

ATTACHMENT "A" SURVEILLANCE EVIDENCE

(1) A party must make a timely request for discovery of surveillance evidence. Timeliness means that this request must be made prior to the end of the discovery deadline. An untimely request for surveillance evidence may be treated as any other untimely discovery request.

(2) The respondent need not respond to the discovery request and need not indicate whether there exists any such evidence until 21 days before pretrial conference. On or before the deadline, the respondent shall turn over to the requesting party all surveillance evidence in his possession or control which the respondent intends to offer at trial, and shall identify the individual(s) who will be necessary to lay a proper foundation.

(3) The respondent has the right to depose or redepose the individual who might have been the subject of the surveillance prior to responding to the discovery request.

(4) Depositions shall be upon reasonable notice to all parties, and shall be limited in scope to impeachment issues and updating any previous deposition.

(5) Offering party will be allowed to present surveillance evidence at trial only if (a) there has been compliance with the regulations set forth above, or (b) good cause is shown for an exception to these rules, or (c) the party subject to surveillance has failed to timely request discovery of the evidence in question.

(6) Any party who intends to offer surveillance films or video-tapes into evidence at trial shall meet with all other parties to edit the material and agree on the portions to be shown no later than fifteen days before trial. If agreement cannot be reached, appropriate motions shall be filed with the Clerk of Court, AND A COPY DELIVERED TO THE TRIAL JUDGE'S CHAMBERS, no later than 10 days before trial.