



Ohio Administrative Code

Rule 5717-1-12 Motions.

Effective: January 19, 2016

(A) Where parties agree early in the proceedings that a hearing is not necessary, discovery deadlines and disclosures in the applicable case management schedule may be rendered moot. Discovery may be permitted by deposition upon oral examination or written questions; written interrogatories; production of documents or tangible things or permission to enter upon land or other property; and requests for admissions. The "Ohio Rules of Civil Procedure" shall be followed for discovery purposes to the extent they are not inconsistent with other board rules. Discovery shall be subject to the following limitations:

(1) Discovery should be commenced by all parties promptly after the filing of a notice of appeal and should be completed within the applicable case management schedule established in rules 5717-1-07 and 5717-1-08 of the Administrative Code, such deadlines also serving as the last day for a party to seek involvement of the board in discovery matters. Upon motion and for good cause, the board may establish other specific times for completion of discovery, generally limited to one extension of thirty days.

(2) The board expects all counsel to provide for orderly, mutual discovery, freely exchanging discoverable information and documents. Counsel shall make all reasonable efforts to resolve discovery disputes by extra-judicial means, without intervention by the board. To the extent counsel may not resolve such disputes, then they may seek intervention of the board to supervise discovery.

(3) Answers, objections or other responses to discovery requests shall be served within twenty-eight days after service of such requests unless the board orders or the parties agree to a different period of time. Depositions, interrogatories, and admissions shall not be submitted to the board, unless the party intends to offer such discovery documents as evidence in a hearing. Responses to discovery requests shall be timely supplemented.

(4) Any motion concerning discovery shall include only those specific portions of the discovery documents necessary for resolution of the motion. Before filing a motion concerning discovery, the



filer shall make a reasonable effort to resolve the matter through discussion with the attorney, unrepresented party, or person from whom discovery is sought. The motion shall be accompanied by a statement reciting the extra-judicial efforts made to resolve the matter in accordance with this section.

(5) An expert may not be permitted to testify if he or she has not been timely identified prior to hearing consistent with the applicable case management schedule established in rules 5717-1-07 and 5717-1-08 of the Administrative Code. The parties may mutually agree to the exchange of any written reports of expert witnesses to be relied upon by them. Additionally, an experts report or portions thereof may be excluded from evidence if the report was not made available in a timely fashion to complete a mutually agreed exchange of reports. In all events, the identity of the expert and the written valuation reports shall disclosed to all parties as soon as known, but no later than the applicable deadlines established in rules 5717-1-07 and 5717-1-08 of the Administrative Code, except as otherwise ordered.

(B) No hearing will be continued for purposes of discovery unless good cause is shown.

(C) Cost of discovery shall be paid by the party requesting such discovery.

(D) Upon the motion of a party and for good cause shown, the board may issue a protective order restricting discovery of a trade secret or other confidential research, development or commercial information.