

Proposal 05-07 (P.R. 0141)
Amends Supreme Court Rule 213
Offered by the Chicago Bar Association

Rule 213. Written Interrogatories to Parties

(a) - (f) [no changes]

(g) Limitation on Testimony and Freedom to Cross-Examine. The information disclosed in answer to a Rule 213(f) interrogatory, or at a discovery deposition, limits the testimony that can be given by a witness on direct examination. Information expressed in a discovery deposition need not be later specifically identified in a Rule 213(f) answer, but, upon objection at trial, the burden is on the proponent of the witness to prove the information was provided in a Rule 213(f) answer or in the discovery deposition.

Without making disclosure under this rule, however, a cross-examining party can elicit information, including opinions, from the witness. This freedom to cross-examine is subject to a restriction that applies in actions that involve multiple parties and multiple representation. In such actions, the cross-examining party may not elicit undisclosed information, including opinions, from the witness on an issue on which its position is aligned with that of the party doing the direct examination.

(h) - (k) [no changes]