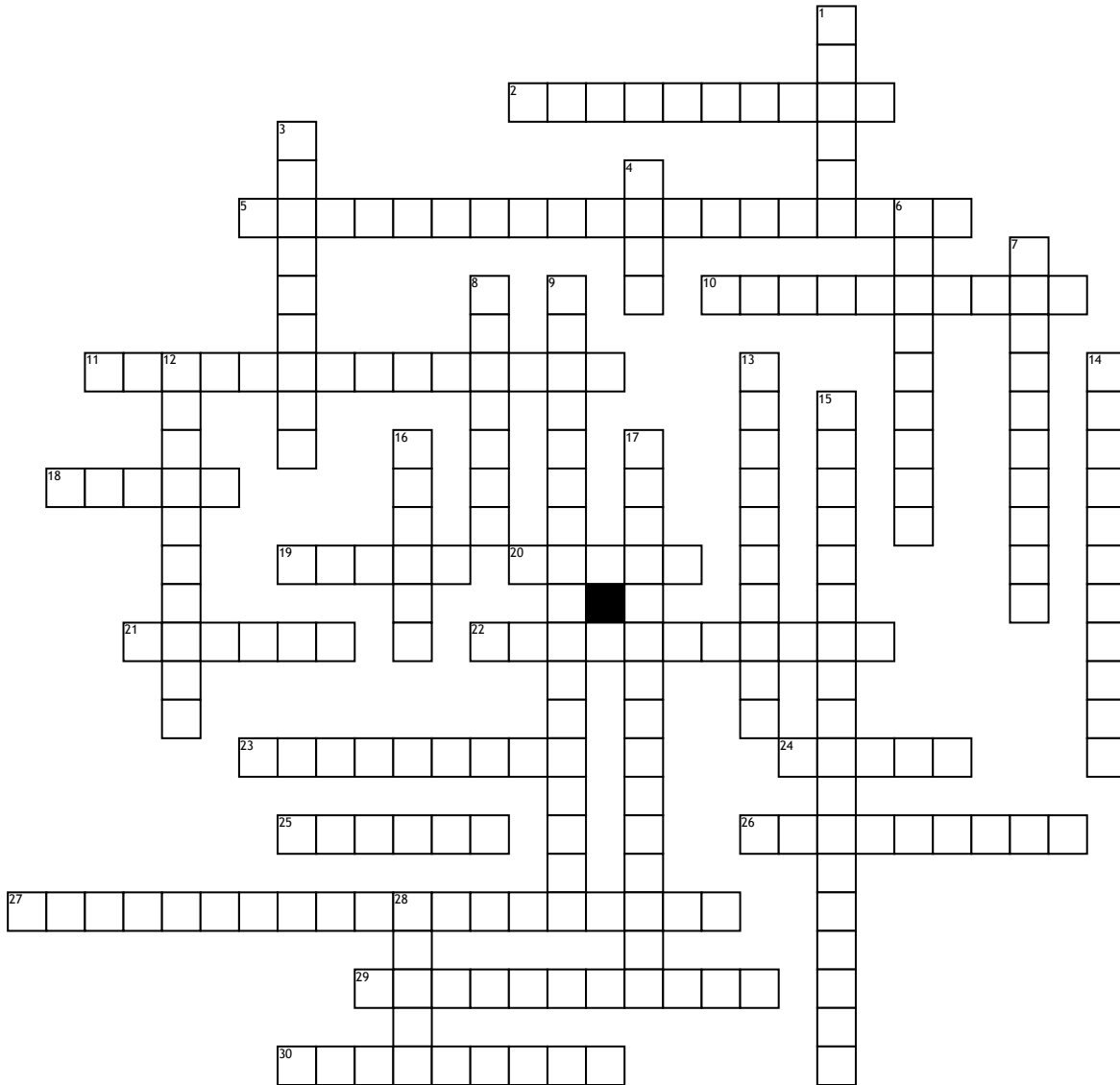


NYP Recap



Across

- 2. Typically, court permission is needed to take a _____ in civil cases.
- 5. The doctrine which states that an adverse party generally may not discover or compel disclosure of written or oral materials prepared by or for an attorney in the course of legal representation
- 10. Upon objection by a person entitled to assert it, _____ matter is immune from disclosure pursuant to CPLR 3103(b).
- 11. Under CPLR 3101(g), there shall be full disclosure of any _____ prepared in the regular course of business operations or practices of any person, firm, corporation, association or other public or private entity, unless prepared by a police or peace officer for a criminal investigation or prosecution and disclosure would interfere with a criminal investigation or prosecution.
- 18. True or False: A court may make a protective order denying, limiting, conditioning or regulating the use of any disclosure device only upon motion of a party (CPLR 3103(a)).
- 19. Scope of Disclosure: Pursuant to CPLR _____ there shall be full disclosure of all matter material and necessary in the prosecution or defense of an action, regardless of the burden of proof.
- 20. The Court in this case (Plaintiff name) held that the Plaintiff was entitled to the Defendant's answers to the interrogatories regarding severance and retirement pay as this evidence was "material and necessary" to the prosecution of the action.
- 21. The Court in this case (Plaintiff name) held that plaintiff's counsel is permitted to conduct ex parte interviews of employees of a corporate defendant who were merely witnesses to the underlying accident.
- 22. Mental or physical examinations are discoverable under CPLR 3121 only if the mental/physical condition is an issue in _____.

- 23. The _____ of the attorney-client privilege bears the burden of establishing that the communication was: (1) between an attorney and client (2) was made for the purpose of facilitating the rendition of legal advice or services (3) made in the course of a professional relationship (4) predominantly of a legal character (5) confidential and (6) that the privilege was not waived.
 - 24. The discovery stage begins after the _____.
 - 25. The Court in this case (Plaintiff name) held that the scope of social media discovery is not whether the materials sought are private but whether they are reasonably calculated to contain relevant information (no fishing expeditions).
