**Section 125.350 Discovery Procedures**

a) Discovery procedures may be ordered by the Hearing Officer upon the written request of any party, or upon the Hearing Officer's own motion, when necessary to expedite the proceedings, to ensure a clear and concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing, and when the allowance of discovery procedures will not interfere with or impair the time requirements applicable to the proceeding.

1) Discovery may consist of the following:

A) production of documents or things;

B) depositions;

C) written interrogatories; and

D) requests for admissions of fact.

2) The Hearing Officer may restrict or deny discovery when necessary to prevent undue delay or harassment.

b) The Hearing Officer shall order the following discovery upon written request of any party:

1) a list of witnesses who are known to the party and who have personal knowledge of relevant facts;

2) a list of any expert witnesses who may be called at the hearing, which shall be submitted to all parties prior to the hearing.

c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Part may be examined regarding any matter, not privileged, that is relevant to the subject matter of the pending case or that may lead to the discovery of relevant information.

d) Except as otherwise provided, all depositions and written interrogatories taken pursuant to this Section shall be for purposes of discovery only. The depositions and interrogatories may be used for purposes of impeachment, as admissions, or as any affidavit could be used. Upon application to the Hearing Officer, either before or after the taking of the deposition or the filing of written interrogatories and upon a showing that at the time of the hearing the party deposed or interrogated will not be available due to death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the Hearing Officer may order that the deposition or interrogatories be used as evidence in the hearing.

e) Transcription and certification of a deposition shall be pursuant to Illinois Supreme Court Rule 207.

(Source: Amended at 47 Ill. Reg. 5503, effective March 30, 2023)