

121 evidence at trial under Rule 702 of the Utah Rules of Evidence from any person other than an  
122 expert witness who is retained or specially employed to provide testimony in the case or a  
123 person whose duties as an employee of the party regularly involve giving expert testimony, that  
124 party must serve on the other parties a written summary of the facts and opinions to which the  
125 witness is expected to testify in accordance with the deadlines set forth in paragraph (a)(4)(C).  
126 A deposition of such a witness may not exceed four hours and ~~H~~→ , unless manifest injustice  
126a would result, ←H the party taking the deposition  
127 shall pay the expert's reasonable hourly fees for attendance at the deposition.

128 **(a) (5) Pretrial disclosures.**

129 (a) (5) (A) A party shall, without waiting for a discovery request, serve on the other  
130 parties:

131 (a) (5) (A) (i) the name and, if not previously provided, the address and telephone  
132 number of each witness, unless solely for impeachment, separately identifying witnesses the  
133 party will call and witnesses the party may call;

134 (a) (5) (A) (ii) the name of witnesses whose testimony is expected to be presented by  
135 transcript of a deposition and a copy of the transcript with the proposed testimony designated;  
136 and

137 (a) (5) (A) (iii) a copy of each exhibit, including charts, summaries and demonstrative  
138 exhibits, unless solely for impeachment, separately identifying those which the party will offer  
139 and those which the party may offer.

140 (a) (5) (B) Disclosure required by paragraph (a)(5) shall be served on the other parties  
141 at least 28 days before trial. At least 14 days before trial, a party shall serve and file counter  
142 designations of deposition testimony, objections and grounds for the objections to the use of a  
143 deposition and to the admissibility of exhibits. Other than objections under Rules 402 and 403  
144 of the Utah Rules of Evidence, objections not listed are waived unless excused by the court for  
145 good cause.

146 **(b) Discovery scope.**

147 **(b) (1) In general.** Parties may discover any matter, not privileged, which is relevant to  
148 the claim or defense of any party if the discovery satisfies the standards of proportionality set  
149 forth below. Privileged matters that are not discoverable or admissible in any proceeding of any  
150 kind or character include all information in any form provided during and created specifically  
151 as part of a request for an investigation, the investigation, findings, or conclusions of peer