**Section 2402.170 Discovery**

a) The following discovery procedures shall be ordered by the Hearing Officer upon the written request of any party when necessary to expedite the proceedings, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing:

1) production of documents or things;

2) depositions;

3) interrogatories.

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

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

1) list of persons who may have knowledge of facts concerning the subjects of inquiry at the hearing;

2) reasonable inspection of books, records and documents by experts.

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

e) All depositions and interrogatories taken pursuant to this Section shall be for purpose of discovery only, except as provided in this subsection. The depositions and interrogatories may be used for purpose of impeachment and as admissions of the deposed or interrogated party. Upon application to the Hearing Officer either before or after the taking of the deposition or interrogatories, and upon a showing that, at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of 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.

(Source: Amended at 38 Ill. Reg. 19943, effective September 30, 2014)