

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,

12 Case No. _____

13 vs.

14 Dept. No. _____

15 _____,

16 Defendant / Respondent / Joint Petitioner.

17 SUBPOENA TO TESTIFY AT TRIAL OR EVIDENTIARY HEARING

18 **To:** Name of person, business, organization, or custodian of records being
19 subpoenaed: _____

20 Address: _____

21 _____
22 Phone Number: _____

23
24 **YOU ARE COMMANDED TO ATTEND AND TESTIFY** on *(date of hearing)*

25 _____ at *(time of hearing)* _____ a.m. p.m.

26 in Department *(department number)* _____, in the Second Judicial District Court,

27 Washoe County, Nevada, 1 South Sierra Street, Reno, Nevada 89501.

1 Your attendance is required. If you fail to attend, you may be deemed guilty of
2 contempt of Court and be liable to pay all losses and damages caused by your failure to
3 appear.

4 Please see attached information regarding the rights of the person subject to the
5 Subpoena.

6 Witness fees: You are entitled to witness fees and mileage for each day you are
7 required to attend court. (NRS 50.225). This subpoena must be accompanied by the fee
8 for 1 day's attendance and mileage allowed by law. (NRCP 45(b)(1)).

9 If you fail to obey this subpoena without adequate excuse, you may be deemed in
10 contempt of court. (NRCP 45(e)).

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

13
14 Date: _____

15
16
17 Name of requesting party: _____

18
19 Signature of requesting party: _____

20
21
22 **ALICIA L. LERUD**
CLERK OF THE COURT

23
24 By: _____
25 Deputy Clerk

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

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

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

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

10 (A) Appearance Not Required.

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

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

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

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

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

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

(3) *Quashing or Modifying a Subpoena.*

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

(i) fails to allow reasonable time for compliance;

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

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

(iv) subjects a person to an undue burden.

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

(i) a trade secret or other confidential research, development, or commercial information;
6 or

(ii) an unretained expert's opinion or information that does not describe specific
7 occurrences in dispute and results from the expert's study that was not requested by a
8 party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule
9 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an
10 appearance or production under specified conditions if the party serving the subpoena:

(i) shows a substantial need for the testimony or material that cannot be otherwise met
11 without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

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

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

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

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

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

(2) *Claiming Privilege or Protection.*

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

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in
26 a manner that, without revealing information itself privileged or protected, will enable the
27 parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to
28 a claim of privilege or of protection as trial-preparation material, the person making the

1 claim may notify any party that received the information of the claim and the basis for it.
2 After being notified, a party must promptly return, sequester, or destroy the specified
3 information and any copies it has; must not use or disclose the information until the claim
4 is resolved; must take reasonable steps to retrieve the information if the party disclosed it
5 before being notified; and may promptly present the information under seal to the court
6 for a determination of the claim. The person who produced the information must preserve
7 the information until the claim is resolved.

8 **(e) Contempt; Costs.** Failure by any person without adequate excuse to obey a
9 subpoena served upon that person may be deemed a contempt of the court that issued
10 the subpoena. In connection with a motion for a protective order brought under Rule
11 26(c), a motion to compel brought under Rule 45(c)(2)(B), or a motion to quash or modify
12 the subpoena brought under Rule 45(c)(3), the court may consider the provisions of Rule
13 37(a)(5) in awarding the prevailing person reasonable expenses incurred in making or
14 opposing the motion.
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