**Section 2720.227 Depositions**

a) The Referee or the Director's Representative if the issue is Section 604 before whom an eligibility issue is pending shall order the taking of the deposition, specifying the subject matter to be covered, of a person other than the appellant, under oral examination or written questions for use as evidence at the hearing, provided:

1) It appears to the Referee that the deposition of the person is necessary for the preservation of relevant testimony because of the substantial possibility it would be unavailable at the time of the hearing (such as when a witness has a scheduled vacation, out of town business trip or job interview set for the date of the hearing); and

2) The request is made on motion by a party who gives notice of the motion to all other parties to the issue.

b) The taking of depositions shall be in accordance with the provisions for taking depositions in civil cases (IL Sup. Ct. Rules 203 through 217), and the order for the taking of a deposition may provide that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place.

c) Any other parties to the issue shall have the right to confront and cross-examine any witness whose deposition is taken. The other parties may waive these rights in writing, filed with the Referee.

d) Depositions shall be taken in the county of residence or employment of the witness, as specified in Rule 203 of the Illinois Supreme Court, unless the witness waives these rights in writing.

e) No deposition shall be allowed in any proceeding under Section 800 or 801 of the Act, except as provided herein.

f) Failure to obey an order for deposition shall result in the same sanctions as provided in Section 2720.225 for failure to comply with a subpoena.

(Source: Amended at 43 Ill. Reg. 6385, effective May 14, 2019)