



## Ohio Administrative Code

### Rule 3746-6-01 Discovery.

Effective: September 10, 2021

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(A) Scope of discovery:

(1) The purpose of this rule is to encourage the prompt and expeditious use of prehearing discovery to facilitate thorough and adequate preparation for participation in appeals before the commission.

(2) Except as otherwise provided in this chapter, any party to an appeal may discover any matter, not privileged, which is relevant to the subject matter of the appeal. It is not grounds for objection that the information sought would be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may be obtained through one or more of the following methods: interrogatories, requests for the production of documents, electronically stored information or things; depositions; and requests for admission. A party need not provide discovery of electronically stored information when the production imposes undue burden or expense. On motion to compel discovery or for protective order, the party from whom electronically stored information is sought must show the information is not reasonably accessible because of undue burden or expense. If a showing of undue burden or expense is made, the commission may nonetheless order production of electronically stored information if the requesting party shows good cause. The frequency of using these discovery methods is not limited unless the commission orders otherwise under rule 3746-6-07 of the Administrative Code.

(3) Any party may require any other party to identify each expert witness expected to testify at the hearing and to state the subject matter on which the expert is expected to testify. Thereafter, any party may discover from the expert, or other party, facts or data known or opinions held by the expert which are relevant to the stated subject matter.

(4) All parties have an obligation to supplement or correct discovery responses in the following circumstances:

(a) Any question directly addressed to the identity and location of persons having knowledge of



discoverable matters, and the identity of each person expected to be called as an expert witness at the de novo hearing and the subject matter on which the expert is expected to testify.

(b) It becomes apparent that a response was incorrect when given; or

(c) An order of the commission or agreement of the parties provides for the supplementation of responses.

(B) The commission may order the parties to submit a case management schedule establishing discovery deadlines.

(C) Discovery requests shall be served upon the party from whom discovery is sought. Responses to discovery requests shall not be filed with the commission, unless the party intends to offer such discovery documents as evidence in a hearing. If relief is sought by a party concerning discovery requests, that party shall file with the commission copies of the portions of the documents which are in dispute contemporaneously with any motion filed under rule 3746-06-07 of the Administrative Code or rule 3746-06-08 of the Administrative Code.

(D) Nothing in this rule precludes parties from conducting discovery by mutually agreeable methods or by stipulation.