**Section 1700.125 Remedies/Compliance with Discovery**

a) Any party or its counsel, upon failure of the opposing party to answer or appropriately respond to any discovery request, by way of motion addressed to the Administrative Law Judge, may request to compel a response or appropriate answer be given to the requests made. In seeking a remedy under this Section, only a reasonable attempt to achieve compliance with the discovery request must be made prior to seeking the assistance of the ALJ.

b) If a party or its counsel fails to comply with a reasonable discovery request after being ordered to do so by the ALJ, the party seeking the discovery may request further orders from the ALJ as are just, including, but not limited to:

1) An order that the matters regarding which the order of compliance was made or any other designated facts shall be taken as true and established for the purpose of the case in accordance with the claim of the party obtaining the order;

2) An order refusing to allow the disobedient party to support or oppose designated defenses, or prohibiting that party from introducing designated matters or documents in evidence;

3) An order staying further proceedings until the order is obeyed or rendering a judgment by default against the disobedient party.

4) An order that reasonable costs, including attorney’s fees, be assessed against a party or their attorney who unreasonably fails to facilitate discovery under this provision.

c) In ordering sanctions, the ALJ shall consider factors including, but not limited to:

1) The diligence of the person making the request;

2) The burden of compliance on the party subject to the request;

3) The reasonableness of the failure to comply; and

4) Circumstances which may prevent compliance.

(Source: Added at 47 Ill. Reg. 13886, effective September 18, 2023)