

APPENDIX XXIII

Pretrial Information Exchange (R. 4:25-7(b))

In cases that have not been pretried, attorneys shall confer and exchange the following information seven days prior to the initial trial date, unless such exchange has been waived by written consent of the parties pursuant to R. 4:25-7(d):

1. A list of all witnesses (including addresses) to be called in the party's case in chief.
2. A list of all exhibits to be offered in the party's case in chief, including all demonstrative exhibits prepared, prior to trial, by any witness, including an expert witness. All such exhibits shall be premarked for identification and shall be described briefly. Each party shall confer in advance of trial to determine if any such exhibits can be admitted into evidence by agreement or without objection.
3. A list of any proposed deposition or interrogatory reading(s) by page and line number or by question number.
4. Any *in limine* or trial motions intended to be made at the commencement of trial, with supporting memoranda. Such motions shall not go on the regular motion calendar.

Any objections to the proposed admission into evidence of any exhibit or to any reading by any other party, and any response to an *in limine* or trial motion shall be served on all parties not later than 2 days prior to trial.

5. A listing of all anticipated problems with regard to the introduction of evidence in each party's case in chief, especially, but without limitation, as to any hearsay problems, and legal argument as to all such anticipated evidence problems.

At trial and prior to opening statements, each party shall submit the following to the trial judge:

- (a) copies of any Pretrial Information Exchange materials that have been exchanged pursuant to this rule, and any objections made thereto; and
- (b) stipulations reached on contested procedural, evidentiary and substantive issues.

In addition, in jury trials each party shall submit the following materials to the trial judge and, unless exchange of trial information has been waived in writing pursuant to R. 4:25-7(d), also to all other parties:

- (a) any special voir dire questions,
- (b) a list of proposed jury instructions with specific reference to the Model Civil Jury Charges, if applicable,
- (c) any special jury instructions with applicable legal authority, and
- (d) a proposed jury verdict form that includes all possible verdicts the jury may return.

Note: Appendix XXIII adopted July 5, 2000 to be effective September 5, 2000; introduction and paragraph 5 amended July 12, 2002 to be effective September 3, 2002; paragraph 2 amended July 28, 2004 to be effective September 1, 2004.