

## **Rule 39.1 Models, Exhibits, Etc.**

**(a) Lodging of Exhibits.** Neither the index of exhibits nor any exhibit, model, etc. which has been lodged with the Office of the Clerk shall be considered public record until admitted into evidence at the trial.

**(b) Marking of Exhibits.** All exhibits must bear the official case number and shall be marked before trial with official exhibit stickers which are available upon request from the Clerk. The plaintiff shall mark exhibits with numbers and the defendant shall mark exhibits with letters, unless otherwise ordered by the Court. Joint exhibits shall be marked with numbers. If there are multiple defendants, letters shall be used followed by the party's last name. If the defendant has more than 26 exhibits, double letters shall be used.

Where a multiple-page exhibit is introduced, multiple pages should be numbered consecutively.

An index of the exhibits to be used at trial, along with a brief description of such exhibits, shall be filed with the Court and served upon opposing counsel no later than one week before the final pretrial.

### **(c) Retention and disposal of exhibits.**

(1) Retention of exhibits by counsel. All models, diagrams, and exhibits of material filed or placed in the custody of the Clerk of Court for inspection of the Court on the hearing of a cause shall be taken by the party presenting the model, diagram, or exhibit at the conclusion of the hearing unless a party should object and request that the item be retained by the Clerk of Court and the Clerk is so ordered by the Court in writing. It shall be the responsibility of the party offering the model, diagram, or exhibit to maintain the offered or accepted exhibits until after the entry of final judgment or final judgment on appeal on matters appealed, whichever is later, unless directed otherwise by the Court. Upon motion of either party and/or the Court's order, when a demonstrative exhibit is retained by counsel, a picture or other paper record must be substituted for the exhibit.

(2) Disposal of exhibits by the Clerk. When an exhibit is retained in the custody of the Clerk of Court, it shall be removed by counsel within two (2) months after entry of final judgment or final judgment on appeal. All exhibits not removed by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.