

Declaration of Itemized Statement of Costs for Subpoena

Records of: _____
(Name of Applicant or Plaintiff.)

Fees may be charged under A or B but not both. Parties to case are not entitled to fees for producing records.

A. Copying to be performed by Med-Legal Photocopy

- Witness fee of \$15.00 (to be paid at time of service of subpoena.) CCP 2020(f) last paragraph
- Receipt for third party costs of retrieval from off site storage company is attached.
- Amount paid: _____
- Microfilm at \$.20 per page and \$24.00 per hour _____

"Where the records are delivered to the attorney or the attorney's representative for inspection or photocopying at the witness' place of business, the only fee for complying with the subpoena shall not exceed fifteen dollars (\$15), plus actual costs, if any, charged to the witness by a third person for retrieval and return of records held off site by the third person. If the records are retrieved from microfilm, the reasonable cost, as defined in paragraph (1), shall also apply." Evidence Code section 1563(b)(6)

B. Copying to be performed by Witness

- Itemized Statement of Costs (to be paid upon delivery of copy of the records.) EC 1563(b)(2)

California Evidence Code Section 1563(b) states:

(1) "Reasonable cost," as used in this section, shall include, but not be limited to, the following specific costs: ten cents (\$.10) per page for standard reproduction of documents of a size 8 1/2 by 14 inches or less; twenty cents (\$.20) per page for copying of documents from microfilm; actual costs for the reproduction of oversize documents or the reproduction of documents requiring special processing which are made in response to a subpoena; reasonable clerical costs incurred in locating and making the records available to be billed at the maximum rate of twenty four dollars (\$24) per hour per person, computed on the basis of four dollars (\$6) per quarter hour or fraction thereof; actual postage charges; and actual costs, if any, charged to the witness by a third person for the retrieval and return of records held by that third person.

(2) The requesting party shall not be required to pay those costs or any estimate thereof prior to the time the records are available for delivery pursuant to the subpoena, but the witness may demand payment of costs pursuant to this section simultaneous with actual delivery of the subpoenaed records, and until such time as payment is made, is under no obligation to deliver the records.

(3) The witness shall submit an itemized statement for the costs to the requesting party setting forth the reproduction and clerical costs incurred by the witness. Upon demand by the requesting party, the witness shall furnish a statement setting forth the actions taken by the witness in justification of the costs.

Clerical costs for retrieval and copying of records @ \$24.00 per hour:

Name of person retrieving records: _____
Date of service: _____
Time start / time end _____ Clerical costs _____

Charge by third party for retrieval of records off site:

Name of person retrieving records: _____
Date of service: _____
Receipt must be attached _____

Custodian reproduction costs:	pages	cost	
Standard sized pages @ \$.10 per page:	_____	_____	
Microfilm pages copied @ \$.20 per page:	_____	_____	
Oversized pages @ actual costs (Receipt must be attached)	_____	_____	Page charges _____

TOTAL CHARGES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Name of business _____

Executed on _____

Signature of Custodian

Control Number _____

Declaration of Itemized Statement of Costs for Authorization

Records of: _____
(Name of Applicant or Patient.)

Fees may be charged under A or B but not both. Parties to case are not entitled to fees for producing records.

A. Copying Performed by Med-Legal Photocopy

Witness fee of \$15.00 paid. (Payment is not required at the time of presentation of authorization)

Receipt for third party costs of retrieval from off site storage company is attached.
Amount paid: _____

Where the records are delivered to the attorney or the attorney's representative for inspection or photocopying at the record custodian's place of business, the only fee for complying with the authorization shall not exceed fifteen dollars (\$15), plus actual costs, if any, charged to the record custodian by a third person for retrieval and return of records held offsite by the third person.

B. Copying Performed by Witness (only when expressly authorized by Med-Legal Photocopy)

Itemized Statement of Costs (Payment is not required at the time of presentation of authorization)

California Evidence Code Section 1158 states:

No copying may be performed by any medical provider or employer enumerated above, or by an agent thereof, when the requesting attorney has employed a professional photocopier or anyone identified in Section 22451 of the Business and Professions Code as his or her representative to obtain or review the records on his or her behalf. The presentation of the authorization by the agent on behalf of the attorney shall be sufficient proof that the agent is the attorney's representative.

Failure to make the records available, during business hours, within five days after the presentation of the written authorization, may subject the person or entity having custody or control of the records to liability for all reasonable expenses, including attorney's fees, incurred in any proceeding to enforce this section.

..."Reasonable cost," as used in this section, shall include, but not be limited to, the following specific costs: ten cents (\$0.10) per page for standard reproduction of documents of a size 8 1/2 by 14 inches or less; twenty cents (\$0.20) per page for copying of documents from microfilm; actual costs for the reproduction of oversize documents or the reproduction of documents requiring special processing which are made in response to an authorization; reasonable clerical costs incurred in locating and making the records available to be billed at the maximum rate of sixteen dollars (\$16) per hour per person, computed on the basis of four dollars (\$4) per quarter hour or fraction thereof; actual postage charges; and actual costs, if any, charged to the witness by a third person for the retrieval and return of records held by that third person.

Clerical costs for retrieval and copying of records @ \$16.00 per hour:

Name of person retrieving records: _____
Date of service: _____
Time start / time end: _____

Clerical costs _____

Charge by third party for retrieval of records off site:

Name of person retrieving records: _____
Date of service: _____
Receipt must be attached _____

Custodian reproduction costs:	pages	cost
Standard sized pages @ \$.10 per page:	_____	_____
Microfilm pages copied @ \$.20 per page:	_____	_____
Oversized pages @ actual costs (Receipt must be attached)	_____	_____

Page charges _____

TOTAL CHARGES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Name of business _____

Executed on _____

Signature of Custodian

Control Number _____