

24 NCAC 03 .0405 FAILURE TO COMPLY WITH ORDERS FOR DISCOVERY

If any party, intervenor, or witness fails to respond timely to a subpoena, request for admissions, documents and things, or any order of the hearing examiner or Board to permit discovery in accordance with the provisions of these Rules, the Board or the hearing examiner may, in its, his, or her discretion, issue appropriate orders, including, but not limited to:

- (1) Striking the pleadings or notice of contest of the defaulting party and entering judgment by default;
- (2) Taxing attorney fees against the defaulting party to be awarded to the opposing party;
- (3) In the case of failure to respond to request for admissions, order that the matters requested are deemed admitted; and
- (4) Such other sanctions justified by the particular circumstances.

History Note: *Authority G.S. 95-135;*
 Temporary Rule Eff. October 2, 1991 For a Period of 180 Days to Expire on March 30, 1992;
 Eff. February 3, 1992;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16,
 2014.