**
psychological tests and syndromes, **§ 5:32**
Polygraph evidence. See index heading polygraph evidence
Polygraph examination, motion to exclude, **§ 5:37**
Psychological tests and syndromes. See index heading psychological tests and syndromes
Statistical evidence, supporting authorities, **§ 5:26**
Suggested motion text, **§ 5:13**
Summary of motion, **§ 5:14**
Supporting authorities
accident reconstruction evidence, **§ 5:25**
blood alcohol content evidence, **§ 5:16**
hedonic damage evidence, **§ 5:17**
hypnosis evidence, **§ 5:23**
new scientific evidence, exclusion of, generally, **§ 5:15**
polygraph evidence, **§ 5:19**
psychological tests and syndromes
generally, **§ 5:20-5:20**
for detailed treatment see index heading psychological tests and syndromes
statistical evidence, **§ 5:26**
truth serum evidence, **§ 5:18**
voiceprint identification, **§ 5:24**

JUNK SCIENCE AND RELATED EVIDENCE—Cont'd
Truth serum evidence, supporting authorities, **§ 5:18**
Voiceprint identification, supporting authorities, **§ 5:24**

JUROR AS WITNESS
Generally, **§ 8:54 et seq.**
For detailed treatment see index heading judge, arbitrator, mediator, or juror as witness

JURY
''Adverse inference'' instruction, **§ 9:47**
Emotions of jurors, exclusion of evidence intended to inflame, **§ 2:17**
Expert testimony usurping jury function, **§ 8:25**
Usurping jury function. See index heading usurping jury function
Voir dire
generally, **§ 9:1-9:6**
for detailed treatment see index heading voir dire

JUVENILE ADJUDICATION
Motion to exclude evidence of, **§ 7:35**

KNOWLEDGE
Personal knowledge. See index heading personal knowledge, lack of

LAW
Generally, **§ 1:1-1:12**
Authority for motion, **§ 1:2**
Caution regarding local rules, **§ 1:8**
Description of motion, **§ 1:1**
Drafting suggestions. See index heading drafting suggestions
Non-precedential decisions, **§ 1:9**
Procedural requirements, **§ 1:8**
Purpose of motion, **§ 1:1**
Scope of motion, **§ 1:7**
Statute violation
generally, **§ 10:73-10:82**
for detailed treatment see index heading statute violation

LAW—Cont'd
Timing of motion, **§ 1:6**
Typical use of motion
generally, **§ 1:3-1:5**
for detailed treatment see index heading typical use of motion

LAY WITNESS
See index heading expert witnesses

LEGAL CONCLUSIONS
Improper terminology, exclusion of, supporting authorities, **§ 9:40**

LEGAL QUESTIONS
Expert witnesses. See index heading expert witnesses

LETTERS
Generally, **§ 4:46-4:52**
Business records exception, hearsay, **§ 4:53**
Cumulative evidence, exclusion of, supporting authorities, **§ 2:23**
Hearsay exception
generally, **§ 4:51**
business records exception, **§ 4:53**
public records exception, **§ 4:54**
regularly conducted activity exception, **§ 4:52**
Miscellaneous grounds, supporting authorities, **§ 4:50**
Opposing authorities, hearsay exception. See ''Hearsay exception'' under this heading
Prejudicial evidence, exclusion of, supporting authorities, **§ 4:48**
Public records exception, hearsay, **§ 4:54**
Regularly conducted activity exception, hearsay exception, **§ 4:52**
Suggested motion text, **§ 4:46**
Summary of motion, **§ 4:47**
Supporting authorities
exclusion, generally, **§ 4:49**
miscellaneous grounds, **§ 4:50**
prejudicial evidence, exclusion of, **§ 4:48**

LIABILITY
Expert testimony, sample memoranda, **§ 11:1, 11:2**
Settlement evidence used to show
generally, **§ 10:31**
for detailed treatment see index heading settlement evidence

LIABILITY EVIDENCE WHERE LIABILITY NOT AT ISSUE
Generally, **§ 10:123-10:129**
Irrelevant evidence, exclusion of, supporting authorities, **§ 10:125**
Miscellaneous grounds, supporting authorities, **§ 10:128**
New trial limited to damages, supporting authorities, **§ 10:127**
Opposing authorities, **§ 10:129**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:126**
Suggested motion text, **§ 10:123**
Summary of motion, **§ 10:124**
Supporting authorities
irrelevant evidence, exclusion of, **§ 10:125**
miscellaneous grounds, **§ 10:128**
new trial limited to damages, **§ 10:127**
prejudicial evidence, exclusion of, **§ 10:126**

LIABILITY INSURANCE
Generally, **§ 10:15-10:26**
Collateral source evidence, exclusion of, supporting authorities, **§ 10:7**
Cross examination, opposing authorities, **§ 10:23**
Employment, proof of, opposing authorities, **§ 10:26**
Irrelevant evidence
opposing authorities, relevant to issues or otherwise admissible, **§ 10:24**
supporting authorities, **§ 10:17, 10:20**
Miscellaneous grounds for exclusion of evidence of, **§ 10:22**
Motion to exclude evidence of, **§ 10:153**

LIABILITY INSURANCE—Cont'd
Nonprejudicial references to insurance, opposing authorities, **§ 10:25**
Opposing authorities
cross examination, **§ 10:23**
employment, proof of, **§ 10:26**
nonprejudicial references to insurance, **§ 10:25**
ownership, proof of, **§ 10:26**
relevant to issues or otherwise admissible, **§ 10:24**
Ownership, proof of, opposing authorities, **§ 10:26**
Prejudicial evidence
opposing authorities, nonprejudicial references to insurance, **§ 10:25**
supporting authorities, **§ 10:18, 10:21**
Relevant evidence. See "Irrelevant evidence" under this heading
Suggested motion text, **§ 10:15**
Summary of motion, **§ 10:16**
Supporting authorities
exclusion of liability insurance evidence, **§ 10:19-10:21**
irrelevant evidence, **§ 10:17, 10:20**
miscellaneous grounds, **§ 10:22**
prejudicial evidence, exclusion of, **§ 10:18, 10:21**

LIE DETECTOR
See index heading polygraph evidence

LIMITATIONS ON USE OF MOTION
Generally, **§ 1:4**

LOCAL RULES
Briefing requirements, **§ 1:15**
Caution regarding, **§ 1:8**

LOST OR DESTROYED EVIDENCE, REFERENCE TO
Generally, **§ 9:15-9:26**
Accidental destruction of evidence, supporting authorities, **§ 9:19**
Arbitration evidence and findings, motion to exclude, **§ 9:26**

