

SP-2

SUBPOENA

FOR RECORDS OR DOCUMENTS

(SUBPOENA DUCES TECUM)

Purpose of this packet:

Used to request that a person, business, organization, or custodian of records produce documents, or electronically stored information.

Contents:

1. Instructions
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Note: 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: Sign up for an electronic filing account (if you don't already have one)

The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. Sign up for a free eFlex account in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.

Step 2: Fill out and file the following form:

- Subpoena for Records or Documents

If you are requesting that certain records be made available, you **must** fill in the name of the person who is to deliver the requested records. If you request the production of certain official records from an agency, business, or organization you may request the "Custodian of Records" provide the documents.

Complete the Subpoena form. Leave the Deputy Clerk's signature line blank. Court staff will "issue" the Subpoena by adding a clerk's signature and court seal once it has been uploaded to eFlex.

Note: Page 7 of the Subpoena is to be filled out by the custodian of records (an employee who exercises control over the organization's records) after the Subpoena is provided to them.

Electronically file the Subpoena yourself or bring your completed Subpoena to the Resource Center to get help filing it.

↳ How to get your Subpoena issued using eFlex:

1. Sign in to your eFlex account: <https://wceflex.washoecourts.com/>.
2. Click "Home;" click "Existing Cases."
3. Locate the case you are filing into, and click on the blue "eFile" link next to the case number.
4. To file each document, you will select the applicable Document Type, click "Choose File" or "Browse," then locate your document file on your computer, and click "Add."

Follow the prompts to upload the document below:

Note: Select eFlex Document Category: Issuance

- Subpoena for Records or Documents
(Document Type: **Document Issued by the Court)

5. When the document has been uploaded, review it by clicking on the hyperlinked file name in the "View Document" column. When you have confirmed everything is correct, click "Next."
6. When you are ready to submit your document to the court, click "Submit the Filing."

You will receive an eFlex notification when your filed Subpoena has been issued by the court (it will have a stamped court seal and a clerk's signature). Print out a copy of the Subpoena from your eFlex account, or save a copy to your computer, to attach to the Notice (see next step).

Step 3: Fill out and file the Notice of Intent to Serve Subpoena

At least 7 days before serving the Subpoena, you must provide notice to the other parties in the case that you intend to serve a subpoena on the person, business, organization, or custodian in possession of the records.

Fill out the Notice of Intent to Serve Subpoena. The issued Subpoena needs to be included with the Notice (all together as one PDF) when you file the Notice into eFlex (see eFlex filing instructions below).

Electronically file the documents yourself or bring your completed documents to the Resource Center to get help filing them.

↳ How to file your Notice of Intent to Serve Subpoena using eFlex:

1. Sign in to your eFlex account: <https://wceflex.washoecourts.com/>.
2. Click "Home," click "Existing Cases."
3. Locate the case you are filing into, and click on the blue "eFile" link next to the case number.
4. To file each document, you will select the applicable Document Type, click "Choose File" or "Browse," then locate your document file on your computer, and click "Add."

Follow the prompts to upload the document below:

Note: Leave the eFlex Document Category field blank.

- Notice of Intent to Serve Subpoena **and** the issued Subpoena all together as one PDF document.
(Document Type: Notice)

5. Review the document by clicking on the hyperlinked file name in the "View Document" column. When you are ready to submit your document to the court, click "Next" and "Submit the Filing."

Step 4: Serve the Notice of Intent to Serve Subpoena

You must serve (give) all parties to the case a copy of your Notice of Intent to Serve Subpoena. Service of your Notice may be done by electronic service (eFlex), mail, or personal service. The court **WILL NOT AND CANNOT** serve the document for you.

Note: The person/business/organization/custodian of records does not need to be served the Notice of Intent to Serve Subpoena form.

Service by eFlex:

Service will be made electronically by eFlex if the other parties have an active eFlex account.

To view which parties in the case will be served electronically, sign in to eFlex. On the home page, in the provided box, type in your case number, then click the blue “Service List” button. The eFlex system will generate a list of who will receive electronic notice and who will need to be served another way.

If the other parties do not have an eFlex account, you can serve them by mail or personal service. You can print file-stamped copies of your documents from your eFlex account or visit the Resource Center to obtain copies for a fee.

