

A party must disclose to the other parties the identity of any witness it may use at trial to present expert testimony.

If any party intends to introduce expert testimony at trial, no later than thirty (30) days prior to the completion of fact discovery, the parties shall confer on a schedule for expert disclosure, including the identification of experts, exchange of reports **and disclosures**, and depositions of testifying experts——all of which shall be completed no later than four months after the completion of fact discovery. In the event that a party does not consent to this procedure, the parties shall raise the objection as to enhanced expert disclosure and shall request a conference to discuss the objection with the court.

Unless otherwise stipulated or ordered by the court, ~~expert disclosure must be accompanied by a written report prepared and signed by the witness~~—if the witness is one **who was** retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony. ~~The report must contain:~~ **testimony, then the witness must provide a written report – prepared and signed by the witness – that contains:**

- (A) a complete statement of all opinions the witness will express and the basis and the reasons for them;
- (B) the **facts or** data ~~or other information~~ considered by the witness in forming them;
- (C) any exhibits that will be used to summarize or support them;
- (D) the witness's qualifications, including a list of all publications authored in the previous 10 years;

(E) a list of all other cases in which, during the previous four years, the witness testified as an expert at trial or by deposition; and

(F) a statement of the compensation to be paid for the study and testimony in the case.

The note of issue and certificate of readiness may not be filed until the completion of expert disclosure and expert disclosure provided after these dates without good cause will be precluded from use at trial.

Protection of Draft Reports

Drafts of any written report required under this rule are not discoverable, regardless of the form in which the draft is recorded.

Protection of Attorney-Testifying Expert Communications

Communications between a party's attorney and any expert witness required to provide a written report pursuant to this rule are not discoverable, regardless of the form of the communications, except to the extent that the communications:

- (i) relate to compensation for the expert's study or testimony;**
- (ii) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or**
- (iii) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.**

Witnesses Who Do Not Provide a Written Report

Unless otherwise stipulated or ordered by the court, if a party intends to use a witness to present expert testimony at trial, but such witness is not required to provide a written report pursuant to this rule, the party who intends to present such expert's testimony at trial must provide a disclosure that states:

- (i) the subject matter on which the witness is expected to present evidence; and**
- (ii) a summary of the facts and opinions to which the witness is expected to testify.**