LOST OR DESTROYED EVIDENCE, REFERENCE TO —Cont'd
Intentional destruction or suppression of evidence, supporting authorities, **§ 9:20**
Missing witness, adverse inference rule, opposing authorities, **§ 9:24**
Opposing authorities, missing witness, adverse inference rule, **§ 9:24**
Opposition citations, generally, **§ 9:25**
Prejudicial evidence, supporting authorities, **§ 9:17**
Spoliation of evidence, note on tort of, exclusion of lost or destroyed evidence, **§ 9:21**
Suggested motion text, **§ 9:15**
Summary judgment, supporting authorities, **§ 9:23**
Summary of motion, **§ 9:16**
Supporting authorities
exclusion of lost or destroyed evidence
generally, **§ 9:18**
accidental destruction of evidence, **§ 9:19**
intentional destruction or suppression of evidence, **§ 9:20**
spoliation of evidence, note on tort of, **§ 9:21**
miscellaneous grounds, **§ 9:22**
prejudicial evidence, exclusion of, **§ 9:17**
summary judgment, **§ 9:23**

LOW SPEED IMPACT MOTOR VEHICLE CASES
Accident reconstruction and biomechanic evidence, supporting authorities, **§ 10:139**

MALINGERING
Collateral source payments, opposing authorities, **§ 10:13**

MANDATORY SEAT BELT LAWS
Opposing authorities, **§ 10:89**

MAPS, MODELS, AND CHARTS
Generally, **§ 4:55-4:59**
Accuracy not disputed, opposing authorities, **§ 4:60**
Miscellaneous grounds, supporting authorities, **§ 4:59**
Motion to exclude, **§ 4:84**
Opposing authorities
accuracy not disputed, **§ 4:60**
relevant to issues, **§ 4:61**
Prejudicial evidence, exclusion of, supporting authorities, **§ 4:57**
Relevant to issues, opposing authorities, **§ 4:61**
Suggested motion text, **§ 4:55**
Summary of motion, **§ 4:56**
Supporting authorities
exclusion of maps, models, or charts, **§ 4:58**
miscellaneous grounds, **§ 4:59**
prejudicial evidence, exclusion of, **§ 4:57**

MARITAL INFIDELITY
Motion to exclude improper character evidence, **§ 7:32**

MARY CARTER AGREEMENTS
Settlement evidence, opposing authorities, **§ 10:40**

MEDIATOR AS WITNESS
Generally, **§ 8:54 et seq.**
For detailed treatment see index heading judge, arbitrator, mediator, or juror as witness

MEDICAL MALPRACTICE
Irrelevant evidence, exclusion of, **§ 3:6**

MEDICAL POLICY PAYMENTS
Collateral source evidence, exclusion of, supporting authorities, **§ 10:7**

MEDICAL RECORDS, REPORTS, OR BILLS
Generally, **§ 4:62-4:67**
medical expert opinion testimony, **§ 11:13**

MEDICAL RECORDS, REPORTS, OR BILLS—Cont'd
Miscellaneous grounds, exclusion of improper medical records, or bills, **§ 4:68**
Opposing authorities, **§ 4:69**
Patient medical histories, exclusion of improper medical records, or bills, supporting authorities, **§ 4:67**
Prejudicial evidence, exclusion of, supporting authorities, **§ 4:64**
Suggested motion text, **§ 4:62**
Summary of motion, **§ 4:63**
Supporting authorities
medical bills, **§ 4:66**
medical opinions, **§ 4:65**
miscellaneous grounds, **§ 4:68**
patient medical histories, **§ 4:67**
prejudicial evidence, exclusion of, **§ 4:64**

MEMORY
Incompetent witness
opposing authorities, **§ 8:48**
supporting authorities, impaired memory, **§ 8:42**

MENTAL COMPETENCE
Witness. See index heading incompetent witness

MESSAGES
Irrelevant e-mail messages, motion to exclude, **§ 3:11**
Text. See index heading text messages

MISLEADING EVIDENCE
Generally, **§ 2:10-2:13**
For detailed treatment see index heading confusing or misleading evidence

MISSING WITNESS
Adverse inference rule, lost or destroyed evidence, reference to, **§ 9:24**

MODELS
Generally, **§ 4:55-4:59**

MODELS—Cont'd
For detailed treatment see index heading maps, models, and charts

MOTOR VEHICLES
Accident reports, exclusion based on vehicle code, **§ 4:43**
Damage evidence, improper
generally, **§ 10:130-10:133**
opposing authorities, **§ 10:133**
suggested motion text, **§ 10:130**
summary of motion, **§ 10:131**
supporting authorities, **§ 10:132**
Low speed impact motor vehicle cases, accident reconstruction and biomechanic evidence, **§ 10:139**
Photographs depicting no damage to motor vehicles, accident reconstruction and biomechanic evidence, **§ 10:143**
Seat belt, failure to wear
generally, **§ 10:83-10:90**
for detailed treatment see index heading seat belt, failure to wear
speed, lay testimony, **§ 11:14**
Vehicle code, accident reports, exclusion based on vehicle code, **§ 4:43**

MULTIPLE HEARSAY
Witness evidence, opposing authorities, **§ 8:83**

NECESSITY
Hearsay, testimony of declarant as necessary, **§ 8:81**

NEGLIGENCE
Prior accident evidence to prove, **§ 10:46**
Subsequent repairs, inadmissibility to show negligence, **§ 10:64**

NEGLIGENCE PER SE
Statute violation, opposing authorities, **§ 10:81**

NEGOTIATIONS
Settlement evidence used to show liability, **§ 10:33**

NEW SCIENTIFIC EVIDENCE
Exclusion of, generally, **§ 5:15**

NEWSPAPER
Motion to exclude, suggested text, **§ 4:70**

NEW TRIAL
Discovery motions, **§ 6:4**
Liability evidence where liability not at issue, new trial limited to damages, **§ 10:127**

NONCALLED WITNESSES, EVIDENCE OF
Generally, **§ 8:66 et seq.**
For detailed treatment see index heading witnesses

NON-PRECEDENTIAL DECISIONS
generally, **§ 1:9**

NOTICE
Other accidents, evidence of, **§ 10:55**

NUMBER OF WITNESSES
Cumulative evidence, exclusion of, **§ 2:24**

OBJECTIONS
Preservation of objections, typical use of motion, **§ 1:5**

OFFERS
Expenses, exclusion of evidence of offer to pay, **§ 10:36**
Offer made prior to litigation used to show liability, exclusion of evidence of, **§ 10:35**

OPENING STATEMENT
Generally, **§ 9:7-9:10**
Motion to exclude improper argument, **§ 9:48**
Suggested motion text, **§ 9:7**
Summary of motion, **§ 9:8**
Supporting authorities
exclusion of prejudicial matter in opening statement, **§ 9:10**
prejudicial evidence, exclusion of, **§ 9:9**

OPINIONS
Expert opinions. See index heading expert witnesses
Medical opinions, exclusion of improper medical records, or bills, **§ 4:65**

ORDER OF PROOF
Affirmative defenses, premature rebuttal to, supporting authorities, **§ 9:14**

