

# Week 8 cd civil litigation

Law



CIVIL LITIGATION Civil Litigation What is the purpose of filling an interrogatory on the opposing party? An interrogatory may be used to obtain information regarding basic facts of a case, as well as supplementing the information that should be disclosed under Rule 26.

An interrogatory can be used to determine the party's contentions and identify the definite documents or individuals that support those contentions (Kerley, Hames & Sukys, 2008).

An in interrogatory can be used to impeach witnesses during trial.

An in interrogatory is essential since it can be used to facilitate settlement of a case.

2. What are four reasons a party may compel another party to submit to a physical or mental examination?

Physical and mental examinations are permitted to enable establishing of truth behind a plaintiff's allegations of mental or physical injuries.

Physical and mental examinations are allowed to discourage plaintiffs who may file exaggerated or false claims (Kerley, Hames & Sukys, 2008).

A party may compel another party to submit to mental or physical examination if there is a need to unearth inconsistencies between the subjective complaints of a plaintiff and the objective nature of the injury.

Physical or mental examinations can be requested in situations where mental or physical condition is a vital issue in a pending law suit.

3. What is paralegals role in preparing a client for a physical or mental examination?

A paralegal's role in preparing a client for a mental or physical examination depends on whether the opposing attorney or the paralegal's supervising attorney have requested for the examination. If a paralegal's attorney has

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requested the examination of the opposing party, one may be requested to schedule the examination. In this situation, the paralegal should communicate; with the opposing counsel, to find out if they are objecting the examination (Kerley, Hames & Sukys, 2008). If they do not agree, then the paralegal may be requested to draft a proposed order and a motion for compulsory physical examination. However, most mental and physical examinations are normally carried out by voluntary agreement.

If the paralegal's supervising attorney requested the examination, then the examination will be conducted by the physician of his or her choice. In case the party to undergo examination objects the chosen physician, then the court is allowed to make the selection.

The physical or mental scrutiny should be conducted by a physician who is in proximity to the part to be examined. However, the court they decide the examination be conducted by a physician from the city where the suit was filed, despite the fact that the party being examined may be residing in another city (Kerley, Hames & Sukys, 2008).

#### References

Kerley, P., Hames, B. & Sukys, B. (2008). Civil Litigation. Connecticut: Delmar Cengage Learning