# **SUBPOENA**

F-2

Resource Center
1 South Sierra St., Third Floor
Reno, NV 89501
775-325-6731

www.washoecourts.com

#### **SUBPOENA**

### **PACKET F-2**

Use this packet only if <u>all</u> of the following requirements have been met:

You wish to command a person to appear <u>or</u> for a person to deliver or allow you to inspect specified documents, electronically stored information, or tangible things.
The witness you wish to subpoena is not the other party.
The witness is unwilling to attend the hearing or trial voluntarily.

#### **ATTENTION:**

Per Nevada Rules of Civil Procedure 45, you are required to pay fees for one day's attendance at a hearing plus mileage traveled to and from court. The fees and mileage must be paid at the time the subpoena is served on the witness.

### Getting a Witness to Attend the Trial:

If you go to trial or a hearing before a judge, you may wish to have a witness attend the hearing to testify on your behalf or to bring information that is relevant to your case. There are two ways you can get a witness to attend your hearing or bring information that is important for your case:

Ask the witness to attend the hearing voluntarily and/or bring important information to court. If you are unsure if they will attend, use a subpoena.

#### -OR-

Have the Resource Center issue a Subpoena then you arrange service on the witness ordering the witness to appear and testify.

#### **INSTRUCTIONS FOR COMPLETING FORMS**

Carefully read all instructions before starting to fill out any of the forms.

Use black or blue ink only. Neatly print or type the information requested.

Do not use correction fluid/tape on the forms.

This packet contains the following forms:

- 1. Subpoena
- 2. Declaration of Personal Service

#### Subpoena duces tecum:

If you are requesting that certain records be made available, you *must* fill in the name of the witness who is to deliver or allow you to inspect the requested records. If you request the production of certain official records from a government agency, such as a police department, you should fill in "Custodian of Records" for the governmental agency that is involved.

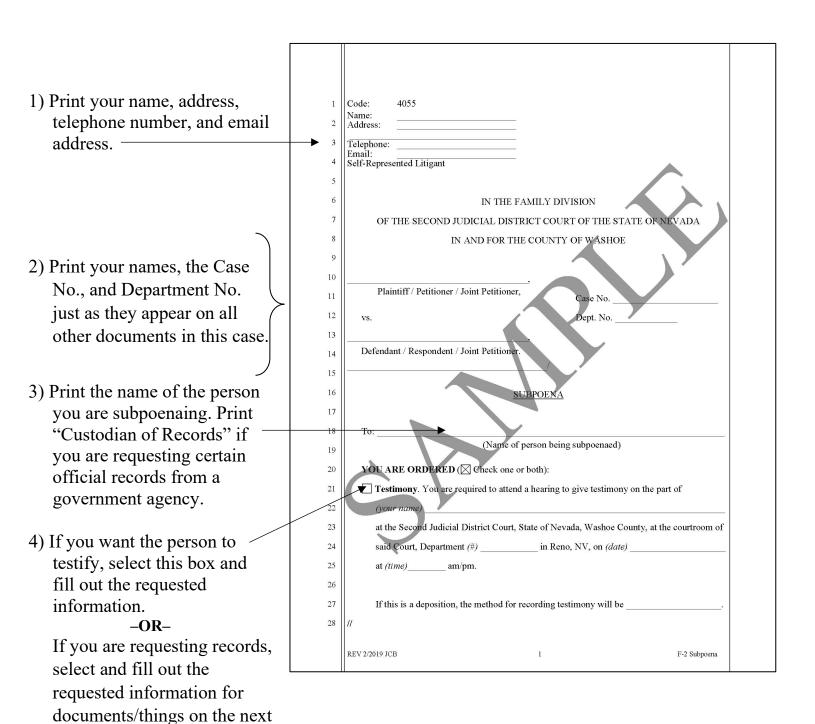
#### **AND**

At least 7 days before serving the Subpoena Duces Tecum you must serve notice and a copy to all other parties in the case. If they object, please contact the Resource Center or the Law Library. NRCP 45(2)(4)(A).