OTHER ACCIDENTS, EVIDENCE OF
Generally, **§ 10:41-10:59**
Absence of prior accidents
opposing authorities, **§ 10:52**
supporting authorities, **§ 10:45**
Dangerous condition
opposing authorities, **§ 10:54**
supporting authorities, **§ 10:47**
Defective products. See index heading products liability
Discretion of court, opposing authorities, **§ 10:53**
Irrelevant evidence
opposing authorities, relevant to issues in case, **§ 10:56**
supporting authorities, **§ 10:43, 10:48**
Miscellaneous grounds, supporting authorities, **§ 10:51**
Negligence, prior accident evidence to prove, supporting authorities, **§ 10:46**
Notice, opposing authorities, **§ 10:55**
Opposing authorities
absence of prior accidents, generally, **§ 10:52**
dangerous condition, **§ 10:54**
defective products, **§ 10:54**
discretion of court, **§ 10:53**
notice, **§ 10:55**
prior accidents, generally, **§ 10:52**
relevant to issues in case, **§ 10:56**
similar injuries, relevant to issues in case, **§ 10:56**
similarity, **§ 10:54**
strict product liability, **§ 10:57**

OTHER ACCIDENTS, EVIDENCE OF—Cont'd
Opposing authorities—Cont'd
subsequent accidents. See index heading subsequent accidents, evidence of
Prejudicial evidence, supporting authorities, **§ 10:44**
Prior accidents, opposing authorities, generally, **§ 10:52**
Products liability. See index heading products liability
Relevant evidence. See "Irrelevant evidence" under this heading
Similarity
injuries, similar, relevant to issues in case, opposing authorities, **§ 10:56**
lack of, supporting authorities, **§ 10:47**
opposing authorities, **§ 10:54, 10:56**
Speculative evidence, supporting authorities, **§ 10:49**
Strict product liability, opposing authorities, **§ 10:57**
Subsequent accidents. See index heading subsequent accidents
Suggested motion text, **§ 10:41**
Summary of motion, **§ 10:42**
Supporting authorities
absence of prior accidents, **§ 10:45**
dangerous condition, **§ 10:47**
defective products, **§ 10:47**
irrelevant evidence, **§ 10:43, 10:48**
miscellaneous grounds, **§ 10:51**
negligence, prior accident evidence to prove, **§ 10:46**
prejudicial evidence, exclusion of, **§ 10:44**
similarity, lack of, **§ 10:47**
speculative evidence, **§ 10:49**
subsequent accident evidence, exclusion of, generally, **§ 10:50**
unreliable evidence, **§ 10:49**
Unreliable evidence, supporting authorities, **§ 10:49**

OWNERSHIP
Liability insurance, exclusion of evidence of, proof of ownership, **§ 10:26**
Subsequent repairs, evidence of, **§ 10:72**

PENNSYLVANIA RULES OF EVIDENCE
Hearsay exceptions, witness evidence, opposing authorities
generally, **§ 8:80 et seq.**
availability of declarant immaterial, **§ 8:80**
declarant unavailable, **§ 8:82**
testimony of declarant necessary, **§ 8:81**

PERCEPTIONS
Witness perceptions. See index heading witness perceptions

PERSONAL INJURY MOTIONS
Generally, **§ 10:1 et seq.**
Accident reconstruction and biomechanic evidence
generally, **§ 10:134-10:142**
for detailed treatment see index heading accident reconstruction and biomechanic evidence
Alcohol consumption
generally, **§ 10:91-10:98**
for detailed treatment see index heading alcohol consumption
Alcohol consumption, motion to exclude evidence of, **§ 10:155**
Collateral source payments
generally, **§ 10:1-10:14**
for detailed treatment see index heading collateral source payments
Defendant's financial status, opposition to motion to exclude, **§ 10:159**
Financial status of defendant, motion to exclude evidence of, **§ 10:154**
Financial status of party
generally, **§ 10:115-10:122**

PERSONAL INJURY MOTIONS —Cont'd
Financial status of party—Cont'd
for detailed treatment see index heading financial status of party
Government standards, motion to exclude evidence of, **§ 10:146 et seq.**
Health or injuries not at issue
generally, **§ 10:107-10:114**
for detailed treatment see index heading health or injuries not at issue
Industry standards, motion to exclude evidence of, **§ 10:146 et seq.**
Liability evidence where liability not at issue
generally, **§ 10:123-10:129**
for detailed treatment see index heading liability evidence where liability not at issue
Liability insurance, evidence of
generally, **§ 10:15-10:26**
for detailed treatment see index heading liability insurance
Liability insurance, motion to exclude evidence of, **§ 10:153**
Mediation and/or settlement evidence, motion to exclude, **§ 10:152**
Motor vehicles. See index heading motor vehicles
Other accidents, evidence of
generally, **§ 10:41-10:59**
for detailed treatment see index heading other accidents, evidence of
Prior D. U. I.
generally, **§ 10:99-10:106**
for detailed treatment see index heading prior d. u. i.
Prior DUI, motion to exclude evidence of, **§ 10:156**
Prior traffic citations, motion to exclude evidence of, **§ 10:157**
Seat belt, failure to wear
generally, **§ 10:83-10:90**

PERSONAL INJURY MOTIONS —Cont'd
Seat belt, failure to wear—Cont'd
for detailed treatment see index heading seat belt, failure to wear
Settlement evidence
generally, **§ 10:27-10:39**
for detailed treatment see index heading settlement evidence
Statute violation
generally, **§ 10:73-10:82**
for detailed treatment see index heading statute violation
Statute violation, motion to exclude evidence of, **§ 10:151**
Subsequent remedial measures, motion to exclude evidence of, **§ 10:150**
Subsequent repairs, evidence of
generally, **§ 10:60-10:72**
for detailed treatment see index heading subsequent repairs, evidence of
Subsequent repairs, motion to exclude evidence of, **§ 10:158**
Unlicensed motor vehicle driver, motion to exclude evidence, **§ 10:160**

PERSONAL KNOWLEDGE, LACK OF
Expert opinion, supporting authorities, **§ 8:11**
Incompetent witness. See index heading incompetent witness

PHOTOGRAPHS
Accident reconstruction and biomechanic evidence, photographs depicting no damage to motor vehicles, **§ 10:143**
Cumulative evidence, motion to exclude or limit, supporting authorities, **§ 2:25**
Gruesome or inflammatory photographs
generally, **§ 4:20-4:24**
for detailed treatment see index heading gruesome or inflammatory photographs

PHOTOGRAPHS—Cont'd
Inflammatory and prejudicial photographs, motion to exclude, **§ 2:32**
Motion to exclude prejudicial film or videotapes
generally, **§ 4:27-4:30**
miscellaneous grounds, supporting authorities, **§ 4:31**
opposing authorities, **§ 4:32**
prejudicial evidence, exclusion of, generally, **§ 4:29**
suggested motion text, **§ 4:27**
summary of motion, **§ 4:28**
supporting authorities
miscellaneous grounds, **§ 4:31**
prejudicial evidence, exclusion of, generally, **§ 4:29**
videotape evidence, exclusion of, **§ 4:30**
Prejudicial evidence, exclusion of, generally, supporting authorities, **§ 4:29**
Social media, motion to exclude, **§ 4:83**

PHYSICAL EVIDENCE
Generally, **§ 4:1-4:80**
For detailed treatment see index heading writings and physical evidence

