

DISCOVERY, RULE 26 EXPERT STATEMENTS AND LISTS OF PROSPECTIVE EXHIBITS AND PERSONS WITH KNOWLEDGE: The parties must complete discovery by [DISCOVERY DEADLINE]. By the 10th business day before the close of discovery, each party must serve and file a list of that party's expert witnesses, stating for each expert the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. The parties must serve written discovery requests so that timely responses are due by the completion of discovery. A party must serve written responses to written discovery requests within 25 days after the date of service (28 days after, if service was by mail). No party may propound more than 20 interrogatories, 20 requests for admission and 20 requests for production, with subparts counted separately. The parties must schedule any deposition on a single day and complete it within four hours. Discovery documents will not be filed and will be discarded unless approved prior to submission by the Hearing Officer or submitted as part of a motion regarding discovery.

SUBPOENAS: The Hearing Officer applies Rule 45, M.R.Civ.P. to this case, with the following changes: (1) Replace references within the rule to "the court" and "the clerk of the court" with "the agency;" (2) The Hearing Officer is the officer of the agency who exercises the delegated subpoena power for the Commissioner in these cases; (3) Rule 45(a)(3) does not apply—the Hearing Officer will not issue blank subpoenas—attorneys may not issue and sign subpoenas; (4) Rule 45(c)(1), second sentence, does apply, within the scope of the Hearing Officer's power to require appropriate relief to a witness harmed by breach of the duty as a condition for use of the testimony; (5) Rule 45(e) does not apply, failure to obey an agency subpoena is subject to contempt proceedings in district court pursuant to Mont. Code Ann. §2-4-104(2); (6) the Hearing Officer will not honor requests for subpoenas unless accompanied by proof that notice of the specific requests have been served upon other parties (a notice of deposition with a certificate of service suffices for a deposition subpoena provided that a subpoena duces tecum will not be issued for a deposition unless the notice specifies the documents to be produced or the subpoena request is served upon other parties). Subpoena forms for use in this case are available at the Hearings Bureau web site, <http://dli.mt.gov/hearings/welcome.asp>.