

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 all of the following requirements have been met:

- You wish to command a person to appear **or** 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. N.R.S. 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:

1) Print your name, address, telephone number, and email address.

2) Print your names, the Case No., and Department No. just as they appear on all other documents in this case.

3) Print the name of the person you are subpoenaing. Print "Custodian of Records" if you are requesting certain official records from a government agency.

4) If you want the person to testify, select this box and fill out the requested information.

-OR-

If you are requesting records, select and fill out the requested information for documents/things on the next page.

1	Code: 4055
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	
8	IN THE FAMILY DIVISION
9	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10	IN AND FOR THE COUNTY OF WASHOE
11	_____
12	Plaintiff / Petitioner / Joint Petitioner, Case No. _____
13	vs. Dept. No. _____
14	_____
15	Defendant / Respondent / Joint Petitioner.
16	SUBPOENA
17	
18	To: _____
19	(Name of person being subpoenaed)
20	YOU ARE ORDERED (<input checked="" type="checkbox"/> Check one or both):
21	<input checked="" type="checkbox"/> Testimony. You are required to attend a hearing to give testimony on the part of
22	(your name) _____
23	at the Second Judicial District Court, State of Nevada, Washoe County, at the courtroom of
24	said Court, Department (#) _____ in Reno, NV, on (date) _____
25	at (time) _____ am/pm.
26	
27	If this is a deposition, the method for recording testimony will be _____.
28	//
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INSTRUCTIONS: STEP 2

Complete Page Two of the Subpoena as Shown:

1) If you are requesting documents, select this box and list the records requested.

2) Select if you want to inspect the records or have the records provided to you. If you want the records to be provided to you, include an address where they will be sent and a day to be sent by.

3) **Do not** sign and date page three, the filing clerk will fill out this information.

1	<input type="checkbox"/> Documents / Things. You are required to produce or permit inspection and copying of
2	documents, electronically stored information, or tangible things in your possession, custody
3	or control, or to permit inspection of premises. Items to be produced:
4	_____
5	_____
6	_____
7	_____
8	_____
9	_____
10	_____
11	_____
12	_____
13	If more room is needed, attach additional sheets.
14	<input type="checkbox"/> Inspecting Records (if you want to go to the business to look at records). Making the
15	original records described above available for inspection at your address by the self-
16	represented party and permitting copying at your address under reasonable conditions
17	during normal business hours.
18	<input type="checkbox"/> Providing Records (if you want the business to send you copies of their records).
19	Delivering a true, legible, and durable copy of the records described below to the
20	requesting self- represented party, by United States mail or similar delivery service, at
21	the following address (address where records should be sent):
22	_____
23	Documents should be provided by (date) _____
24	All documents shall be produced as they are kept in the normal course of business or shall
25	be organized and labeled to correspond with the categories listed. NRCP 45(d)(1).
26	YOU ARE FURTHER ORDERED to authenticate the records being produced, pursuant to
27	NRS 52.260, and to provide with your production a completed Certificate of Custodian of
28	Records in substantially the form attached as "Exhibit B."
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Do Not File Or Copy This Page

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 www.irs.gov.

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.

1) Print your name, address, telephone number, and email.

2) Print your names just as they appear on all other documents in this case. You will also print the Case No. and Department No. that were assigned by the Resource Center.

3) The person who served the document(s) must complete the declaration from this point forward.

4) The person who served the document(s) must sign and date the declaration.

1	Code: 1520
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant _____
7	IN THE FAMILY DIVISION
8	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9	IN AND FOR THE COUNTY OF WASHOE
10	_____, Plaintiff / Petitioner / Joint Petitioner, Case No. _____
11	vs. Dept. No. _____
12	_____, Defendant / Respondent / Joint Petitioner.
13	
14	
15	<u>DECLARATION OF PERSONAL SERVICE</u>
16	(To be filled out and signed by the person who served the Defendant or Respondent.)
17	I, _____, declare:
18	(Name of person who completed service)
19	1. I am not a party to this action and am over 18 years of age.
20	2. I am not a licensed process server; I am a natural person serving legal process without
21	compensation, not more than three times per year, on behalf of a litigant who is a natural
22	person, and therefore I am not required to be licensed pursuant to NRS 648.063(2).
23	3. I was able to complete service.
24	4. I personally delivered and left the document(s) with:
25	<input type="checkbox"/> <u>The person to the case (Defendant / Respondent)</u> , I served the document(s) on the
26	party at the location below.
27	_____ (Name of person served)
28	_____ (Street Address, City, State, and Zip Code of where served)
	REV 2/2019 JCB 1 DECLARATION OF PERSONAL SERVICE

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 8

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washocourts.com/>, 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

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. **The Resource Center cannot give legal advice** but can give information regarding court procedures.

You may also wish to speak with a family law lawyer at no cost through the Law Library's "Lawyer in the Library" program, or to seek assistance from other free or reduced-cost legal resources in the area, to include:

LAWYER IN THE LIBRARY

For information contact the Law Library at (775) 328-3250.

www.washocourts.com/LawLibrary

NEVADA LEGAL SERVICES

204 Marsh Avenue Reno, NV 89509

(775) 284-3491– leave message if necessary

<http://nlslaw.net>

WASHOE LEGAL SERVICES

299 S. Arlington Avenue Reno, NV 89501

(775) 329-2727– leave message if necessary

<http://www.washoelegalservices.org>