PLAINTIFFS
Rebuttal to plaintiff's evidence, opposing authorities, **§ 10:150**
Recording of plaintiff testimony, arbitration, **§ 11:6**
Undisclosed evidence, motion to exclude, **§ 6:14**

PLEAS AND RELATED STATEMENTS
Statute violation, exclusion of evidence of, **§ 10:79**

PLOPPING INTO A CHAIR TESTIMONY
Accident reconstruction and biomechanic evidence, **§ 10:141**

POLYGRAPH EVIDENCE
Junk science and related evidence
motion to exclude evidence, **§ 5:37**
opposing authorities, **§ 5:31**
supporting authorities, **§ 5:19**

PRECLUSION OF EVIDENCE
Discovery motions, sanctions, **§ 6:3**

PRECONDITIONING JURY
Voir dire, supporting authorities, **§ 9:4**

PREJUDICE
See index heading bias or prejudice

PREJUDICIAL EVIDENCE
Generally, **§ 2:1-2:28**
Accident reports, supporting authorities, **§ 4:42**
Affirmative defenses, premature rebuttal to, supporting authorities, **§ 9:13**
Alcohol consumption, supporting authorities, **§ 10:94**
Authorities for motion to exclude
balancing inquiry, **§ 2:4**
exclusion of prejudicial evidence, **§ 2:3**
irrelevant evidence, pre-trial, **§ 2:4**
opposing authorities, **§ 2:5**
suggested motion text, **§ 2:1**
summary of motion, **§ 2:2**
Character or reputation. See index heading character or reputation
Collateral source payments, lack of prejudice, opposing authorities, **§ 10:14**
Confusing or misleading evidence
generally, **§ 2:10-2:13**
for detailed treatment see index heading confusing or misleading evidence
Cumulative evidence, motion to exclude or limit
generally, **§ 2:19-2:28**
for detailed treatment see index heading cumulative evidence, motion to exclude or limit

PREJUDICIAL EVIDENCE —Cont'd
Cumulative witness testimony, opposition to motion to exclude, **§ 2:33**
Emotional bias, supporting authorities, **§ 2:16**
Film or videotapes, supporting authorities, **§ 4:29**
Financial status of party, supporting authorities, **§ 10:118**
Golden rule argument, supporting authorities, **§ 9:33**
Gruesome or inflammatory photographs, supporting authorities, **§ 4:22**
Health or injuries not at issue, supporting authorities, **§ 10:110**
Irrelevant evidence, pre-trial motion to exclude, **§ 2:4**
Letters, supporting authorities, **§ 4:48**
Liability evidence where liability not at issue, supporting authorities, **§ 10:126**
Liability insurance. See index heading liability insurance
Lost or destroyed evidence, reference to, supporting authorities, **§ 9:17**
Maps, models, and charts, supporting authorities, **§ 4:57**
Medical records, reports, or bills, supporting authorities, **§ 4:64**
Motion to exclude and opposition, samples, **§ 2:30, 2:31**
Noncalled witnesses, evidence of, **§ 8:68**
Opening statement, supporting authorities, **§ 9:9, 9:10**
Other accidents, evidence of, supporting authorities, **§ 10:44**
Prior D. U. I., supporting authorities, **§ 10:102**
Published articles. See index heading published articles
Seat belt, failure to wear, supporting authorities, **§ 10:86**
Settlement evidence, supporting authorities, **§ 10:30**
Social media evidence
motion to exclude, **§ 4:73**

PREJUDICIAL EVIDENCE —Cont'd
Social media evidence—Cont'd
opposition to motion to exclude, **§ 4:83**
Statute violation, supporting authorities, **§ 10:76**
Subsequent repairs, evidence of, supporting authorities, **§ 10:63**
Waste of court's time
generally, **§ 2:6-2:9**
for detailed treatment see index heading waste of court's time

PRESERVATION OF OBJECTIONS
Typical use of motion, **§ 1:5**

PRESUMPTIONS AND INFERENCES
Missing witness, adverse inference rule, lost or destroyed evidence, reference to, **§ 9:24**
Negligence, presumption of, statute violation, negligence per se, **§ 10:81**

PRIOR ACCIDENTS
absence of prior similar incidents, memorandum in support of motion to exclude, **§ 11:12**
Opposing authorities, generally, **§ 10:52**

PRIOR D. U. I.
Generally, **§ 10:99-10:106**
Impeachment, exclusion of crimes evidence used for, generally, **§ 10:103**
Improper conduct, exclusion of D. U. I. evidence used to prove, generally, **§ 10:104**
Irrelevant evidence, exclusion of, supporting authorities, **§ 10:101**
Miscellaneous grounds, supporting authorities, **§ 10:105**
Motion to exclude evidence of, **§ 10:156**
Opposing authorities, improper conduct, **§ 10:106**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:102**

PRIOR D. U. I.—Cont'd
Suggested motion text, **§ 10:99**
Summary of motion, **§ 10:100**
Supporting authorities
impeachment, exclusion of crimes evidence used for, generally, **§ 10:103**
improper conduct, exclusion of D. U. I. evidence where used to prove, generally, **§ 10:104**
irrelevant evidence, exclusion of, **§ 10:101**
miscellaneous grounds, **§ 10:105**
prejudicial evidence, exclusion of, **§ 10:102**

PRIOR SETTLEMENTS
Liability, settlement evidence used to show, **§ 10:32**

PRIOR TRAFFIC CITATIONS
Motion to exclude evidence of, **§ 10:157**

PRIVILEGE NOT TO TESTIFY, COMMENT ON
Generally, **§ 8:62 et seq.**
Opposing authorities, **§ 8:65**
Suggested motion text, **§ 8:62**
Summary of motion, **§ 8:63**
Supporting authorities, **§ 8:64**

PROCEDURAL REQUIREMENTS
Generally, **§ 1:8**

PRODUCT DESIGN DEFECT
Subsequent repairs, inadmissibility to show, supporting authorities, **§ 10:65**

PRODUCTS LIABILITY
Other accidents, evidence of
opposing authorities
defective products, **§ 10:54**
strict product liability, **§ 10:57**
strict product liability, opposing authorities, **§ 10:57**
supporting authorities, **§ 10:47**

PROXIMATE CAUSE
Statute violation, supporting authorities, **§ 10:78**

PSYCHOLOGICAL TESTS AND SYNDROMES
Opposing authorities, **§ 5:32**
Supporting authorities
generally, **§ 5:20-5:20**
child abuse syndrome, **§ 5:21**
rape trauma syndrome, **§ 5:22**

PUBLIC RECORDS
Letters, hearsay exception, **§ 4:54**

PUBLISHED ARTICLES
Generally, **§ 4:33-4:37**
Hearsay. See index heading hearsay
Miscellaneous grounds, supporting authorities, **§ 4:38**
Prejudicial articles, exclusion of, supporting authorities, **§ 4:37**
Prejudicial evidence, exclusion of, generally, supporting authorities, **§ 4:35**
Suggested motion text, **§ 4:33**
Summary of motion, **§ 4:34**
Supporting authorities
hearsay, **§ 4:36**
miscellaneous grounds, **§ 4:38**
opposition authorities, **§ 4:39**
prejudicial articles, exclusion of, **§ 4:37**
prejudicial evidence, exclusion of, generally, **§ 4:35**

