

Rule 1004.

ADMISSIBILITY OF OTHER EVIDENCE OF CONTENTS

The original is not required and other evidence of the contents of a writing, recording, or photograph is admissible if—

(1) Originals Lost or Destroyed. All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

(2) Original Not Obtainable. No original can be obtained by any available judicial process or procedure; or

(3) Original in Possession of Opponent. At a time when an original was under the control of the party against whom offered, that party was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing; or

(4) Collateral Matters. The writing, recording, or photograph is not closely related to a controlling issue.

[Adopted September 27, 2010, eff. January 1, 2011.](#)