



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 33

AMENDMENT NO. 6
(to be filled in by
Principal Clerk)

S33-ATG-76 [v.5]

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Comm. Sub. [NO]
Amends Title [NO]
Fourth Edition

Date 4/20, 2011

Representative Faison

1 moves to amend the bill on page 7, lines 18-19, by inserting the following between those lines:

2 "SECTION 11. G.S. 1A-1, Rule 26(f1), reads as rewritten:

3 "(f1) Medical malpractice discovery conference. – In a medical malpractice action as
4 defined in G.S. 90-21.11, upon the case coming at issue or the filing of a responsive pleading or
5 motion requiring a determination by the court, the judge shall, within 30 days, direct the
6 attorneys for the parties to appear for a discovery conference. At the conference the court may
7 consider the matters set out in Rule 16, and shall:

8 ...
9 (2) Establish an appropriate schedule for designating expert witnesses,
10 consistent with a discovery schedule pursuant to subdivision (3), ~~to be~~
11 ~~complied with by all parties to the action such that there is a deadline for~~
12 ~~designating all expert witnesses within an appropriate time for all parties to~~
13 ~~implement discovery mechanisms with regard to the designated expert~~
14 ~~witnesses;~~(3) of this subsection. As to each expert designated, the
15 designation shall be accompanied by a written report prepared and signed by
16 the witness. The report shall contain a complete statement of all opinions to
17 be expressed and the basis and reasons therefor; the data or other
18 information considered by the witness in forming the opinions; the
19 qualifications of the witness, including a list of all publications authored by
20 the witness within the preceding 10 years; the compensation the witness is to
21 be paid for the study and testimony; and a listing of any other cases in which
22 the witness has testified as an expert at trial or by deposition within the
23 preceding four years. The party shall supplement the expert's report if the
24 party learns that in some material respect the report is incomplete or
25 incorrect. The expert's direct testimony shall not be inconsistent with or go
26 beyond the fair scope of the expert report as supplemented. An expert who
27 submits a report in accordance with this subsection shall not be deposed,
28 except pursuant to written stipulation of the parties or court order for good
29 cause shown."

30
31 and by renumbering the remaining sections accordingly.
32



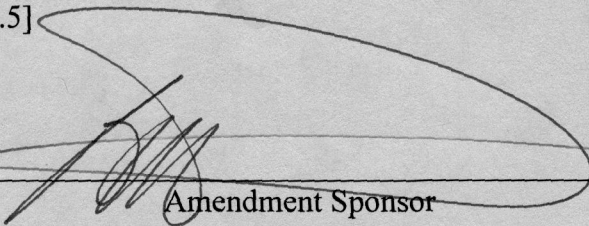
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SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

41-75 EV

TABLED

APR 20 2011

Dennis W. Walker

FAILED