PUNITIVE DAMAGES
Financial status of party, necessary to support punitive damages claim, **§ 10:122**

PURPOSE OF MOTION
Generally, **§ 1:1**

QUALIFICATIONS
Expert witnesses. See index heading expert witnesses

RAPE TRAUMA SYNDROME
Psychological tests and syndromes, supporting authorities, **§ 5:22**

REASONABLE RELIANCE
Experts, not reasonably relied upon by, improper expert opinion, **§ 8:10**

REBUTTAL
Affirmative defenses, premature rebuttal to
generally, **§ 9:11-9:14**
for detailed treatment see index heading affirmative defenses, premature rebuttal to
Industry or government standards, motion to exclude evidence of, **§ 10:149**

RECONSTRUCTION
Accident reconstruction and biomechanic evidence
generally, **§ 10:134-10:143**
for detailed treatment see index heading accident reconstruction and biomechanic evidence
accidents, **§ 11:7**

RECORDS
Business records, hearsay exception, **§ 4:53**
Medical records
generally, **§ 4:62-4:67**
for detailed treatment see index heading medical records, reports, or bills
Public records, letters, hearsay exception, **§ 4:54**

REGULARLY CONDUCTED ACTIVITY
Letters, hearsay exception, **§ 4:52**

RELEVANT EVIDENCE
Generally, **§ 3:1 et seq.**
For detailed treatment see index heading irrelevant evidence

RELIABILITY
Other accidents, evidence of, supporting authorities, unreliable evidence, **§ 10:49**

RELIANCE
Expert witnesses. See index heading expert witnesses

RELIGIOUS BELIEF
Character or reputation, improper impeachment evidence, **§ 7:16**

RELIGIOUS BELIEFS
Motion to exclude evidence of, **§ 7:34**

REPAIRS
Subsequent repairs, evidence of
generally, **§ 10:60-10:72**
for detailed treatment see index heading subsequent repairs, evidence of

REPORTS
Accident reports
generally, **§ 4:40-4:43**
for detailed treatment see index heading accident reports
Medical reports
generally, **§ 4:62-4:67**
for detailed treatment see index heading medical records, reports, or bills

REPUTATION EVIDENCE
Generally, **§ 7:1-7:25**
For detailed treatment see index heading character or reputation

RULES OF EVIDENCE
See index heading pennsylvania rules of evidence

SAMPLE MEMORANDA
generally, **§ 11:1-11:15**
absence of prior similar incidents, motion to exclude evidence, **§ 11:12**
accident reconstructionist, **§ 11:7**
arbitration, **§ 11:6**
best evidence rule, motion to exclude, **§ 11:3**
discovery sanctions, motion in support, **§ 11:9**
employment termination, motion to exclude, **§ 11:4**
evidence of damages in bifurcated trial, motion to exclude, **§ 11:11**
expert testimony (non-qualified), motion to exclude, **§ 11:15**
lay testimony, vehicle speed, **§ 11:14**
liability expert, motion to exclude, **§ 11:1**

SAMPLE MEMORANDA—Cont'd
medical expert opinion testimony, motion to exclude evidence, **§ 11:13**
prior arrest, motion to exclude, **§ 11:10**
speed of vehicle, lay testimony, **§ 11:14**
surveyor expert, motion to exclude, **§ 11:2**
termination of employment, motion to exclude, **§ 11:4**
unpled issues, motion to exclude, **§ 11:8**
vehicle speed, lay testimony, **§ 11:14**
videotape, **§ 11:5**
written lease, motion to exclude, **§ 11:3**

SANCTIONS
Discovery motions. See index heading discovery motions

SANITY
Incompetent witness, supporting authorities, **§ 8:44**

SCIENTIFIC EVIDENCE
Generally, **§ 5:1 et seq.**
For detailed treatment see index heading tests and scientific evidence

SCOPE OF MOTION
Law, **§ 1:7**

SEAT BELT, FAILURE TO WEAR
Generally, **§ 10:83-10:90**
Harmless error, opposing authorities, **§ 10:90**
Irrelevant evidence, exclusion of, supporting authorities, **§ 10:85**
Mandatory seat belt laws, opposing authorities, **§ 10:89**
Miscellaneous grounds, supporting authorities, **§ 10:88**
Opposing authorities
harmless error, **§ 10:90**
mandatory seat belt laws, **§ 10:89**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:86**
Suggested motion text, **§ 10:83**

SEAT BELT, FAILURE TO WEAR —Cont'd
Summary of motion, **§ 10:84**
Supporting authorities
irrelevant evidence, exclusion of, **§ 10:85**
miscellaneous grounds, **§ 10:88**
prejudicial evidence, exclusion of, **§ 10:86**
seat belt evidence, exclusion of, **§ 10:87**

SECONDARY EVIDENCE
Writings, motion to exclude, supporting authorities, **§ 4:18**

SELF EXPRESSION
Incompetent witness, inability to express self, supporting authorities, **§ 8:41**

SETTLEMENT EVIDENCE
Generally, **§ 10:27-10:39**
Admission against interest, opposing authorities, **§ 10:38**
Bias or prejudice, opposing authorities, **§ 10:39**
Codefendants, settlement with, liability, settlement evidence used to show, **§ 10:34**
Expenses, exclusion of offer to pay, **§ 10:36**
Irrelevant evidence, exclusion of, supporting authorities, **§ 10:29**
Liability, settlement evidence used to show
generally, **§ 10:31**
codefendants, settlement with, **§ 10:34**
negotiations, **§ 10:33**
offer made prior to litigation, **§ 10:35**
prior settlements, **§ 10:32**
Mary Carter agreements, opposing authorities, **§ 10:40**
Miscellaneous grounds, supporting authorities, **§ 10:37**
Negotiations, liability, settlement evidence used to show, **§ 10:33**
Offer made prior to litigation, liability, settlement evidence

SETTLEMENT EVIDENCE —Cont'd
used to show, **§ 10:35**
Offer to pay expenses, exclusion of, **§ 10:36**
Opposing authorities
admission against interest, **§ 10:38**
bias or prejudice, **§ 10:39**
Mary Carter agreements, **§ 10:40**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:30**
Prior settlements, liability, settlement evidence used to show, **§ 10:32**
Suggested motion text, **§ 10:27**
Summary of motion, **§ 10:28**
Supporting authorities
irrelevant evidence, exclusion of, **§ 10:29**
liability. See ''Liability, settlement evidence used to show'' under this heading
miscellaneous grounds, **§ 10:37**
offer to pay expenses, exclusion of, **§ 10:36**
prejudicial evidence, exclusion of, **§ 10:30**

SEXUAL ASSAULT
Rape trauma syndrome, psychological tests and syndromes, **§ 5:22**