 - 26. A list of specific privileges or privileged matters can be found in _____.
 - 27. The function of a _____ is to establish facts that are not in dispute.
 - 29. A party making the request for production is usually the one _____ the non-party for the costs of reproduction.
 - 30. Every motion relating to disclosure must be accompanied by the moving lawyer's affirmation that a _____ effort was first made to resolve the disclosure dispute with the other side.
- Down**
- 1. The Court in this case (Plaintiff name) held that when a party reasonably anticipates litigation, they must put in place a litigation hold to ensure the preservation of relevant electronic documents (and prevent routine destruction of electronic data).
 - 3. CPLR Article that regulates discovery
 - 4. True or False: Under CPLR 3101(h), a party shall not be precluded from introducing evidence at trial for failure to supplement or amend if a party obtains necessary information at an insufficient period of time before the commencement of trial.
 - 6. Liability Insurance is discoverable material under _____.

- 7. Only _____ experts need to be disclosed.
- 8. Any materials produced with _____ can be discoverable, so it is advised the less that is written the better.
- 9. Under CPLR 3101(i), _____ are discoverable material.
- 12. If you are only _____ experts then there is no need for disclosure.
- 13. The Court in this case (Plaintiff name) held that for records regarding medical or physical examination to be discoverable, a party must affirmatively place his or her medical condition in issue by more than simply denying the allegations in the complaint.
- 14. Materials prepared for litigation may be obtained only upon showing a _____ need of materials in preparation of the case and are unable without undue hardship to obtain the substantial equivalent of the materials by other means.
- 15. A motion granting leave of Court shall be obtained if notice of the taking of the deposition of a party is served by the plaintiff before that party's time for serving a _____ has expired (CPLR 3106(a)).
- 16. Provision _____ states it is not permitted for a lawyer to speak to a represented party unless expressly permitted to do so.
- 17. Questions drawn up by the attorney and sent to the opposing attorney who usually drafts verified answers to them for the client to verify
- 28. Upon a party obtaining information that a given response to a request for disclosure was incorrect or incomplete, the party shall _____ the response pursuant to CPLR 3101(h).