**Section 5300.720 Discovery**

a) For all complaints not proceeding under the alternative hearing procedure, discovery shall be obtainable through the following methods:

1) Written Interrogatories – A party may direct written interrogatories to any other party, serving copies of the interrogatories at the same time on all other parties. The interrogatories shall be restricted to the subject matter of the complaint or defense and shall avoid undue detail or the imposition of excessive burden or expense on the answering party. Within 28 days after service of the interrogatories upon the answering party, the answering party shall serve upon the propounding party an answer under oath or affirmation, or an objection to each interrogatory, serving copies of the answers and objections at the same time on all other parties. Any objection to an answer or refusal to answer an interrogatory shall, upon motion of the party propounding the interrogatory, be ruled upon by the Administrative Law Judge. When appropriate, a document may be served in answer to an interrogatory. Supplemental interrogatories shall not be allowed except on leave of the Administrative Law Judge for good cause shown.

2) Production, Inspection, Copying or Photographing of Documents and Tangible Things – A party, by written request served upon all other parties, may require any other party to produce for inspection, copying, or photographing any document, object, or tangible thing that is relevant to the subject matter of the complaint or defense. The party upon whom the request is served shall respond to the request within 28 days, stating, with respect to each item or category, that inspection and related activities will be permitted as required unless the request is objected to, in which event the reasons for objection shall be stated. The response shall be served on all parties. On motion of the requesting party, the Administrative Law Judge shall rule with respect to the objections.

3) Depositions

A) A deposition may be taken only under the provisions of Section 8-104(F) of the Act.

B) A party may take discovery depositions either for good cause shown or by agreement. A discovery deposition taken for good cause or by agreement may be taken only upon leave of the Administrative Law Judge. No party shall serve a notice of deposition for a discovery deposition without the leave of the Administrative Law Judge.

b) Prior to the time all respondents have answered or are required to answer, no discovery procedure shall be noticed or undertaken, except by agreement of the parties or with leave of the Administrative Law Judge for good cause shown.

c) At any time, the Administrative Law Judge may, on the Administrative Law Judge's own motion or on the motion of any party or witness, make such protective Orders as justice and fairness may require, and any other Order denying, limiting, conditioning or regulating discovery, including setting or modifying any due date for discovery, to prevent unreasonable annoyance, expense, embarrassment, disadvantage or oppression. A party may be deemed to have timely filed any discovery requests, including requests for admission of fact and requests for admission of genuineness of document (Section 5300.745), upon a finding of substantial compliance by the Administrative Law Judge.

d) All matters that are privileged against disclosure in civil cases in the courts of the State of Illinois shall be privileged against disclosure through any discovery procedure under this Section. When information or documents are withheld from disclosure or discovery on a claim that they are privileged pursuant to a common law or statutory privilege, that claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced or disclosed and the exact privilege that is being claimed.

e) The types of discovery of information from parties and witnesses shall be the same as in other civil cases in the circuit courts of this State, except as provided for discovery depositions in subsection (a)(3). The procedure for obtaining discovery of information from parties and witnesses shall be as specified in this Part. If this Part does not contain a procedure with respect to a particular type of discovery, the Code of Civil Procedure [735 ILCS 5] will be considered persuasive authority by the Commission. When the Code of Civil Procedure refers to "rules", the applicable Supreme Court Rules on discovery will also be considered.

f) The hearing of a matter shall not be delayed to permit discovery unless due diligence is shown.

(Source: Amended at 46 Ill. Reg. 17343, effective October 5, 2022)