

**Illinois Department of Revenue  
Regulations**

**Title 86 Part 200 Section 200.130 Remedies/Compliance With Discovery**

**TITLE 86: REVENUE**

**PART 200  
PRACTICE AND PROCEDURE FOR HEARINGS BEFORE  
THE ILLINOIS DEPARTMENT OF REVENUE**

**Section 200.130 Remedies/Compliance With Discovery**

- a) Any party or its counsel, upon failure of the opposing party to answer or appropriately respond to any discovery request, may seek by way of motion addressed to the Administrative Law Judge assigned to the case or another appointed in his/her stead, to compel a response or appropriate answer be given to the request(s) made. In seeking a remedy under this Section, it shall not be required that the provisions of Section 201(k) of the Supreme Court Rules be followed, but only that a reasonable attempt to achieve compliance with the discovery request was made prior to seeking the assistance of the Administrative Law Judge.
- b) If a party, officer, director or managing agent of a party fails to comply with a reasonable discovery request after being ordered to do so by the Administrative Law Judge, said presiding officer may make such further orders as to the failure as are just, including, but not limited to:
  - 1) An order that the matters regarding which the order of compliance was made or any other designated facts shall be taken as true and established for the purpose of the case in accordance with the claim of the party obtaining the order;
  - 2) An order refusing to allow the disobedient party to support or oppose designated defenses, or prohibiting him from introducing designated matters or documents in evidence;
  - 3) An order staying further proceedings until the order is obeyed or rendering a judgment by default against the disobedient party.
- c) In ordering sanctions, the Administrative Law Judge shall consider the following factors, including, but not limited to:
  - 1) The diligence of the person making the request;
  - 2) The burden of compliance on the party subject to the request;
  - 3) The reasonableness of the failure to comply;
  - 4) Circumstances which may prevent compliance.

(Source: Amended at 20 Ill. Reg. 888, effective January 1, 1996)