

1 Code: 4055

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 _____,
11 Plaintiff / Petitioner / Joint Petitioner,

Case No. _____

12 vs.

Dept. No. _____

13 _____,
14 Defendant / Respondent / Joint Petitioner.

15 _____/

16 SUBPOENA

17
18 To: _____
19 (Name of person being subpoenaed)

20 **YOU ARE ORDERED** (Check one or both):

21 **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 //

1 **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 by one of the following methods:

4 (Check one)

5 **Inspecting Records** (*if you want to go to the business to look at records*). Making the
6 original records described below available for inspection at your address by the self-
7 represented party and permitting copying at your address under reasonable conditions
8 during normal business hours.

9 **Providing Records** (*if you want the business to send you copies of their records*).
10 Delivering a true, legible, and durable copy of the records described below to the
11 requesting self- represented party, by United States mail or similar delivery service, at
12 the following address (*address where records should be sent*):

13 _____

14 Documents should be provided by (*date*) _____

15 Items to be produced:

16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____

26 If more room is needed, attach additional sheets.

27 All documents shall be produced as they are kept in the normal course of business or shall
28 be organized and labeled to correspond with the categories listed. NRCP 45(d)(1).

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YOU ARE FURTHER ORDERED to authenticate the records being produced, pursuant to NRS 52.260, and to provide with your production a completed Certificate of Custodian of Records in substantially the form attached as “Exhibit B.”

For attending Court in obedience to a Subpoena, you are entitled to witness fees and mileage traveled, as provided by NRS 50.225. This Subpoena must be accompanied by the fees for one day’s attendance and mileage, unless issued on behalf of the State or a State Agency.

Failure of any person without adequate excuse to obey a Subpoena served upon that person may be deemed in contempt of the Court from which the Subpoena was issued. NRCP 45(e).

This document does not contain the personal information of any person as defined by NRS 603A.040.

Date: _____

JACQUELINE BRYANT
CLERK OF THE COURT

By: _____
Deputy Clerk

1 **NEVADA RULES OF CIVIL PROCEDURE, RULE 45(c) and 45(d)**

2 **(c) Protection of Persons Subject to Subpoena.**

3 **(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and
4 serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person
5 subject to the subpoena. The court that issued the subpoena must enforce this duty and may impose an
6 appropriate sanction—which may include lost earnings and reasonable attorney fees—on a party or
7 attorney who fails to comply.

6 **(2) Command to Produce Materials or Permit Inspection.**

7 **(A) Appearance Not Required.**

8 (i) A person commanded to produce documents, electronically stored information, or tangible
9 things, or to permit the inspection of premises, need not appear in person at the place of
10 production or inspection unless also commanded to appear for a deposition, hearing, or trial.

11 (ii) If documents, electronically stored information, or tangible things are produced to the party
12 that issued the subpoena without an appearance at the place of production, that party must,
13 unless otherwise stipulated by the parties or ordered by the court, promptly copy or
14 electronically reproduce the documents or information, photograph any tangible items not
15 subject to copying, and serve these items on every other party. The party that issued the
16 subpoena may also serve a statement of the reasonable cost of copying, reproducing, or
17 photographing, which a party receiving the copies, reproductions, or photographs must promptly
18 pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of
19 copying the documents or information, or photographing the tangible items.

20 **(B) Objections.** A person commanded to produce documents, electronically stored information, or
21 tangible things, or to permit the inspection of premises, or a person claiming a proprietary interest in
22 the subpoenaed documents, information, tangible things, or premises to be inspected, may serve on
23 the party or attorney designated in the subpoena a written objection to inspecting, copying, testing,
24 or sampling any or all of the materials or to inspecting the premises—or to producing electronically
25 stored information in the form or forms requested. The person making the objection must serve it
26 before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an
27 objection is made:

28 (i) the party serving the subpoena is not entitled to inspect, copy, test, or sample the materials or
29 tangible things or to inspect the premises except by order of the court that issued the subpoena;

30 (ii) on notice to the parties, the objecting person, and the person commanded to produce or
31 permit inspection, the party serving the subpoena may move the court that issued the subpoena
32 for an order compelling production or inspection; and

33 (iii) if the court enters an order compelling production or inspection, the order must protect the
34 person commanded to produce or permit inspection from significant expense resulting from
35 compliance.

