



Ohio Administrative Code Rule 3746-6-08 Motions to compel discovery.

Effective: August 15, 2011

(A) Any party, upon reasonable notice to all other parties and any persons affected thereby, may move for an order compelling discovery, with respect to any failure of a party to comply with a discovery request pursuant to this chapter.

(B) No motion to compel discovery shall be filed under this rule until the party seeking discovery has exhausted all other reasonable means of resolving any differences with the party or person from whom discovery is sought. A motion to compel discovery shall be accompanied by:

(1) A memorandum in support, setting forth:

(a) The specific basis of the motion, with copies of any statutes, ordinances, or case law relied upon;

(b) A brief explanation of how the information sought is relevant to the pending proceeding; and

(c) Responses to any objections raised by the party or person from whom discovery is sought.

(2) Copies of any specific discovery requests which are the subject of the motion to compel, and copies of any responses or objections thereto; and

(3) An affidavit of counsel, or of the party seeking to compel discovery if such party is not represented by counsel, setting forth the efforts that have been made to resolve any differences with the party or person from whom discovery is sought.

(C) The commission may grant or deny the motion in whole or in part. If the motion is denied in whole or in part, the commission may issue such protective order as would be appropriate under rule 3746-6-07 of the Administrative Code.

(D) If a party fails to comply with the discovery requirements set forth in this chapter, the



commission may:

- (1) Order that the matter at issue be admitted for purposes of the pending proceeding;
 - (2) Order that an amended answer be served; or
 - (3) Determine that final disposition of the matter should be deferred until a prehearing conference is held or some other designated time prior to the commencement of the hearing.
- (E) Absent exceptional circumstances, the commission will not consider that a party failed to comply with discovery requirements for failing to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system.