

§ 13.51

information, stating the ground for such objection.

(g) *Other motions.* Any application for an order or ruling not otherwise provided for in this subpart must be made by motion.

(h) *Responses to motions.* Any party may file a response to any motion under this subpart within 10 days after service of the motion.

§ 13.51 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the hearing officer, after the case is sent to the hearing officer for hearing, finds that the person may be bound by the order to be issued in the proceedings or has a property or financial interest that may not be adequately represented by existing parties, and that the intervention will not unduly broaden the issues or delay the proceedings. Except for good cause shown, a motion for leave to intervene may not be considered if it is filed less than 10 days before the hearing.

§ 13.53 Discovery.

(a) *Filing.* Discovery requests and responses are not filed with the FAA Hearing Docket unless in support of a motion, offered for impeachment, or other permissible circumstances as approved by the hearing officer.

(b) *Scope of discovery.* Any party may discover any matter that is not privileged and is relevant to any party's claim or defense.

(c) *Time for response to written discovery requests.* (1) Written discovery includes interrogatories, requests for admission or stipulations, and requests for production of documents.

(2) Unless otherwise directed by the hearing officer, a party must serve its response to a discovery request no later than 30 days after service of the discovery request.

(d) *Depositions.* After the respondent has filed a request for hearing and an answer, either party may take testimony by deposition.

(e) *Limits on discovery.* The hearing officer may limit the frequency and extent of discovery upon a showing by a party that—

(1) The discovery requested is cumulative or repetitious;

14 CFR Ch. I (1–1–25 Edition)

(2) The discovery requested can be obtained from another less burdensome and more convenient source;

(3) The party requesting the information has had ample opportunity to obtain the information through other discovery methods permitted under this section; or

(4) The method or scope of discovery requested by the party is unduly burdensome or expensive.

§ 13.55 Notice of hearing.

The hearing officer must set a reasonable date, time, and location for the hearing, and must give the parties adequate notice thereof, and of the nature of the hearing. Due regard must be given to the convenience of the parties with respect to the location of the hearing.

§ 13.57 Subpoenas and witness fees.

(a) *Application.* The hearing officer, upon application by any party to the proceeding, may issue subpoenas requiring the attendance of witnesses or the production of documents or tangible things at a hearing or for the purpose of taking depositions, as permitted by law. The application for producing evidence must show its general relevance and reasonable scope. Absent good cause shown, a party must file a request for a subpoena at least:

(1) 15 days before a scheduled deposition under the subpoena; or

(2) 30 days before a scheduled hearing where attendance at the hearing is sought.

(b) *Procedure.* A party seeking the production of a document in the custody of an FAA employee must use the discovery procedure found in §13.53, and if necessary, a motion to compel under §13.49. A party that applies for the attendance of an FAA employee at a hearing must send the application, in writing, to the hearing officer. The application must set forth the need for that employee's attendance.

(c) *Fees.* Except for an employee of the agency who appears at the direction of the agency, a witness who appears at a deposition or hearing is entitled to the same fees and allowances as provided for under 28 U.S.C. 1821. The party who applies for a subpoena to compel the attendance of a witness at