

LCAR 4.2 DISCOVERY

(a) Permitted by Arbitrator. In determining when additional discovery beyond that directly authorized by Superior Court Civil Arbitration Rule 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise that may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

(b) Permitted Interrogatories. Notwithstanding the foregoing subsection (a), the following interrogatories may be submitted to any party:

- (1) State the amount of general damages being claimed.
- (2) State each item of special damages being claimed and the amount thereof.
- (3) List the name, address and phone number of each person having knowledge of any facts regarding liability.
- (4) List the name, address and phone number of each person having knowledge of any facts regarding the damages claimed.
- (5) List the name, address and phone number of each expert witness you intend to call at the arbitration. For each such expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify; and state a summary of the grounds for each opinion.
- (6) Provide the name, address and phone number of all health care providers including physicians, chiropractors, dentists, physical therapists, osteopaths, hospitals, and all others who have treated you in the last seven years and the reason for the treatment.

Only the foregoing interrogatories, with the exact language as set out above, are permitted, except as permitted by subsection (a). Interrogatory (6) is permitted only in cases alleging personal injury.

(c) Effect of Limitation. The restrictions upon discovery set out in Superior Court Civil Arbitration Rule 4.2 and LCAR 4.2 shall take effect upon the filing of a notice of arbitration.

[Effective April 1, 1984; Amended effective September 1, 1997; September 1, 2011; September 1, 2023.]