IRFLP 446 Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection

Idaho Rules of Family Law Procedure Rule 446. Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection.

If a party or an officer, director, or managing agent of a party or a person designated under Rule 430.G [1] to testify on behalf of a party fails (1) to appear before the officer who is to take deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under Rule 413 [2], after proper service of the Interrogatories, or (3) to serve a written response to a request for inspection submitted under Rule 416 [3], after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under paragraphs B 1, 2 and 3 of Rule 444 [4]. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising that party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this rule may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by Rule 409 [5].

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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Links:
[1] http://www.isc.idaho.gov/irflp430
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