



## Ohio Administrative Code Rule 102-9-03 Discovery and depositions.

Effective: June 29, 2017

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(A) On receiving a written request, the responding party shall provide a list of the witnesses, including name, address, phone number and summary of the expected testimony, and the documents the responding party intends to introduce at the hearing. Any request shall be made at least twenty calendar days before the hearing date. The response shall be filed with the commission and provided to the requesting party within fourteen calendar days after receipt of the request.

(B) A party shall permit the requesting party to examine and copy, at the requesting party's own expense, any evidence and documents intended to be used against the requesting party. Any request shall be made at least twenty calendar days prior to the hearing date. The responding party shall make the records available to the requesting party within fourteen calendar days after receipt of the request.

(C) If a party fails, without good cause, to comply with paragraphs (A) and (B) of this rule, the requested testimony and documents may, upon motion of the adversely affected party, be excluded from the hearing before the commission. The commission will determine whether a party has complied with paragraphs (A) and (B) of this rule.

(D) The commission may continue a hearing on its own motion or the motion of any party, for good cause shown, to permit discovery under paragraphs (A) and (B) of this rule.

(E) All discovery shall be completed at least five calendar days before the hearing date unless extended by the commission.

(F) All discovery matters that should come before the commission shall be decided by the commission chairman, or vice-chairman in the chairmans absence or unavailability, or hearing officer if appointed by the commission.

(G) A legal representative's work product is not subject to discovery.



(H) The executive director, or general counsel in the absence of the executive director, shall have the authority to issue subpoenas pursuant to section 102.06 of the Revised Code subject to the "Subpoena Issuance Policy" as adopted by the commission on July 23, 2015. This policy and its amendments are available at the office of the commission.