The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00. N.R.S. §199.145.

**INSTRUCTIONS: STEP 1** 

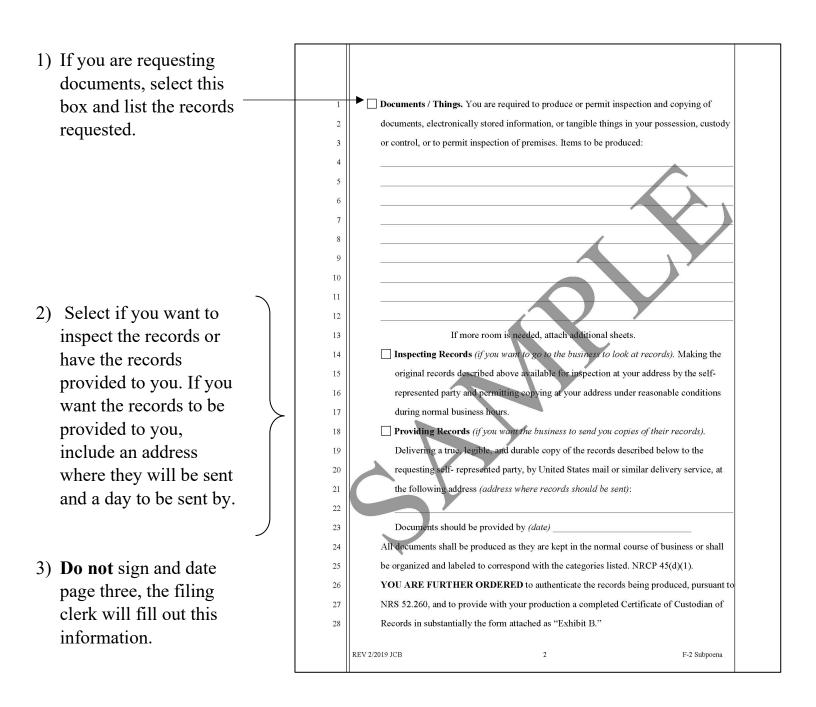
#### Complete Page One of the Subpoena as Shown:



page.

**INSTRUCTIONS: STEP 2** 

#### Complete Page Two of the Subpoena as Shown:



**INSTRUCTIONS: STEP 3** 

#### **Issuing and Copying the Subpoena**

You will need to bring the Subpoena to the Resource Center or mail a copy of the Subpoena to the Filing Office using the following address:

75 Court Street Reno, Nevada 89501 Attention Mail Desk

Once received, a filing clerk will issue the Subpoena by dating and signing the Subpoena and placing an embossed seal.

If you bring in the Subpoena in person, the Subpoena will be immediately returned to you.

If you mail in the Subpoena, you will receive the issued Subpoena back in the mail.

You will need to make copies of the Subpoena to serve the person being subpoenaed, and if you are requesting records, to send the other party first.

Copy machines are available at the Law Library located on the first floor of the courthouse at 75 Court Street, Reno, NV. There is a per page charge to use the copy machine. Cash only.

**INSTRUCTIONS: STEP 4** 

### **Subpoena Duces Tecum**

If you are requesting records, a Subpoena Duces Tecum, you must send notice and a copy of the Subpoena to the other party in the case at least 7 days before serving the Subpoena Duces Tecum on the person in possession of the records. If the other party files an objection to the Subpoena Duces Tecum, please contact the Resource Center or the Law Library. NRCP 45(2)(4)(A).

**INSTRUCTIONS: STEP 5** 

#### **Completing the Service and Calculating Witness Fees**

You cannot personally serve the Subpoena. Service may be completed by:

- the Civil Division of the Sheriff's Office in the County in which service will take place; or
- a responsible adult over the age of 18 years (such as a friend or relative); or
- a private process service.

At the time of service, you are also required to pay the witness; the witness fees for one day's attendance and mileage cost traveled to and from the court by the witness. NRCP 45 (b)(1).