SIMILARITY
Other accidents. See index heading other accidents, evidence of
Tests and scientific evidence. See index heading tests and scientific evidence

SOCIAL MEDIA EVIDENCE
Generally, **§ 4:71 et seq.**
Authentication, **§ 4:76, 4:80**
computer generated animation, motion to exclude, **§ 4:85**
Exclusion, generally, **§ 4:75**
Foundation
lack of, **§ 4:76**
proper, **§ 4:80**
Grounds to exclude evidence, **§ 4:77**
Hearsay, exclusion of, **§ 4:76**
Map, motion to exclude, **§ 4:84**

SOCIAL MEDIA EVIDENCE —Cont'd
Motion to exclude, **§ 4:71 et seq.**
Nonhearsay, **§ 4:79**
Opposing authorities, **§ 4:78 et seq.**
Opposition to motion to exclude, **§ 4:82**
Prejudicial evidence, exclusion, **§ 4:74**
Prejudicial photographs, opposition to motion to exclude, **§ 4:83**
Suggested motion text, motion to exclude, **§ 4:71**
Summary of motion, **§ 4:72**
Supporting authorities, **§ 4:73 et seq.**

SPECULATION
Noncalled witnesses, comments would invite speculation, **§ 8:70**

SPECULATION OR CONJECTURE
Expert witnesses. See index heading expert witnesses
Irrelevant evidence, motion to exclude, **§ 3:5**
Other accidents, evidence of, **§ 10:49**

SPOLIATION OF EVIDENCE
Expert witnesses, discovery motions, **§ 6:8**
Lost or destroyed evidence, exclusion of, **§ 9:21**

STATISTICAL EVIDENCE
Junk science and related evidence, supporting authorities, **§ 5:26**

STATUTE VIOLATION
Generally, **§ 10:73-10:82**
Gatekeeping provisions, movant's reply argument, opposing authorities, **§ 10:82**
Irrelevant evidence, exclusion of, supporting authorities, **§ 10:75**
Miscellaneous grounds, supporting authorities, **§ 10:80**
Motion to exclude evidence of, **§ 10:151**
Negligence per se, opposing authorities, **§ 10:81**

STATUTE VIOLATION—Cont'd
Opposing authorities
gatekeeping provisions, movant's reply argument, **§ 10:82**
negligence per se, **§ 10:81**
presumption of negligence, negligence per se, **§ 10:81**
Pleas and related statements, exclusion of, **§ 10:79**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:76**
Presumption of negligence, negligence per se, opposing authorities, **§ 10:81**
Proximate cause, supporting authorities, **§ 10:78**
Suggested motion text, **§ 10:73**
Summary of motion, **§ 10:74**
Supporting authorities
irrelevant evidence, exclusion of, **§ 10:75**
miscellaneous grounds, **§ 10:80**
pleas and related statements, exclusion of, **§ 10:79**
prejudicial evidence, exclusion of, **§ 10:76**
proximate cause, **§ 10:78**
traffic citation evidence, **§ 10:77**
Traffic citation evidence, supporting authorities, **§ 10:77**

STRICT PRODUCT LIABILITY
Other accidents, evidence of, opposing authorities, **§ 10:57**

SUBJECT
Expert, subject for, lay witness, supporting authorities, **§ 8:35**
Proper subject of testimony, opposing authorities, **§ 8:26**

SUBSEQUENT ACCIDENTS
Opposing authorities
generally, **§ 10:58**
dangerous condition, **§ 10:58**
impeachment, **§ 10:59**
Supporting authorities, exclusion of subsequent accident evidence, generally, **§ 10:50**

SUBSEQUENT REMEDIAL MEASURES
Motion to exclude evidence of, **§ 10:150**

SUBSEQUENT REPAIRS
Motion to exclude evidence of, **§ 10:158**

SUBSEQUENT REPAIRS, EVIDENCE OF
Generally, **§ 10:60-10:72**
Control, opposing authorities, **§ 10:72**
Feasibility, opposing authorities, **§ 10:70**
Impeachment, opposing authorities, **§ 10:68**
Irrelevant evidence
opposing authorities, relevant to issues, **§ 10:69**
supporting authorities, **§ 10:62, 10:66**
Miscellaneous grounds, supporting authorities, **§ 10:67**
Negligence, inadmissibility to show, supporting authorities, **§ 10:64**
Opposing authorities
control, **§ 10:72**
feasibility, **§ 10:70**
impeachment, **§ 10:68**
ownership, **§ 10:72**
relevant to issues, **§ 10:69**
third parties, subsequent repair rule inapplicable to, **§ 10:71**
Ownership, opposing authorities, **§ 10:72**
Prejudicial evidence, exclusion of, supporting authorities, **§ 10:63**
Product design defect, inadmissibility to show, supporting authorities, **§ 10:65**
Relevant evidence. See "Irrelevant evidence" under this heading
Suggested motion text, **§ 10:60**
Summary of motion, **§ 10:61**
Supporting authorities
irrelevant evidence, **§ 10:62, 10:66**
miscellaneous grounds, **§ 10:67**

SUBSEQUENT REPAIRS, EVIDENCE OF—Cont'd
Supporting authorities—Cont'd
negligence, inadmissibility to show, **§ 10:64**
prejudicial evidence, exclusion of, **§ 10:63**
product design defect, inadmissibility to show, **§ 10:65**
Third parties, subsequent repair rule inapplicable to, opposing authorities, **§ 10:71**

SUCCINCTNESS
Drafting suggestions, **§ 1:14**

SUGGESTED MOTION TEXT
Accident reconstruction and biomechanic evidence, **§ 10:134**
Accident reports, **§ 4:40**
Affirmative defenses, premature rebuttal to, **§ 9:11**
Alcohol consumption, **§ 10:91**
Bifurcated trial, evidence of damages in, **§ 9:27**
Character or reputation. See index heading character or reputation
Collateral source payments, **§ 10:1**
Confusing or misleading evidence, **§ 2:10**
Controversy, matters not in, **§ 3:10**
Courtroom, exclusion of witness from, prior to testifying, **§ 8:58**
Cumulative evidence, motion to exclude or limit, **§ 2:19**
Emotional bias, **§ 2:14**
Expert witnesses. See index heading expert witnesses
Financial status of party, **§ 10:115**
Foundation, lack of, **§ 4:1**
Golden rule argument, **§ 9:31**
Gruesome or inflammatory photographs, **§ 4:20**
Health or injuries not at issue, **§ 10:107**
Hearsay, witness evidence, **§ 8:74**
Improper terminology, exclusion of, **§ 9:37**
Incompetent witness, **§ 8:39**

