

**From:** [Victoria Katz](#)  
**To:** [Comments Mailbox](#)  
**Subject:** [External]Comment on Proposed Amendments in 2024 Report of Civil Practice Committee  
**Date:** Friday, March 22, 2024 5:03:31 PM  
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Good afternoon,

We are writing to bring the Court's attention to an ambiguity proposed new Rule 4:19-2.

As proposed, Rule 4:19-2 says:

Once a notice for exam has been issued pursuant to Rule 4:19-1, the receiving party must, within fourteen (14) days, inform the party serving notice of any intent to utilize a third-party observer or to record the examination, set forth the identity and business address of the third-party observer, provide the third-party observer's curriculum vitae, advise if the third-party observer will serve as an expert or fact witness and, if any recording will be taken, state the method of recording. If the party serving notice objects, the parties shall confer orally and if they cannot come to an agreement, the party serving notice may move for a protective order under Rule 4:10-3.  
[Emphasis added.]

The 14-day deadline above is ambiguous in that it does not specifically state a triggering event for the deadline. For example, is the deadline to be calculated as 14 days after the notice for exam is issued, 14 days after the notice for exam is received, or 14 days after service of the notice for exam?

In order to avoid confusion, we respectfully request that the Court further revise Rule 4:19-2 to specifically state the triggering event for the 14-day deadline.

Thank you for your time and consideration.

Sincerely,

**Victoria Katz**  
Senior Rules Attorney

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