**Section 1110.130 Discovery**

a) Discovery shall not be the subject of motions presented to the Administrative Law Judge, except when a motion is made alleging failure to comply with this provision and requesting appropriate relief.

b) Upon written request served on the opposing party or by order of the Administrative Law Judge, any party shall be entitled to:

1) The name and address of any witness who may be called to testify, including identification of any witness to be offered as an expert;

2) Copies of any document that may be offered as evidence;

3) A description of any other evidence that may be offered;

4) Any nonprivileged evidence in the Division's possession; and

5) Copies of any Division investigative report created for the case.

c) The information listed in subsection (b) shall be provided within 30 days after service of a request or as otherwise directed by an ALJ. In the event that the Division withholds any evidence asserted to be privileged (see subsection (b)(4)), the Division shall give notice to the other party that it is doing so and provide a description of the evidence withheld. Notwithstanding any provision of this Section, the other party may file a motion regarding the Division's withholding of evidence asserted to be privileged.

d) Upon a written request served on the Respondent, at any time after a Complaint, Notice of Intent to Deny, or Notice of Intent to Refuse to Renew is filed, or at any stage of the hearing, the Respondent will be required to produce documents, books, records or other evidence that relate directly to conduct of the trade, occupation or profession.

e) Nothing in this Section shall prevent the parties in a contested case from agreeing to a mutual exchange of information that is more extensive than what is provided for in this Section.

f) This provision will be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

g) No depositions will be taken, interrogatories proposed, or other discovery mechanism used without the mutual agreement of the parties.

h) Service of notice upon a party licensee of the Division's intention to take his or her testimony at a formal hearing is sufficient to require the licensee's attendance at the formal hearing.

(Source: Amended at 43 Ill. Reg. 9969, effective September 13, 2019)