



## Ohio Administrative Code Rule 4734-4-10 Limited discovery procedures.

Effective: August 12, 2002

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(A) Any representative of record may serve upon the opposing representative of record a written request for a list of both the witnesses and the documents intended to be introduced at hearing. Within twelve days of service of that request, the opposing representative shall provide a response to the requesting representative. All final lists requested under this rule shall be exchanged no later than fourteen days prior to the commencement of the administrative hearing, unless leave from the hearing officer or presiding board member has been obtained.

(B) Failure without good cause to comply with paragraph (A) of this rule may result in exclusion from the hearing of such testimony or documents, upon motion of the representative to whom disclosure is refused.

(C) The hearing officer or presiding board member shall, upon written motion of any representative of a party, issue an order setting forth a schedule by which the parties shall simultaneously exchange hearing exhibits, identify lay and expert witnesses and exchange written reports from expert witnesses. Any written report by an expert required to be exchanged under the hearing officer's or presiding board member's order shall set forth the opinions to which the expert will testify and the bases for such opinions. The failure of a party to produce a written report from an expert under the hearing officer's or presiding board member's order may result in the exclusion of that expert's testimony at hearing. The failure of a party to produce an exhibit under the terms of the hearing officer's or presiding board member's order may result in the exclusion of that exhibit from evidence. The failure of a party to identify a lay or expert witness under the terms of the hearing officer's or presiding board member's order may result in the exclusion of that witness' testimony at hearing.

(D) The hearing officer or presiding board member may order any additional pre-hearing discovery that, in the hearing officer's or presiding board member's judgment, will assist the board in developing a full and fair record.