

10A NCAC 05E .0108 DISCOVERY

- (a) Parties may exchange information voluntarily with one another without making formal request for discovery. Such provision and exchange of information shall be completed by 5:00 p.m. on the day preceding the date of hearing.
- (b) Upon request of a party or on his own motion, the Hearing Officer may allow the parties any or all of the methods of discovery provided in the Rules of Civil Procedure, G.S. 1A-1. The Hearing Officer may extend or limit the time of discovery as necessary, but in no case shall discovery continue past 5:00 p.m. on the day immediately preceding the date of hearing.
- (c) Failure to respond to an authorized discovery request shall be grounds for denial of review, admission of facts or other sanction as determined by the Hearing Officer.
- (d) Motions for discovery may be made by a party or designated representative in writing or by phone to the Division Hearing Officer. The Hearing Officer shall rule on motions for discovery and notify the parties promptly of his decision. Parties may object to discovery motions orally or in writing.
- (e) Discovery shall be directly related to the issues and shall not be unduly burdensome or be used to delay the proceedings.

History Note: Authority G.S. 143B-10; 143B-138; 143B-181.1; 42 U.S.C., Sec. 3027(a)(5); 45 C.F.R., Part 1321; 45 C.F.R., Part 74, Appendix G; Eff. October 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.