

Draft Minutes
CIVIL COMMISSION - Discovery Subcommittee
Telephone Conference Call
Tuesday, May 26, 2015 - 4:30 p.m.

Those attending: Atty. William Yelenak (chair), Atty. David Cooney; Atty. Michael Dorney; Atty. Rosemarie Paine and Atty. Rick Roberts.

1. Welcome and call to order – Atty. Yelenak called the meeting to order at 4:30 p.m.
2. Report Back on Tasks:
 - a. Interrogatories – Prior Permanency/disability rating for injuries similar to those identified in the complaint – Atty. Yelenak discussed his analysis of this issue, and the consensus of the group was that no additional interrogatories or revisions to the current interrogatories is needed because the information on prior disability ratings for injuries similar to those alleged in the complaint is already covered by the existing interrogatories – specifically Interrogatory #20. Atty. Roberts suggested that the subcommittee consider reconciling the discrepancy in the time period covered by Interrogatory #20 (similar injuries – within ten years) and Interrogatory #22 (any body part not listed in other interrogatories – no time limit). He will raise this question at the upcoming Civil Commission meeting.
 - b. Standard discovery regarding Medicare payments/liens – Atty. Roberts provided a revised group of questions on Medicare. With a few revisions, such as eliminating the social security number and limiting the question on whether the respondent plans to apply for Medicare Part A or B to thirty-six months, the group agreed to present the draft to the Civil Commission at its upcoming meeting.
 - c. Standard discovery regarding cell phone use and records – The group discussed the draft, and wanted to expand the language to include any mobile communication device, and to include calling, texting, and emailing. The group decided that thirty minutes was a reasonable time. The revised draft will be circulated to the Civil Commission at its meeting.
 - d. Standard discovery regarding videotapes and photos – A draft was discussed and it will be presented to the Civil Commission for comment at the meeting.
 - e. Standard interrogatories regarding the loss of consortium - Atty. Roberts and Atty. Yelenak presented a draft of interrogatories on loss of consortium to the group. After discussion, the group agreed to present these to the full Civil Commission.
 - f. Standard discovery regarding the records of primary care physicians – At this time, the subcommittee will not be drafting any proposals on this question.
 - g. Simplification of the process on out-of-state depositions – Atty. DeLuca is working on this, but nothing will be presented to the Civil Commission at this time.
3. Referrals to Civil Commission – See notations in Item #2.
4. Next Meeting – The next meeting will be Tuesday, September 1, 2015 at 4:00 p.m.

Meeting adjourned at 6:05 PM.