

From: Bright, William
Sent: Thursday, October 26, 2017 8:55 AM
To: Del Ciampo, Joseph
Subject: "Black Box" Discovery

Good morning Joe. At the September Rules Committee meeting Justice Eveleigh raised the issue of whether automobile black box data should be part of the standard discovery in motor vehicle cases. I have considered the issue and reviewed it with CTLA, CDLA and the Litigation Section of the CBA. All agree that such information should not be part of standard discovery. The vast majority of motor vehicle cases are relatively small in size and requiring the production of such data in all such cases would be disproportionate to the issues involved in most cases. Instead, I believe the better approach is to continue with the current practice of allowing a party to request permission from the court to seek such information when they believe the standard discovery requests are insufficient in that particular case. The court can then consider the availability of the information, the importance of it to the action, the cost of obtaining and producing the information, and which party should bear that cost. So, none of the groups I talked to felt a new rule was necessary on this subject and I agree. Let me know if you need anything further or if you or the members of the Rules Committee have any additional questions on this.

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