

GATHERING INFORMATION FROM THE OTHER PARTY (DISCOVERY)

At the Pre-Hearing Conference, the Hearing Examiner will ask you how much time you need for "discovery." Discovery is a time before the Hearing when you can request information from the other party. Requesting information must be done in a specific way.



HERE ARE FOUR COMMON WAYS INFORMATION MAY BE GATHERED:

1. REQUEST FOR RESPONSES TO WRITTEN QUESTIONS

You may create a list of questions (called "written interrogatories") that you want the other party to answer. Mail this document to the other party. They must respond to your questions within 30 days. To be considered during the Hearing, the document that they send to you must be signed and notarized. *The other party may also give you a list of questions that you must respond to within 30 days.*

2. REQUEST FOR DOCUMENTS



You may also request any documents from the other party that you think will help support your case. This may include things like payroll records, your personnel file, or performance evaluations. To request this type of information mail a copy of your request to the other party. It is their responsibility to respond within 30 days. *The other party may also request documents from you that you must respond to within 30 days.*

If the other party does not respond to either your questions or your request for documents, please contact the Hearing Examiner in writing.

3. COLLECTING VERBAL STATEMENTS FROM THE OTHER PARTY'S WITNESSES (DEPOSITION)

It may be helpful to know ahead of time what the other party's witnesses are going to say at the Hearing. To learn this information you may collect statements from the Respondent's witnesses. The Respondent must provide you and the Hearing Examiner with a list of its witnesses. You may then contact the Respondent to make a request to "take a deposition."



To take a deposition you will need to set up a date, time, and neutral place (like a library room or conference room) to meet. You must also contact a court reporter who will record the conversation and type a document called a transcript that can be used during the Hearing. Court reporters can be found by searching in the yellow pages.

If the other party denies your request to question one of its witnesses, you may fill out a form called a "Notice of Deposition." You may be able to obtain this form at most office supply stores. After filling out the form, send a copy to both the other party and the Witness that you wish to question. This "Notice of Deposition" forces the other party to supply their witness or face legal consequences.

You are responsible for all costs associated with taking a deposition (such as the cost of reserving a room, find a court reporter, etc.)

4. REQUEST FOR PHYSICAL OR PSYCHOLOGICAL EXAMINATION

In some cases, it may be necessary to request that a party be examined by a physician or mental health professional. This can only be requested if the evidence that might be collected directly relates to your case.



- You choose the physician or mental health professional and *you must pay the bill for the services.*
- If you choose to make this request, send a written copy to the Respondent's representative or attorney, setting forth the time, date, location and nature of the examination.

Please feel free to contact the Department of Civil Rights, Equal Opportunities Division, during business hours, Monday-Friday, 8:00 am-4:30 pm at (608) 266-4910 with any questions that you have.

PLEASE NOTE:
If you need materials in alternate formats or other accommodations in order to access this service, please contact the Department of Civil Rights, Equal Opportunities Division.

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GATHERING INFORMATION BEFORE YOUR HEARING ON THE MERITS: THE DISCOVERY PROCESS



This guide simplifies the process of information gathering. It shows you how to collect evidence from the other party, a process called "Discovery."