

Rule 8. Discovery

(a) IN GENERAL. On motion of a party, the court, for good cause and with due regard for the summary nature of the proceedings, may authorize a party to proceed with the discovery permitted by this rule. A motion for discovery must:

(1) state whether there is a pending criminal case involving the same facts alleged in the civil protection order case; and

(2) be accompanied by the proposed interrogatories, requests for production, or requests for admission.

(b) TIMING.

(1) *Motion*. A motion for discovery must be filed no later than 7 days after the respondent was served with the petition or at such other time as the court may direct.

(2) *Opposition*. An opposition to the motion must be filed no later than 7 days after service of the motion or at such other time as the court may direct.

(c) LIMITATIONS AND SCOPE.

(1) *Written Interrogatories, Requests for Production, and Requests for Admission*. Discovery in civil protection order proceedings is limited to written interrogatories, requests for production, and requests for admission.

(2) *Discovery from Nonparty*. A motion for discovery may seek discovery from a nonparty.

(3) *Scope*. Unless otherwise authorized by the court, discovery is limited to matters directly relating to any incidents alleged in the petition, defenses to those allegations, medical treatment obtained as a result of the incidents, and any requests for relief.

(d) PROTECTIVE ORDER. On motion by a party or witness, the court may, for good cause, issue an order to protect a party from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) forbidding the discovery;

(2) specifying terms, including time and place or the allocation of expenses, for the discovery;

(3) forbidding inquiry into certain matters, or limiting the scope of discovery to certain matters.

(e) RESPONSE TO DISCOVERY. Once authorized by the court, a response to a discovery request must be served on the other party within the time frame ordered by the court. Responses to discovery must not be filed.

COMMENT TO 2017 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. Former section (b), which addressed discovery in criminal contempt proceedings, was eliminated because discovery in criminal cases is governed by the criminal rules.

COMMENT

This rule provides respondents charged with criminal contempt in the Unit the same access to discovery as is guaranteed criminal defendants under the Superior Court Rules of Criminal Procedure. There is a preference for publicly prosecuted criminal contempt charges. In such prosecutions the respondent is entitled to the discovery set forth in this

rule upon request of the prosecutor as in any other criminal case. In situations when a public prosecutor is not available and the Court appoints a private prosecutor, the Court shall approve discovery requests. This procedure is only meant to guard against a respondent's discovery requests overburdening a private prosecutor. This concern is greater when the petitioner is pro se and is prosecuting the contempt charge.