

## **IRFLP 402 Additional Discovery**

### **Idaho Rules of Family Law Procedure Rule 402. Additional Discovery.**

A. Methods. Nothing in the minimum requirements of [Rule 401](#) [1] shall preclude relevant additional discovery by a party in a family law case, in which case further discovery may proceed as set forth in these rules. If a party believes more detailed disclosure is necessary other than that set forth in [Rule 401](#) [1], that party may obtain discovery by one or more of the following methods: written interrogatories; production of documents or things or permission to enter upon land or other property for inspection and other purposes; depositions upon oral examination; requests for admission; and physical, mental and vocational examinations.

B. Discovery scope and limits. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows.

1. In General. Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

2. Limitation by the court. The frequency or extent of use of the discovery methods set forth in part A if this Rule may be limited by the court if it determines that:

a. the discovery sought is unreasonably cumulative or duplicative, or obtainable from some other source that is more convenient, less burdensome, or less expensive;

b. the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or

c. the discovery is unduly burdensome or expensive, given the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under [Rule 409](#) [2].

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

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**Links:**

[1] <https://isc.idaho.gov/irflp401>

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[2] <https://isc.idaho.gov/irflp409>