

§ 1174.20 Discovery motions.

(a) Any party seeking discovery may file a motion with the ALJ together with a copy of the requested discovery, or in the case of depositions, a summary of the scope of the proposed deposition.

(b) Within ten days of service, a party may file an opposition to the motion and/or a motion for protective order as provided in § 1174.24.

(c) The ALJ may grant a motion for discovery only if he or she finds that the discovery sought—

(1) Is necessary for the expeditious, fair, and reasonable consideration of the issues;

(2) Is not unduly costly or burdensome;

(3) Will not unduly delay the proceeding; and

(4) Does not seek privileged information.

(d) The burden of showing that the ALJ should allow discovery is on the party seeking discovery.

(e) The ALJ may grant discovery subject to a protective order under § 1174.24.