The witness fees can be found in NRS 50.255 and the Standard Reimbursement Mileage Rate can be found at <a href="https://www.irs.gov">www.irs.gov</a>.

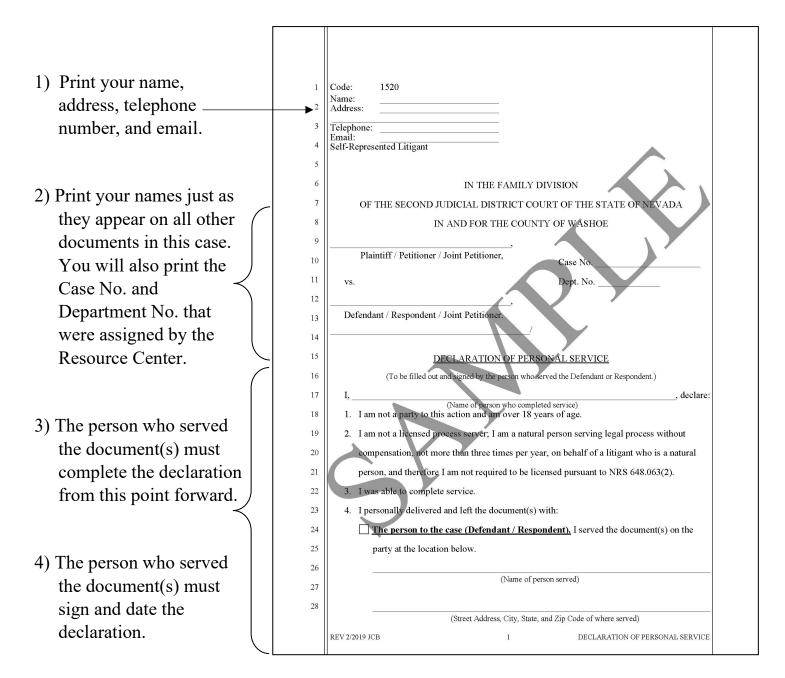
After the Subpoena has been served on the witness, the person who served the copy on the witness must complete the Declaration of Personal Service.

#### **INSTRUCTIONS: STEP 6**

### **Complete the Declaration of Personal Service as Shown:**

The person who serves your Subpoena must complete this declaration (*see* Instructions: Step 5).

The person who completes service must fill out the declaration and sign it. It is your responsibility make sure the declaration of service is filed with the court after service is completed. The sheriff's office or a private process server may have their own form.



**INSTRUCTIONS: STEP 8** 

#### **Electronically Filing the Documents**

You will need to upload the original documents to eFlex. EFlex is available online at <a href="https://wceflex.washoecourts.com/">https://wceflex.washoecourts.com/</a>, at the Law Library and the Resource Center.

Sign into your eFlex account using the username and password you created and electronically file the:

- Subpoena; and
- Declaration of Personal Service.

Make sure to keep the original documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

Scanners are available in the Law Library and the Resource Center.

#### **Legal Assistance Information**

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center or the Law Library. **The Resource Center and the Law Library staff cannot give legal advice** but can give information regarding court procedures.

You may wish to speak with a lawyer at no cost through the Law Library's Lawyer in the Library program. The Lawyer in the Library program is held via Zoom; you must register ahead of time to participate. No walk-ins accepted as space is limited.

#### LAWYER IN THE LIBRARY

Sign up on our website:

https://www.washoecourts.com/LawLibrary/LawyerInLibrary
For questions, contact the Law Library at 775-328-3250

To seek assistance from other free or reduced-cost legal resources in the area, please contact:

#### NEVADA LEGAL SERVICES

449 S. Virginia St.
Reno, NV 89501
775-284-3491 – leave a message, if
necessary
https://nevadalegalservices.org

#### NORTHERN NEVADA LEGAL AID

1 S. Sierra St., 1<sup>st</sup> Floor Reno, NV 89501 775-321-2062 – leave a message, if necessary https://nnlegalaid.org