

Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
State Bar Code: _____
Client: _____

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
In and for the County of Yavapai

CASE NO. _____

_____,
Plaintiff
vs
_____,
Defendant

SUBPOENA FOR DEPOSITION
IN CIVIL ACTION
[] Duces Tecum

In the State of Arizona to:

YOU ARE COMMANDED to attend and give testimony or to produce and permit inspection and copying, designated books, documents or tangible things in your possession, custody or control or to permit inspection or premises, at the time and place as follows:

BEFORE WHOM APPEARANCE TO BE MADE: _____
DATE AND TIME OF APPEARANCE: _____
PLACE OF APPEARANCE: _____

YOU ARE COMMANDED TO PRODUCE or allow inspection or copying of the following:

At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial.

In the event this Subpoena is for appearance before the Court, please contact the division of this Court stated above to determine if the trial or hearing time has been changed. ARS 22-217, 12-2211; RCP 45(a), 53(e).

You have been subpoenaed by: _____
whose attorney's name, address, and telephone number is: _____

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: _____

Clerk

By: _____
Deputy Clerk

YOUR DUTIES IN RESPONDING TO THIS SUBPOENA

You have the duty to produce the documents requested as they are kept by you at the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this Subpoena. See Rule 45(d)(1) of the Arizona Rules of Civil Procedure.

If this Subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the Subpoena states that you must appear for a deposition, hearing or trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil Procedure.

YOUR RIGHT TO OBJECT

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. See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to the Subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this Subpoena must be made within fourteen (14) days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the Subpoena. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim that the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest to the claim. See Rule 45 (d)(2) of the Arizona Rules of Civil Procedure.

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 seek an Order from the Court to compel you to provide the documents or inspection requested, after providing notice to you. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you are not a party to the litigation, or an officer of the party, the Court will issue an Order to protect you from any significant expenses resulting from the inspection and copying command. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

You may file a Motion in the Superior Court in the County where the action is pending to quash or modify the Subpoena if:

- (i) does not provide a reasonable time for compliance;
- (ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the Subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an Order of a Court, except that a Subpoena for you to appear and testify at trial can command you to travel from any place within the State;
- (iii) requires disclosure of privileged or protected information and no waiver or exception applies; or
- (iv) subjects you to an undue burden. See Rule 45 (c)(3)(A) of the Arizona Rules of Civil Procedure

If this Subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- (iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

The Court may either quash or modify the Subpoena, or the Court may Order you to appear or produce documents only upon specified conditions, if the party who served the Subpoena shows a substantial need for the testimony or material that can not otherwise be met without undue hardship and that assures that you will be reasonably compensated. See Rule 45 (c)(3)(B) of the Arizona Rules of Civil Procedure.

A command to produce evidence or to permit inspection may be joined with a command to appear at trial or hearing or at deposition, or may be issued separately.

REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE COURT BY PARTIES AT LEAST 3 WORKING DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING.