

Name of Person Filing: _____
Mailing Address: _____
City, State, and Zip Code: _____
Daytime Phone Number: _____

**SUPERIOR COURT OF ARIZONA
MOHAVE COUNTY**

_____ (Name of Plaintiff / Petitioner)	Case Number
VS	SUBPOENA
_____ (Name of Defendant / Respondent)	<input type="checkbox"/> DUCES TECUM

THE STATE OF ARIZONA TO: _____

YOU ARE COMMANDED to appear and give testimony at the time and place specified below:

BEFORE WHOM APPEARANCE TO BE MADE: _____

DATE AND TIME OF APPEARANCE: _____

PLACE OF APPEARANCE: Mohave County Superior Court, _____

YOU ARE ALSO COMMANDED to produce and bring with you these books, papers, documents or tangible things:

In the event this Subpoena is for appearance before the Court, please contact the division of the Court stated above to determine if the trial or hearing time has been changed.

YOU HAVE BEEN SUBPOENAED BY:

YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A CONTEMPT OF THIS COURT, AND A CIVIL ARREST WARRANT MAY BE ISSUED. A CIVIL ARREST IS AN ORDER DIRECTING ANY POLICE OFFICER IN ARIZONA TO ARREST YOU AND BRING YOU BEFORE THIS COURT FOR FUTURE PROCEEDINGS.

SIGNED AND SEALED this date: _____

Christina Spurlock, Clerk of Superior Court

By: _____
Deputy Clerk

Your Duties In Responding To This Civil Subpoena*

*See Arizona Rules of Civil Procedure (A.R.C.P.), Rules 45(b), (c), and (e), and the “Your Right to Object to this Subpoena” section below.

ATTENDANCE AT A TRIAL: If this subpoena commands you to appear at a trial, you must appear at the place, date and time designated in the subpoena unless you file a timely motion with the court and the court quashes or modifies the subpoena. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial.

ATTENDANCE AT A HEARING OR DEPOSITION: If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either:

- (1) you file a timely motion with the court and the court quashes or modifies the subpoena; or
- (2) you are not a party or a party's officer and this subpoena commands you to travel to a place other than:
 - (a) the county where you reside or you transact business in person; or
 - (b) the county in which you were served with the subpoena or within forty (40) miles from the place of service; or
 - (c) such other convenient place fixed by a court order.

PRODUCTION OF DOCUMENTARY EVIDENCE: If this subpoena commands you to produce and permit inspection, copying, testing or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena.

You may object to the production of electronically stored information from sources that you identify as not reasonably accessible because of undue burden or expense, including sources that are unduly burdensome or expensive to access because of the past good-faith operation of an electronic information system or good faith or consistent application of a document retention policy. See “*Your Right to Object To This Subpoena*” section below.

If this subpoena does not specify a form for producing electronically stored information, you may produce it in native form or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person, but you need not produce the same electronically stored information in more than one form.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena.

INSPECTION OF PREMISES: If this subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a good faith written objection to the party or attorney who served the subpoena.

COMBINED SUBPOENA: You should note that a command to produce certain designated materials, or to permit the inspection of premises, may be combined with a command to appear at a trial, hearing or deposition. You do not, however, need to appear in person at the place of production or inspection unless the subpoena also states that you must appear for and give testimony at a hearing, trial, or deposition.

YOUR RIGHT TO OBJECT TO THIS CIVIL SUBPOENA

- I. GENERALLY.** If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The superior court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached.

Unless otherwise ordered by the court for good cause, the party seeking discovery from you must pay your reasonable expenses incurred in responding to a subpoena seeking the production of documents, electronically stored information, tangible things, or an inspection of premises.

- If you seek payment of expenses other than routine clerical and per-page costs as allowed by A.R.S. § 12-351, you must object on the grounds of undue burden to producing the materials without the subpoenaing party's payment, and send an advanced estimate of those expenses to the subpoenaing party before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.
- You need not comply with those parts of the subpoena that are the subject of the objection, unless the court orders you to do so. The court may enter an order conditioning your response to the subpoena on payment of your additional expenses, including ordering payment of those expenses in advance.

