**Section 120.410 Discovery**

a) General discovery (e.g., deposition, interrogatories or request to produce or admit) shall not be permitted.

b) Disclosure of the following shall be required in accordance with the time periods set forth in this subsection (b) unless otherwise modified by the ALJ in the order issued pursuant to the pre-hearing conference:

1) Unless otherwise ordered by the ALJ at least 21 days prior to the commencement of the hearing, each party shall provide all parties with a copy of any document that it may offer into evidence. This subsection (b)(1) shall not require any party to provide copies of documents already provided. Each party shall provide newly discovered documents, except for witness statements, as they become known to the party intending to introduce the document.

2) Unless otherwise ordered by the ALJ at least 21 days prior to the commencement of the hearing, each party shall provide all parties with a list containing the name and address of any witness who may be called to testify. Each party shall provide newly discovered witnesses as they become known to the party intending to call the witness.

3) Unless otherwise ordered by the ALJ, after a witness called by the Department or a party has testified in a hearing, the ALJ shall, upon motion of a party, order the production of any statement, as defined in Section 120.110, of the witness in the possession of the Department, which relates to the subject matter to which the witness has testified. If the entire contents of any statement relate to the subject matter of the testimony of the witness, the ALJ shall order it to be delivered directly to the requesting party for examination and use for the purpose of cross-examination. If the Department claims that any statement ordered to be produced under this subsection (b)(3) contains matter that does not relate to the subject matter of the testimony of the witness, the ALJ shall order the Department to deliver the statement for the inspection of the ALJ in camera. Upon delivery, the ALJ shall excise the portions of the statement that do not relate to the subject matter of the testimony of the witness, except that the ALJ may, in the ALJ's discretion, decline to excise portions that, although not relating to the subject matter of the testimony of the witness, do relate to other matters raised by the pleadings. With the material excised, the ALJ shall then direct delivery of the statement to the requesting party for use on cross-examination. If, pursuant to this procedure, any portion of the statement is withheld and the requesting party objects to the withholding, the entire text of the statement shall be preserved by the Department and, in the event the requesting party files exceptions with the Director based upon the withholding, shall be made available to the Director for the purpose of determining the correctness of the ruling of the ALJ. If the Department elects not to comply with the order of the ALJ directing delivery of any statement, or portion of a statement as the ALJ may direct, the ALJ shall strike from the record the testimony of the witness.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)