**Section 5300.715 Discovery for Alternative Hearing Procedure Matters**

a) Initial Disclosure of Information – For all Complaints proceeding under the alternative hearing procedure, the Parties shall have an initial duty of disclosure as follows:

1) Time of Disclosure and Continuing Duty – The Parties shall make the initial disclosure required by this rule as fully as then possible within 90 days after the filing of the stipulation to proceed under the alternative hearing procedure unless the Administrative Law Judge, on motion and for good cause shown, shortens or extends the time. Upon service of a disclosure on another Party, the disclosing Party shall file only a notice of the service of the disclosure with the Commission. The duty to provide disclosures as delineated in this rule shall be a continuing duty, and each Party shall seasonably supplement or amend disclosures whenever new or different information or documents become known to the disclosing Party. All disclosures shall include all information and data in the possession, custody and control of the parties as well as that which can be ascertained, learned or acquired by reasonable inquiry and investigation.

2) Prompt Disclosure of Information – Within the time set forth in this subsection (a)(1), each Party shall disclose in writing to every other Party:

A) The factual basis of the claim or defense. In the event of multiple claims or defenses, the factual basis of each claim or defense.

B) The names, addresses, and telephone numbers of all persons whom the Party believes may have knowledge or information relevant to the events, transactions or occurrences that gave rise to the action, claim or defense, and the nature of the knowledge or information each such individual is believed to possess.

C) The names, addresses, and telephone numbers of all persons who have given statements regarding the action, claim or defense, whether written or recorded, signed or unsigned, and of the custodian of the copies of those statements.

D) The names, addresses, and telephone numbers of each person whom the disclosing Party expects to call as an opinion witness at trial, the subject matter on which the opinion witness is expected to testify, the conclusions and opinions of the opinion witness and the bases therefor, the qualifications of the opinion witness, and copies of any reports prepared by the opinion witness.

E) A computation and the measure of damages alleged by the disclosing Party and the document or testimony on which such computation and measure are based and the names, addresses, and telephone numbers of all damages witnesses.

F) The existence, location, custodian, and general description of any tangible evidence or documents that the disclosing Party plans to use at trial.

G) A list of the documents, or in the case of voluminous documentary information, a list of the categories of documents, known by a Party to exist whether or not in the Party's possession, custody or control and which that Party believes may be relevant to the subject matter of the action, and those which appear reasonably calculated to lead to the discovery of admissible evidence, and the dates upon which those documents will be made, or have been made, available for inspection and copying. Unless good cause is stated for not doing so, a copy of each document listed shall be served with the disclosure. If production is not made, the name and address of the custodian of the document shall be indicated. A Party who produces documents for inspection shall produce them as they are kept in the usual course of business.

3) Each disclosure shall be made in writing, accompanied by the affidavit of an attorney or a Party which affirmatively states that the disclosure is complete and correct as of the date of the disclosure and that all reasonable attempts to comply with the provisions of this rule have been made. A copy of such affidavit shall be filed with the Commission.

4) In addition to any other sanction the Administrative Law Judge may impose, the Administrative Law Judge shall exclude at hearing any evidence offered by a Party that was not timely disclosed as required by this Section, except for good cause shown.

b) Limited Discovery Procedures – Except as may otherwise be ordered by the Administrative Law Judge upon motion and for good cause shown, only the following limited discovery is allowed for Complaints proceeding under the alternative hearing procedure. Except as limited herein, the provisions, including service requirements and response time limits, of Section 5300.720 and Section 5300.745 of this Part apply as if fully set out herein.

1) Written Interrogatories – Each Party may propound to any other Party a total of 20 written interrogatories and supplemental interrogatories in the aggregate, including subparts.

2) Deposition – An evidence deposition may be taken as of right only under the provisions of Section 8-104(F) of the Act. No discovery deposition may be taken except as allowed by the Administrative Law Judge upon motion and for good cause shown.

3) Production Requests – Each Party may propound to any other Party a total of 5 requests to produce for inspection, copying or photographing any document, object or tangible thing which is relevant to the subject matter of the Complaint or defense.

4) Requests To Admit – Each Party may serve on any other Party a total of 10 written requests for the admission by the latter of the truth of any specified relevant fact set forth in the request. Each Party may also serve on any other Party a written request for the admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be furnished with the request unless copies have already been furnished by the requesting Party.

(Source: Added at 20 Ill. Reg. 7820, effective June 1, 1996)