

LODGE AN EXHIBIT

Certain items of electronic evidence, such as an electronic sound or sound-and-video recording on a “flash” drive, cannot be filed with the court. Instead, the item is “lodged” or received by the Clerk’s Office for your use at hearing or trial.

STEPS:

1. Create the “Notice of Lodging” pleading. The Notice must specifically state what is being lodged and a description of what the item contains. If the lodged item is a sound-and-video clip on a flash drive, include the length of the clip.
2. Create a transcript of the electronic recording.
3. The item must be identified with an exhibit letter or number.
4. The lodged item will not be automatically entered into evidence at the hearing or trial. It is subject to objection by the other side, and the court will rule on its admissibility.
5. Create an Exhibit List to be submitted with the Notice of Lodging.
6. Serve a copy of (a) the Notice of Lodging, (b) the electronic recording, and (c) the Exhibit List on the other side.
7. File the proof of service with and deliver the Notice of Lodging with the electronic recording to the Clerk’s Office.
8. In court at the hearing, it is your responsibility to be able to present the item in court. For example, if you appear on Zoom, you need to be able to play your electronic recording on Zoom using the “share screen” function. Alternatively, if you appear in court, you need to be able to play the electronic recording in court by having your laptop connected to the Court’s HDMI portal so that the electronic recording can be displayed on the Court’s projector in the courtroom.