36 **(3) Quashing or Modifying a Subpoena.**

37 **(A) When Required.** On timely motion, the court that issued a subpoena must quash or modify the
38 subpoena if it:

39 (i) fails to allow reasonable time for compliance;

40 (ii) requires a person to travel to a place more than 100 miles from the place where that person
41 resides, is employed, or regularly transacts business in person, unless the person is commanded
42 to attend trial within Nevada;

43 (iii) requires disclosure of privileged or other protected matter and no exception or waiver
44 applies; or

45 (iv) subjects a person to an undue burden.

1 **(B) When Permitted.** On timely motion, the court that issued a subpoena may quash or modify the
2 subpoena if it requires disclosing:

- 3 (i) a trade secret or other confidential research, development, or commercial information; or
- 4 (ii) a non-retained expert's opinion or information that does not describe specific occurrences in
5 dispute and results from the expert's study that was not requested by a party.

6 **(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B),
7 the court may, instead of quashing or modifying a subpoena, order an appearance or production
8 under specified conditions if the party serving the subpoena:

- 9 (i) shows a substantial need for the testimony or material that cannot be otherwise met without
10 undue hardship; and
- 11 (ii) ensures that the subpoenaed person will be reasonably compensated.

12 **(d) Duties in Responding to a Subpoena.**

13 **(1) Producing Documents or Electronically Stored Information.** These procedures apply to
14 producing documents or electronically stored information:

15 **(A) Documents.** A person responding to a subpoena to produce documents must produce them as
16 they are kept in the ordinary course of business or must organize and label them to correspond to the
17 categories in the demand.

18 **(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not
19 specify a form for producing electronically stored information, the person responding must produce
20 it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

21 **(C) Electronically Stored Information Produced in Only One Form.** The person responding need
22 not produce the same electronically stored information in more than one form.

23 **(D) Inaccessible Electronically Stored Information.** The person responding need not provide
24 discovery of electronically stored information from sources that the person identifies as not
25 reasonably accessible because of undue burden or cost. On motion to compel discovery or for a
26 protective order, the person responding must show that the information is not reasonably accessible
27 because of undue burden or cost. If that showing is made, the court may nonetheless order discovery
28 from such sources if the requesting party shows good cause, considering the limitations of Rule
26(b)(2)(C). The court may specify conditions for the discovery.

29 **(2) Claiming Privilege or Protection.**

30 **(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is
31 privileged or subject to protection as trial-preparation material must:

- 32 (i) expressly make the claim; and
- 33 (ii) describe the nature of the withheld documents, communications, or tangible things in a
34 manner that, without revealing information itself privileged or protected, will enable the parties
35 to assess the claim.

36 **(B) Information Produced.** If information produced in response to a subpoena is subject to a claim
37 of privilege or of protection as trial-preparation material, the person making the claim may notify
38 any party that received the information of the claim and the basis for it. After being notified, a party
39 must promptly return, sequester, or destroy the specified information and any copies it has; must not
40 use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the
41 information if the party disclosed it before being notified; and may promptly present the information
42 under seal to the court for a determination of the claim. The person who produced the information
43 must preserve the information until the claim is resolved.

44 **(e) Contempt; Costs.** Failure by any person without adequate excuse to obey a subpoena served upon that
45 person may be deemed a contempt of the court that issued the subpoena. In connection with a motion for a
46 protective order brought under Rule 26(c), a motion to compel brought under Rule 45(c)(2)(B), or a motion
47 to quash or modify the subpoena brought under Rule 45(c)(3), the court may consider the provisions of Rule
48 37(a)(5) in awarding the prevailing person reasonable expenses incurred in making or opposing the motion.

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

Case No. _____
Dept. No. _____

NOW COMES (*name of person providing records*) _____,

who after first being duly sworn deposes and says:

1. That the deponent is the (*position or title*) _____ of
(*name of employer*) _____ in their capacity as
(*position or title*) _____ is a custodian of records of
(*name of employer*) _____.

2. That (*name of employer*) _____ is licensed
or registered to do business as a _____ in the State of _____.

3. That on (*date*) _____, the deponent was served with a
subpoena in connection with the above-entitled cause , calling for the production or records
pertaining to _____.

4. That the deponent has examined the original of those records and has made or caused to be
made a true and exact copy of them and that the reproduction of them attached hereto is true and
complete.

5. That the original of those records was made at or near the time of the act, event, condition,
opinion, or diagnosis recited therein by or from information transmitted by person with knowledge,
in the course of a regularly conducted activity of the deponent or (*name of employer*)
_____.

Date: _____

Signature: _____

SUBSCRIBED and SWORN to before me this
_____ day of _____, 20__.

NOTARY PUBLIC