SUGGESTED MOTION TEXT —Cont'd
Industry or government standards, motion to exclude evidence of, **§ 10:146**
Irrelevant evidence, authorities for motion to exclude, **§ 3:1**
Judge, arbitrator, mediator, or juror as witness, **§ 8:54**
Junk science and related evidence, **§ 5:13**
Letters, **§ 4:46**
Liability evidence where liability not at issue, **§ 10:123**
Liability insurance, exclusion of evidence of, **§ 10:15**
Lost or destroyed evidence, reference to, **§ 9:15**
Maps, models, and charts, **§ 4:55**
Medical records, reports, or bills, **§ 4:62**
Motor vehicles, improper damage evidence, **§ 10:130**
Newspaper article, motion to exclude, **§ 4:70**
Opening statement, **§ 9:7**
Other accidents, evidence of, **§ 10:41**
Photographs, motion to exclude prejudicial film or videotapes, **§ 4:27**
Prejudicial evidence, authorities for motion to exclude, **§ 2:1**
Prior D. U. I., **§ 10:99**
Privilege not to testify, comment on, **§ 8:62**
Published articles, **§ 4:33**
Seat belt, failure to wear, **§ 10:83**
Settlement evidence, **§ 10:27**
Statute violation, **§ 10:73**
Subsequent repairs, evidence of, **§ 10:60**
Tests and scientific evidence, **§ 5:1**
Voir dire, **§ 9:1**
Waste of court's time, **§ 2:6**
Writings, motion to exclude, **§ 4:10**

SUMMARY JUDGMENT
Lost or destroyed evidence, reference to, **§ 9:23**

SUPPRESSION OF EVIDENCE
Lost or destroyed evidence, reference to, **§ 9:20**

SURVEILLANCE
Video, opposition to motion to exclude, **§ 3:12**

SURVEYOR EXPERT
Sample memoranda, testimony, **§ 11:2**

TATTOO
Motion to exclude demonstration of, **§ 7:33**

TAX
Financial status of party, exclusion of tax evidence, **§ 10:120**

TERMINATION
Employment, **§ 11:4**

TERMINOLOGY
''Adverse inference'' jury instruction, **§ 9:47**
Improper terminology, exclusion of
generally, **§ 9:37-9:48**
''adverse inference'' jury instruction, **§ 9:47**
confusing evidence, supporting authorities, generally, **§ 9:39**
improper argument during opening statement, **§ 9:48**
legal conclusions, terms containing, supporting authorities, **§ 9:40**
opposing authorities, **§ 9:46, 9:47**
suggested motion text, **§ 9:37**
summary of motion, **§ 9:38**
supporting authorities
confusing evidence, generally, **§ 9:39**
legal conclusions, terms containing, **§ 9:40**
ultimate issues. See index heading ultimate issues, testimony on
ultimate issues. See index heading ultimate issues, testimony on

TERMINOLOGY—Cont'd
Opening statement, motion to exclude improper argument, **§ 9:48**

TESTS AND SCIENTIFIC EVIDENCE
Generally, **§ 5:1 et seq.**
Acceptance
level of acceptance in scientific community, opposing authorities, **§ 5:11**
not generally accepted, supporting authorities, **§ 5:5**
expert testimony on ground not product of reliable principles and methods, motion to exclude, **§ 5:39**
Foundation, lack of, exclusion of scientific evidence, supporting authorities, **§ 4:8**
gatekeeper function, trial court, **§ 5:6**
Hypnosis, motion to exclude, **§ 5:38**
Irrelevant, supporting authorities, **§ 5:8**
Junk science and related evidence
generally, **§ 5:13-5:36**
for detailed treatment see index heading junk science and related evidence
Level of acceptance in scientific community, opposing authorities, **§ 5:11**
Miscellaneous grounds, supporting authorities, **§ 5:9**
motion to exclude
expert testimony on ground not product of reliable principles and methods, **§ 5:39**
Not generally accepted, supporting authorities, **§ 5:5**
Opposing authorities
Frye hearing, burden on party requesting, **§ 5:10**
level of acceptance in scientific community, **§ 5:11**
sufficiently similar conditions, **§ 5:12**
Polygraph examination, motion to exclude, **§ 5:37**

TESTS AND SCIENTIFIC EVIDENCE—Cont'd
Psychological tests and syndromes. See index heading psychological tests and syndromes
Qualifications, supporting authorities
expert witness not qualified to testify on subject, **§ 5:3**
lay witness not qualified to testify on subject, **§ 5:4**
Similarity
substantially similar conditions, supporting authorities, **§ 5:7**
sufficiently similar conditions, opposing authorities, **§ 5:12**
Substantially similar conditions, supporting authorities, **§ 5:7**
Sufficiently similar conditions, opposing authorities, **§ 5:12**
Suggested motion text, **§ 5:1**
Summary of motion, **§ 5:2**
Supporting authorities
foundation, lack of, exclusion of scientific evidence, **§ 4:8**
irrelevant, **§ 5:8**
miscellaneous grounds, **§ 5:9**
not generally accepted, **§ 5:5**
qualifications. See "Qualifications" under this heading
substantially similar conditions, **§ 5:7**

TEXT MESSAGES
irrelevant, motion to exclude, **§ 3:13**
motion to exclude writings, **§ 4:14, 4:15**

TEXTS
Expert witnesses. See index heading expert witnesses

THIRD PARTIES
Subsequent repair rule inapplicable to, opposing authorities, **§ 10:71**

TIME OF COURT, WASTE OF
Generally, **§ 2:6-2:9**
For detailed treatment see index heading waste of court's time

TIMING OF MOTION
Generally, **§ 1:6**

TRAFFIC CITATION EVIDENCE
Supporting authorities, statute violation, **§ 10:77**

TRAIT AT ISSUE
Character evidence used to prove conduct, opposing authorities, **§ 7:30**

TREATISES
Expert witnesses. See index heading expert witnesses

TRIAL PRESENTATION
Generally, **§ 9:1-9:48**
Affirmative defenses, premature rebuttal to
generally, **§ 9:11-9:14**
for detailed treatment see index heading affirmative defenses, premature rebuttal to
Bifurcated trial, evidence of damages in
generally, **§ 9:27-9:30**
for detailed treatment see index heading bifurcated trial, evidence of damages in
Golden rule argument
generally, **§ 9:31-9:36**
for detailed treatment see index heading golden rule argument
Improper terminology, exclusion of
generally, **§ 9:37-9:48**
for detailed treatment see index heading terminology
Lost or destroyed evidence, reference to
generally, **§ 9:15-9:26**
for detailed treatment see index heading lost or destroyed evidence, reference to
Opening statement
generally, **§ 9:7-9:10**
for detailed treatment see index heading opening statement
Ultimate issues, testimony on
generally, **§ 9:41-9:45**

TRIAL PRESENTATION—Cont'd
Ultimate issues, testimony on —Cont'd
for detailed treatment see index heading ultimate issues, testimony on
Voir dire
generally, **§ 9:1-9:6**
for detailed treatment see index heading voir dire

TRUTH
Incompetent witness, inability to tell truth, supporting authorities, **§ 8:41**

TRUTH SERUM EVIDENCE
Junk science and related evidence, supporting authorities, **§ 5:18**

TYPICAL USE OF MOTION
Generally, **§ 1:3-1:5**
Limitations on use, **§ 1:4**
Preservation of objections, **§ 1:5**

