

**RULES
OF
THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**CHAPTER 1030-4
PRE-HEARING PROCEDURES AND DISCOVERY**

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1030-4-1 REPEALED.

Authority: T.C.A. §50-554. *Administrative History:* Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978. Repealed by Public Chapter 969; effective July 1, 1984.

1030-4-2 PRE-HEARING CONFERENCE.

- (1) At any time before a hearing, the Commission or the Administrative Judge may, if the parties agree, direct the parties or their representatives to exchange information or to participate in a pre-hearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.
- (2) The Commission or the Administrative Judge shall issue a pre-hearing order which recites the action taken at the conference. Such order shall be served on all parties and shall be part of the record.

Authority: T.C.A. §50-554. *Administrative History:* Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978.

1030-4-3 REQUESTS FOR ADMISSIONS.

- (1) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within fifteen (15) days after service of the request, or within such shorter or longer time as the Commission or the Hearing Examiner may prescribe, the party to whom the request is directed serves upon the party requesting the admission a specific written response.
- (2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of Rule 1030-1-7(1) and filed with the Commission within the time allotted and shall be a part of the record.

Authority: T.C.A. §50-554. *Administrative History:* Original rule filed April 5, 1974; effective May 5, 1974.

1030-4-4 REPEALED.

Authority: T.C.A. §50-554. *Administrative History:* Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978. Repealed by Public Chapter 969, effective July 1, 1984.

1030-4-5 REPEALED.

Authority: T.C.A. §50-554. *Administrative History:* Original rule filed April 5, 1974; effective May 5, 1974. Repeal filed January 14, 1978; effective February 13, 1978.

1030-4-6 ISSUANCE OF SUBPOENAS; PETITIONS TO REVOKE OR MODIFY SUBPOENAS; RIGHT TO INSPECT OR COPY DATA.

- (1) Any member of the Commission or the Administrative Judge shall, on the application of any party directed to the Commission, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.
- (2) Any person served with a subpoena, whether ad testificandum or duces tecum, shall, within five (5) days after the date of service of the subpoena upon him, move in writing to revoke or modify the subpoena if he does not intend to comply. All motions to revoke or modify shall be served on the party at whose request the subpoena was issued. The Administrative Judge or the Commission, shall revoke or modify the subpoena if in its or his opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in Law the subpoena is otherwise invalid. The Commission or Administrative Judge shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke or modify, any answer filed thereto, and any ruling thereon shall become a part of the record.
- (3) Persons compelled to submit data or evidence at a public proceeding are entitled to retain, or on payment of lawfully prescribed costs, to procure copies of transcripts, of the data or evidence submitted by them.
- (4) Upon the failure of any person to comply with a subpoena issued upon the request of a party, the Commission may initiate proceedings in the appropriate court for the enforcement thereof, if in its judgment the enforcement of such subpoena would be consistent with law and with policies of the Act. Neither the Commission nor its counsel shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the Court.

Authority: T.C.A. §50-554. **Administrative History:** Original rule filed April 5, 1974; effective May 5, 1974. Amendment filed January 14, 1978; effective February 13, 1978.