

1 Rule 26.2 Disclosures in personal injury actions.

2 (a) Scope. This rule applies to all actions seeking damages arising out of personal  
3 physical injuries or physical sickness.

4 (b) Plaintiff's additional initial disclosures. Plaintiff's Rule 26(a) disclosures shall  
5 also include:

6 (b)(1) A list of all health care providers who have treated or examined the plaintiff  
7 for the injury at issue, including the name, address, approximate dates of treatment,  
8 and a general description of the reason for the treatment.

9 (b)(2) A list of all other health care providers who treated or examined the plaintiff  
10 for any reason in the 5 years before the filing of the action, including the name,  
11 address, approximate dates of treatment, and a general description of the reason for  
12 the treatment.

13 (b)(3) Plaintiff's Social Security number or Medicare health insurance claim  
14 number (HICN), full name, and date of birth.

15 (b)(4) A description of all disability or income-replacement benefits received if  
16 loss of wages or loss of earning capacity is claimed, including the amounts, payor's  
17 name and address, and the duration of the benefits.

18 (b)(5) A list of plaintiff's employers for the 5 years preceding the complaint if loss  
19 of wages or loss of earning capacity is claimed, including the employer's name and  
20 address and plaintiff's job description, wage, and benefits.

21 (b)(6) Copies of all bills, statements, or receipts for medical care, prescriptions, or  
22 other out-of-pocket expenses incurred as a result of the injury at issue.

23 (b)(7) Copies of all investigative reports, prepared by any public official or agency  
24 and in the possession of plaintiff or counsel that describe the event which caused  
25 the injury.

26 (b)(8) Except as protected by Rule 26(b)(5), copies of all written or recorded  
27 statements of individuals, in the possession of plaintiff or counsel, regarding the  
28 event which caused the injury or the nature or extent of the injury.

29 (c) Defendant's additional disclosures. Defendant's Rule 26(a) disclosures shall  
30 also include:

31 (c)(1) A statement of the amount of insurance coverage applicable to the claim,  
32 including any potential excess coverage, and any deductible, self-insured retention,  
33 or reservations of rights, giving the name and address of the insurer.

34 (c)(2) Unless the plaintiff makes a written request for a copy of an entire  
35 insurance policy to be disclosed under Rule 26(a)(1)(D), it is sufficient for the  
36 defendant to disclose a copy of the declaration page or coverage sheet for any  
37 policy covering the claim.

38 (c)(3) Copies of all investigative reports, prepared by any public official or agency  
39 and in the possession of defendant, defendant's insurers, or counsel, that describe  
40 the event which caused the injury.

41 (c)(4) Except as protected by Rule 26(b)(5), copies of all written or recorded  
42 statements of individuals, in the possession of defendant, defendant's insurers, or  
43 counsel, regarding the event which caused the injury or the nature or extent of the  
44 injury.

45 (c)(5) The name of any person or entity not a party to the lawsuit to whom  
46 defendant may seek to allocate fault for the event which caused the injury.

47 **Advisory Committee Note**

48 This rule requires disclosure of the key fact elements that are typically requested in  
49 initial interrogatories in personal injury actions. The Medicare information disclosure,  
50 including Social Security numbers, is designed to facilitate compliance with the  
51 requirements for insurers under 42 U.S.C. § 1395y(b)(8)(C). See, Hackley v. Garofano,  
52 2010 WL 3025597 (Conn.Super.) and Seger v. Tank Connection, 2010 WL 1665253  
53 (D.Neb.).

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