

3310.2914 SUBPOENAS AND DISCOVERY.

Subpart 1. **Subpoenas.** Subpoenas are available to a party to compel the attendance of witnesses, the production of documents or other exhibits upon a showing of necessity by the party applying for subpoenas. Subpoenas may be obtained by calling or writing the appeals office sufficiently in advance of the scheduled hearing to allow for the service of the subpoenas. The requesting party must identify the person or documents to be subpoenaed, the subject matter of the evidence requested, and their necessity. A request for a subpoena may be denied if the testimony or documents sought would be irrelevant, immaterial, or unduly cumulative or repetitious. A request for a subpoena may be renewed when a party finds an additional basis or need for evidence.

A party whose request for a subpoena has been denied may request at the time of the hearing that the unemployment law judge who conducts the hearing issue the subpoena. If the unemployment law judge grants the request for a subpoena, the unemployment law judge may adjourn the hearing to allow a sufficient time for service of and compliance with the subpoena.

Subp. 2. **Discovery.** Each party, within three working days following demand by another party, must disclose the name of the party's attorney or other representative and the names of all witnesses the party intends to call at the hearing and identify any written documents that the party intends to introduce at the hearing. The demand and the response may be made by mail or by telephone. The demanding party must be permitted to inspect any identified documents at a mutually agreeable time and location prior to the hearing if a demand to inspect is made at least three working days before the hearing. Unless otherwise agreed, the demanding party must be permitted to reproduce copies of any identified documents only when reproduction is possible without removing them from a party's possession. Any witnesses unknown at the time of the disclosure must be disclosed as soon as they become known. If a party fails to comply with the disclosure requirements of this subpart, the unemployment law judge must, upon request by the demanding party, consider rescheduling the hearing under part 3310.2908.

Statutory Authority: *MS s 14.386; 14.388; 268.021; 268.10*

History: *12 SR 2252; 31 SR 285*

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