**Section 130.1115 Discovery**

a) Discovery shall not be the subject of motions presented to the Hearing Officer, except as provided in Section 130.1110 of this Part.

b) Upon written request served on the opposing party, any party shall be entitled to:

1) The name, business and home addresses and telephone number, if available, of each witness who may be called to testify;

2) Copies of each document which may be offered as evidence; and

3) A description of any other evidence which may be offered.

c) The above information shall be provided within ten business days after service of a written request.

d) Upon written request of a party, during discovery a party shall be entitled to:

1) Any exculpatory evidence in a party's possession. Exculpatory evidence is any evidence which tends to support the opposing party's position or to call into question the credibility of an opposing party's witness; and

2) Copies of any investigative report which purports to be a memorandum of interview of the respondent.

e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any stage of the hearing, the respondent will be required to produce within ten days after service of a written request non privileged documents, books, records or other evidence which relate to the issues set forth in the Notice of Hearing.

f) No file of a Securities Department investigator or attorney shall be subject to discovery except as stated in subsection (d) of this Section relating to exculpatory evidence and memoranda of interviews of a respondent.

g) In accordance with Section 130.1118 of this Part, in large or complex cases, at the discretion of the Hearing Officer, a pre-hearing conference with the parties and the Hearing Officer may be scheduled in appropriate cases for one or more of the purposes set forth in Section 130.1118 of this Part. Consistent with the expedited nature of administrative hearings, the Hearing Officer shall, at the pre-hearing conference establish the extent of and schedule for the production of relevant documents and other information, including the deposition of witnesses.

h) Subject to constitutional privileges and to grants of confidentiality under common law and statutes, a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. The failure of a party to respond to a request by either an admission or a sworn denial within ten days after service shall be deemed to be an admission thereof.

i) When information or documents are withheld from disclosure or discovery on a claim that they are confidential or privileged pursuant to a common law or statute, any such claim shall be made expressly and shall be supported by a description of the nature of the documents, communication, or things not produced or disclosed and the exact privilege that is being claimed.

j) If a party, after being served with a request to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof, and the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter of fact, the requesting party may apply to the Hearing Officer for an order requiring the other party to pay the requesting party the reasonable expenses incurred in making the proof, including reasonable attorney's fees. Upon finding good cause by the Hearing Officer the order shall be made.

k) A party has a duty to timely supplement or amend any prior answer or response to discovery requests whenever new or additional information subsequently becomes known to that party.

(Source: Amended at 22 Ill. Reg. 1933, effective January 1, 1998)