

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X

Index No.:

\_\_\_\_\_

Plaintiff,

- against -

\_\_\_\_\_

Defendant.

-----X

IT IS HEREBY STIPULATED AND AGREED BY THE UNDERSIGNED AND SO-  
ORDERED BY THE COURT AS FOLLOWS:

1. Each party shall identify each person whom the party expects to call as an expert witness at trial and shall comply with the following disclosure rules for each such expert:

(A) *Expert Reports.* If the witness is one 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 witness must provide a written report prepared and signed by the witness that must contain:

(i) a complete statement of all opinions the witness is expected to express and the basis and reasons for such opinions;

(ii) the facts or data considered by the witness in forming any such opinions;

(iii) any exhibits that will be used to summarize or support any such opinions;

(iv) the witness's qualifications, including a list of all publications authored in the previous 10 years;

(v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and

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

(B) *Witnesses Who Do Not Provide a Written Report.* Unless otherwise stipulated or ordered by the court, if the witness is not required to provide a written report pursuant to (1)(A) of this

section, the party proffering such witness must serve a written disclosure stating in reasonable detail the subject matter on which the witness is expected to testify, the substance of the facts and opinions on which the witness is expected to testify, the qualifications of the witness and a summary of the grounds for the witness's opinion.

(C) *Depositions of Experts.* Parties may depose any person who has been identified as an expert whose opinions may be presented at trial. If a written report is required to be served by the expert, the deposition may be conducted only after the report is provided. The deposition shall not exceed seven (7) actual hours of testimony unless otherwise stipulated by the parties or ordered by the court for good cause.

(D) *Time to Exchange Expert Disclosure.* Parties must make disclosures as follows:

Initial expert report(s) by: \_\_\_\_\_

\_\_\_\_\_

Rebuttal report(s), if any: \_\_\_\_\_

\_\_\_\_\_

Expert deposition(s): \_\_\_\_\_

\_\_\_\_\_

2. *Information Excluded from Disclosure.* In no event shall these rules require disclosure of (i) drafts of any report, regardless of the form in which the draft is recorded; (ii) communications between the party's attorney and any witness required to provide a written report, regardless of the form of the communications, except to the extent that the communications: (a) identify the compensation for the expert's study or testimony; (b) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or (c) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

3. *Remedies for Non-Compliance.* The court shall have the authority to grant such relief as it deems just and proper in the event of non-compliance with these rules, including, without limitation, compelling discovery, precluding expert testimony at trial, striking pleadings, imposing monetary or other sanctions, or awarding such other relief authorized under the CPLR or other applicable rules.

APPEARANCES:

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

SO ORDERED

\_\_\_\_\_