ULTIMATE ISSUES, TESTIMONY ON
Generally, **§ 9:41-9:45**
Conflicting evidence, **§ 9:45**
Credibility assessment, improper, **§ 9:44**
Exclusion of ultimate issue evidence, generally, **§ 9:41-9:45**
Expert witnesses. See index heading expert witnesses
Usurping jury function, **§ 9:43**

UNDISCLOSED EVIDENCE
Plaintiff, motion to exclude, **§ 6:14**

UNDISCLOSED WITNESSES
Motion to exclude testimony of, **§ 6:13**

UNDISPUTED MATTERS
See index heading controversy, matters not in

UNLICENSED MOTOR VEHICLE DRIVER
Motion to exclude evidence, **§ 10:160**

UNRELIABLE EVIDENCE
Other accidents, evidence of, supporting authorities, **§ 10:49**

USURPING JURY FUNCTION
Expert witnesses, improper expert opinion, supporting authorities, **§ 8:14**
Ultimate issues, testimony on, **§ 9:43**

VARIABLES
Expert opinion, too many variables, **§ 8:13**

VEHICLE CODE
Accident reports, exclusion based on vehicle code, supporting authorities, **§ 4:43**

VIDEO SURVEILLANCE
Opposition to motion to exclude, **§ 3:12**

VIDEOTAPES
Motion to exclude prejudicial film or videotapes
generally, **§ 4:27-4:30**
for detailed treatment see index heading photographs
Opposition to motion to exclude video surveillance evidence, **§ 3:12**

VIOLATION OF STATUTE
Generally, **§ 10:73-10:82**
For detailed treatment see index heading statute violation

VOICEPRINT IDENTIFICATION
Junk science and related evidence, supporting authorities, **§ 5:24**

VOIR DIRE
Generally, **§ 9:1-9:6**
Dollar amount of damages, preconditioning regarding, supporting authorities, **§ 9:4**
Improper voir dire, supporting authorities, **§ 9:3**
Miscellaneous grounds, supporting authorities, **§ 9:5**
Opposition citations, **§ 9:6**

VOIR DIRE—Cont'd
Preconditioning, supporting authorities, **§ 9:4**
Suggested motion text, **§ 9:1**
Summary of motion, **§ 9:2**
Supporting authorities
dollar amount of damages, preconditioning regarding, **§ 9:4**
improper voir dire, **§ 9:3**
miscellaneous grounds, **§ 9:5**
preconditioning, **§ 9:4**

WAGE PAYMENTS
Collateral source evidence, exclusion of, supporting authorities, **§ 10:10**

WASTE OF COURT'S TIME
Generally, **§ 2:6-2:9**
Cumulative evidence, motion to exclude or limit, supporting authorities, **§ 2:21**
Exclusion of time wasting evidence, **§ 2:8**
Opposing authorities, **§ 2:9**
Suggested motion text, **§ 2:6**
Summary of motion, **§ 2:7**
Supporting authorities, **§ 2:8**

WEALTH
See index heading financial status of party

WITNESSES
Generally, **§ 8:1 et seq.**
Arbitrator as witness
generally, **§ 8:54 et seq.**
for detailed treatment see index heading judge, arbitrator, mediator, or juror as witness
Courtroom, exclusion of witness from, prior to testifying
generally, **§ 8:58 et seq.**
for detailed treatment see index heading courtroom, exclusion of witness from, prior to testifying
Cumulative evidence. See index heading cumulative evidence, motion to exclude or limit

WITNESSES—Cont'd
Expert witnesses
generally, **§ 8:1 et seq.**
for detailed treatment see index heading expert witnesses
Hearsay
generally, **§ 8:74 et seq.**
for detailed treatment see index heading hearsay
improper expert opinion that usurps jury function, motion to exclude, **§ 8:90**
Incompetent witness
generally, **§ 8:39 et seq.**
for detailed treatment see index heading incompetent witness
Judge, arbitrator, mediator, or juror
generally, **§ 8:54 et seq.**
for detailed treatment see index heading judge, arbitrator, mediator or juror as witness
Juror as witness
generally, **§ 8:54 et seq.**
for detailed treatment see index heading judge, arbitrator, mediator, or juror as witness
Lay witness evidence, motion to exclude, **§ 8:87, 8:89**
Noncalled witnesses, evidence of
generally, **§ 8:66 et seq.**
opposing authorities, **§ 8:73**
suggested motion text, **§ 8:66**
summary of motion, **§ 8:67**
supporting authorities
equal availability of witness to testify, **§ 8:69**
miscellaneous grounds, **§ 8:72**
other adequate testimony, **§ 8:71**
prejudicial evidence, exclusion of, **§ 8:68**
speculation, comments would invite, **§ 8:70**
Number of witnesses, exclusion of cumulative evidence, supporting authorities, **§ 2:24**
Opposition to motion to exclude cumulative witness testimony, **§ 2:33**

WITNESSES—Cont'd
Perceptions. See index heading witness perceptions
Privilege not to testify, comment on
generally, **§ 8:62 et seq.**
for detailed treatment see index heading privilege not to testify, comment on
Undisclosed witnesses, motion to exclude testimony of, **§ 6:13**

WITNESS PERCEPTIONS
Alcohol consumption, relevance to issues, opposing authorities, **§ 10:98**
Character or reputation, impeachment of credibility, opposing authorities, **§ 7:19**
Lay witness. See index heading expert witnesses

WORKERS COMPENSATION BENEFITS
Collateral source evidence, exclusion of, **§ 10:9**

WRITINGS AND PHYSICAL EVIDENCE
Generally, **§ 4:1-4:80**
Accident reports
generally, **§ 4:40-4:43**
for detailed treatment see index heading accident reports
Authentication. See index heading authentication
Foundation, lack of
generally, **§ 4:1-4:9**
for detailed treatment see index heading foundation, lack of
Hearsay. See index heading hearsay
Letters
generally, **§ 4:46-4:52**

WRITINGS AND PHYSICAL EVIDENCE—Cont'd
Letters—Cont'd
for detailed treatment see index heading letters
Maps, models, and charts
generally, **§ 4:55-4:59**
for detailed treatment see index heading maps, models, and charts
Medical records, reports, or bills
generally, **§ 4:62-4:67**
for detailed treatment see index heading medical records, reports, or bills
Motion to exclude writings
generally, **§ 4:10-4:17**
authentication. See index heading authentication
opposing authorities, **§ 4:15, 4:19**
suggested motion text, **§ 4:10**
summary of motion, **§ 4:11**
supporting authorities
authentication, general requirement, **§ 4:13**
definition of "writing," **§ 4:12**
hearsay. See index heading hearsay
secondary evidence, inadmissible, **§ 4:18**
text massages, **§ 4:14**
unauthenticated writings, **§ 4:13**
text messages, **§ 4:14, 4:15**
Photographs. See index heading photographs
Published articles
generally, **§ 4:33-4:37**
for detailed treatment see index heading published articles

WRITTEN LEASE
Sample memoranda, **§ 11:3**