**Section 1620.490 Discovery**

a) The parties shall not engage in discovery without leave of the Commission, but the Commission encourages the voluntary exchange of information by the parties.

b) At least 2 weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any, each party must file with the Commission and disclose to the other party:

1) the names of all witnesses expected to testify at hearing;

2) a summary of the witnesses' expected testimony;

3) copies of all documents expected to be introduced into evidence at hearing;

4) a description of any physical evidence expected to be introduced at hearing;

5) any known evidence that is exculpatory or tends to negate the allegations contained in the complaint; and

6) any statements or recordings of statements made by a respondent, or summaries of a respondent's interview.

c) Any physical evidence expected to be introduced at hearing shall be made available to the other party for inspection at least 2 weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any.

d) All writings or electronic recordings in the possession of either party reflecting prior statements of an identified witness related in any way to the subject matter of the witness' expected testimony, or to matters bearing on the witness' credibility, shall be filed with the Commission and be produced to the opposing party no later than one week prior to the commencement of the hearing or at a date determined by the Chair or administrative law judge, if any. If a statement is part of notes that were taken during the case investigation, the notes may be redacted to remove the author's thoughts, mental impressions or other work product.

e) A party offering testimony or evidence that has not been disclosed in accordance with this Section has the burden to show that the evidence was not available at the time required by this Section and that the other party has not been unfairly prejudiced by the failure to disclose.

(Source: Amended at 34 Ill. Reg. 13108, effective August 27, 2010)