

1 **Rule 26.2. Disclosures in personal injury actions.**

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

4 **(b) Plaintiff's additional initial disclosures.** Except to the extent that plaintiff moves for a protective
5 order, plaintiff's Rule [26\(a\)](#) disclosures ~~shall~~must also include:

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

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

12 (b)(3) Plaintiff's Social Security number (SSN) or Medicare health insurance claim number
13 (HICN), full name, and date of birth. The SSN and HICN may be used only for the purposes of the
14 action, including compliance with the Medicare, Medicaid, and SCHIP Extension Act of 2007, unless
15 otherwise ordered by the court.

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

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

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

24 (b)(7) Copies of all investigative reports prepared by any public official or agency and in the
25 possession of plaintiff or counsel that describe the event giving rise to the claim.

26 (b)(8) Except as protected by Rule [26\(b\)\(5\)](#), copies of all written or recorded statements of
27 individuals, in the possession of plaintiff or counsel, regarding the event giving rise to the claim or the
28 nature or extent of the injury.

29 **(c) Defendant's additional disclosures.** Defendant's Rule [26\(a\)](#) disclosures ~~shall~~must also include:

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

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

36 (c)(3) Copies of all investigative reports, prepared by any public official or agency and in the
37 possession of defendant, defendant's insurers, or counsel, that describe the event giving rise to the
38 claim.

39 (c)(4) Except as protected by Rule [26\(b\)\(5\)](#), copies of all written or recorded statements of
40 individuals, in the possession of defendant, defendant's insurers, or counsel, regarding the event
41 giving rise to the claim or the nature or extent of the injury.

42 (c)(5) The information required by Rule ~~9(l)~~ 9(m).

43 [Advisory Committee Note](#)

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