II. PROCEDURE FOR OBJECTING TO A SUBPOENA FOR ATTENDANCE AT A HEARING, TRIAL OR DEPOSITION:

- If you wish to object to a subpoena commanding your appearance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena with the court to obtain a court order excusing you from complying with this subpoena.*
- The motion must be filed in the superior court of the county in which the case is pending or in the superior court of the county from which the subpoena was issued.*
- The motion must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.*
- You must send a copy of any motion to quash or modify the subpoena to the party or attorney who served the subpoena.

Even if you file such a motion, you must still attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so—by the party or attorney serving the subpoena or by a court order—before the date and time specified for your appearance.

III. COURT MODIFIES or VOIDS (quashes) CIVIL SUBPOENA

A. The court must quash or modify a subpoena *if* . . .

- (1) the subpoena does not provide a reasonable time for compliance;
- (2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place *other than*:
 - a. the county in which you reside or transact business in person;
 - b. the county in which you were served with a subpoena, or within forty (40) miles from the place of service; or
 - c. such other convenient place fixed by a court order; or
- (3) the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (4) the subpoena subjects you to undue burden.

B. The court may quash or modify a subpoena *if* . . .

- (1) the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;
- (2) you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;
- (3) you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or
- (4) the court determines that justice requires the subpoena to be quashed or modified.

In these last four circumstances a court may instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if:

- a. the serving party or attorney shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- b. if your travel expenses or the expenses resulting from the production are at issue, the court ensures that you will be reasonably compensated.

IV. PROCEDURE FOR OBJECTING to subpoena for production of documentary evidence:

A. If you wish to object to a subpoena commanding you to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, you may send a good faith written objection to the party or attorney serving the subpoena that objects to:

- (1) producing, inspecting, copying, testing or sampling any or all of the materials designated in the subpoena;
- (2) inspecting the premises; or
- (3) producing electronically stored information in the form or forms requested or from sources that are not reasonably accessible because of undue burden or expense, the good faith routine operation of an electronic information system, or the good faith and consistent application of a document retention policy

B. You may also object on the ground that the subpoena seeks the production of materials that have already been produced in the action or that are available from parties to the action

C. If you seek payment of expenses other than routine clerical and per page copying costs as allowed by A.R.S. § 12-351, you must object on the grounds of undue burden to producing the materials without subpoenaing party's payment, and provide an advance estimate of those additional expenses.

You must send your written objection to the party or attorney who served the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.

D. If you object because you claim the information requested is privileged, protected, or subject to protection as trial preparation material, you must express the objection clearly, and identify in writing the information, document, or electronically stored information withheld and describe the nature of that information, document, or electronically stored information in a manner that - without revealing information that is itself privileged or protected - will enable the demanding party to assess the claim.

E. You may object to providing the information required by Rule 26(b)(6)(A) if providing the information would impose an undue burden or expense.

- F. If you object to the subpoena in writing, you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to first personally consult with you and engage in good faith efforts to resolve your objection and, if the objection cannot be resolved, to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you.
- G. If you are not a party to the litigation, or a party's officer, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(6)(B) of the Arizona Rules of Civil Procedure.
- H. Instead of sending a written objection to the party or attorney who served the subpoena, you also have the option of raising your objections in a motion to quash or modify the subpoena, or through a protective order. See Rule 45(c)(6)(B) and (e)(2) of the Arizona Rules for Civil Procedure. The procedure and grounds for doing so are described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition."
- I. If the subpoena *a/so* commands your attendance at a hearing, trial or deposition, sending a written objection to the party or attorney who served the subpoena does not suspend or modify your obligation to attend and give testimony at the date, time and place specified in the subpoena. See Rule 45(c)(6)(A)(iii) of the Arizona Rules of Civil Procedure.
 - (1) If you wish to object to the portion of this subpoena requiring your attendance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena as described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition." See Rule 45(b)(5) and 45(c)(6)(A)(iii) of the Arizona Rules of Civil Procedure.
 - (2) Even if you file such a motion, you must still attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so—by the party or attorney serving the subpoena or by a court order—before the date and time specified for your appearance.

ADA Notification

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.

Interpreter Notification

Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.