

RICHARD C. EYMANN – CLE OUTLINE

RCE TOPIC: Top Tips for Dealing with Defense Counsel and Recent Case Law that Defense Counsel is Using to Their Advantage

1. **Attempted Rescission of Settlement Offer by Defendant**
2. **Defense attacks on Covenant Judgments**
3. **Silent Joint Defense Agreements**

PRACTICE TIP #1: Subpoena to Experts for Documents Post-Deposition

4. **Defense picks your treater for a Rule 35 exam**
5. **Pre-Litigation Complaint and Defamation**
6. **Problems With Defense Production of Records/Metadata**
 - a. *Privilege waivers and holding back relevant documents*
 - b. *Defense Deceptive Preliminary Objections in Rule 33, 34, 36 Discovery*
7. **Useless Mediation**
8. **Motions to dismiss re: Corporate Negligence**
9. **Attacking Plaintiff Expert Qualifications**
10. **Defense Erroneous Claim You Must Provide Present Cash Value Expert**

PRACTICE TIP #2: Deposition Tactics

11. **Confusing Summary Judgment Standards**

PRACTICE TIP #3: Miscellaneous tips

12. **Obtaining Medical Records – The Cures Act**