



ADMINISTRATIVE RULES OF MONTANA



1.3.217 CONTESTED CASES, DISCOVERY

- (1) In all contested cases, discovery is available to the parties in accordance with Rules 26 through 37 of the Montana Rules of Civil Procedure. However, Rule 27 and Rule 37(b)(1) and 37(b)(2)(D) shall not apply. All references to the "court" shall be considered to refer to the appropriate "agency"; all references to the use of the subpoena power shall be considered references to ARM 1.3.230; all references to "trial" shall be considered references to "hearing"; all references to "plaintiff" shall be considered references to "a party"; all references to "clerk of court" shall be considered references to the person designated by the department head to keep documents filed in a contested case.
- (2) If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the agency in which the action is pending, the refusal to obey the agency order shall be enforced as provided in ARM 1.3.230.
- (3) If a party seeking discovery from the agency in which the action is pending believes he has been prejudiced by a protective order issued by the agency under Rule 26(c), M.R.Civ.P., or, if the agency refuses to make discovery, that party may petition the district court for review of the intermediate agency action under 2-4-701, MCA.

Authorizing statute(s): 2-4-202, MCA

Implementing statute(s): 2-4-202, MCA

History: Eff. 12/24/77; AMD, 1979 MAR p. 1230, Eff. 10/12/79; AMD, 2008 MAR p. 1700, Eff. 8/15/08.