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Del Ciampo, Joseph

From: Abrams, James
Sent: Monday, December 31, 2018 2:16 PM
To: Del Ciampo, Joseph
Cc: Stevens, Barry; Bellis, Barbara
Subject: RE: Referral from the Rules Committee

Follow Up Flag: Follow up
Flag Status: Flagged

Joe,

First, allow me to express enthusiastic support for adding the Rule and the Form Interrogatory. Based on my review of the materials you provided, with an able assist from Judge Pierson, what follows are my specific comments;

Proposed Rule:

A little wordsmithing on the second to last line, which I find a bit confusing:

“Information disclosed shall not be admissible in evidence at trial solely by virtue of its disclosure pursuant to this section.”

Form Interrogatory

My concerns are limited to clarity issues involving Interrogatory 2. First, I suggest separating 2 and 2(a) into separate interrogatories; essentially making subsection (a) Interrogatory 3. Second, I suggest reversing the order of subsections (iv) and (v). I would also change (iv) to read: ““The amount of any payments made” and insert the word “Whether” at the beginning of (v). As a result, that part of the Form Interrogatory would now read as follows:

(2) State whether you have been enrolled in Medicare Part A or Part B.

(3) If your response to Interrogatory 2 is in the affirmative, state:

- (i) The effective date(s) of coverage;*
- (ii) Your Medicare claim number(s);*
- (iii) Your name (exactly as it appears on your Medicare card);*
- (iv) Whether Medicare Part or Part B has paid any bills for treatment of any injuries allegedly sustained as a result of the incident alleged in the complaint; and*
- (v) The amount of any such payments.*

(4) If you are not presently . . .

Thank you for the opportunity to comment.

Jim Abrams

From: Del Ciampo, Joseph
Sent: Monday, December 17, 2018 5:09 PM
To: Abrams, James

Cc: Stevens, Barry; Bellis, Barbara
Subject: Referral from the Rules Committee

Dear Judge Abrams,

The Rules Committee of the Superior Court is considering the attached new rule and standard interrogatories regarding Medicare information. The Rules Committee has asked that you review and comment on the proposed new rule and form. The Committee has also requested comments on the rule and form from the CBA, CTLA, and CDLA.

The next meeting during which the Rules Committee may discuss the merits of this matter is scheduled for Monday, January 14, 2019. It would be appreciated if you would send any comments you have on the attached rule and form to me by January 7, 2019.

Thank you very much.

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