

No. 1-10-2253

SYLVESTER SCALES,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 09 L 001207
)	
JOSEPH BENNE,)	The Honorable
)	Donald J. O'Brien,
Defendant-Appellee.)	Judge Presiding.

JUSTICE GARCIA delivered the judgment of the court, with opinion.
Presiding Justice R. E. Gordon and Justice Cahill concurred in the judgment and opinion.

OPINION

¶ 1 A jury returned a no-liability verdict regarding an accident in which the plaintiff, a pedestrian, claimed he was struck by the defendant's car while crossing the intersection of Clybourn and North Avenue in Chicago. The plaintiff argues the circuit court erred in barring use of photographs of the intersection and of the defendant's vehicle model grounded on the plaintiff's failure to disclose the photographs prior to trial pursuant to a discovery request. The plaintiff claimed disclosure was not compelled under the discovery rules because he intended to use the photographs only during the plaintiff's examination of the defendant as an adverse witness. The circuit court emphatically rejected the plaintiff's contention. We affirm.

¶ 2 The circuit court did not abuse its discretion in barring the plaintiff's use of photographs not disclosed as required by the discovery rules. Even if a legitimate excuse existed for the