Service by mail:

Service may be made by regular mail, certified mail, or registered mail. If you serve by certified mail, keep the white slips and green return cards to attach to your Proof of Service form.

Personal service:

Service may be made by handing a file-stamped copy of your documents to the other party.

Step 5: File proof of service (for the Notice of Intent to Serve Subpoena)

Complete the Proof of Service form with the date you served the Notice.

Electronically file your Proof of Service yourself or bring it to the Resource Center to get help filing it.

↳ How to file your Proof of Service using eFlex:

1. Sign in to your eFlex account: <https://wceflex.washoecourts.com/>.

Follow the prompts to upload the following document to your existing case:

Note: Leave the eFlex Document Category field blank.

- Proof of Service – Notice of Intent to Serve Subpoena
(Document Type: Proof of Service)

Note: If you are including mailing receipts, your Proof of Service and receipts need to be all together as one PDF document.

2. Review the document by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your document to the court, click “Next” and “Submit the Filing.”

Step 6: Serve the Subpoena

After you serve the Notice of Intent to Serve Subpoena, you must wait at least **7 days** before serving the Subpoena on the person, business, organization, or custodian of records (or 10 days beginning the day after mailing, if you served the Notice by mail).

The person or organization in possession of the records must be **personally served** with the Subpoena. **Personal service cannot be completed by you.**

Print out a copy of the Subpoena for Records or Documents (which includes the Nevada Rules of Civil Procedure and a blank Custodian of Records form) and provide it to the person who will be serving the Subpoena.

(Note: The person/business/organization/custodian of records does not need to be served the Notice of Intent to Serve Subpoena form.)

Service of the Subpoena may be completed by:

- A person over the age of 18 years who is not party to the case; or
- The civil division of the sheriff's office in the county where the person you are serving resides or works (there may be a fee); or
- A private process service (there may be a fee).

Personal service is completed by a person over the age of 18, the sheriff's office, or a private process server by:

- Handing a copy to the person, business, organization, or custodian of records; or
- Leaving a copy at the person, business, organization, or custodian of record's home with a person of suitable age and discretion who lives there; or
- Delivering a copy to an agent authorized to receive service (such as an attorney).

Step 7: File proof of service (for the Subpoena of Documents or Records)

After the person/business/organization/custodian of records is personally served the Subpoena, fill out the top portion of the Declaration of Personal Service of Subpoena with your contact information, the plaintiff and defendant names, case number and department.

The rest of the Declaration of Personal Service form must be completed by the person who served the documents (not you).

(Note: If you used a private process service, discard the Declaration of Personal Service form and contact the Resource Center or the Law Library for instructions on how to file your receipt.)

Electronically file the Declaration of Personal Service form yourself or bring it to the Resource Center to get help filing it.

↳ How to file your Declaration of Personal Service using eFlex:

1. Sign in to your eFlex account: <https://wceflex.washoecourts.com/>.

Follow the prompts to upload the following document to your existing case:

Note: Leave the eFlex Document Category field blank.

- Declaration of Personal Service of Subpoena
(Document Type: Affidavit/Declaration of Service)

2. Review the document by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your document to the court, click “Next” and “Submit the Filing.”
- Step 8: After you received the subpoenaed documents, file proof that you gave the documents to the other party**

After you have received the documents, you must serve (give) the other parties to the case a copy of any documents you received from the person/business/organization/custodian of records as a result of the Subpoena.

Service of the documents you received through the subpoena may be done by electronic service (eFlex), mail, or personal service. The court **WILL NOT AND CANNOT** serve the documents for you.

Fill out the second Proof of Service form with how and when you served the other parties copies of the subpoenaed documents.

Electronically file your Proof of Service yourself or bring your completed document to the Resource Center to get help filing it.

↳ How to file your Proof of Service using eFlex:

1. Sign in to your eFlex account: <https://wceflex.washoecourts.com/>.

Follow the prompts to upload the following document to your existing case:

Note: Leave the eFlex Document Category field blank.

- Proof of Service
(Document Type: Proof of Service)

2. Review the document by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your document to the court, click “Next” and “Submit the Filing.”

Please note: A person/business/organization/custodian of records commanded to produce documents, or electronically stored information, can object to the subpoena. If an objection is made, the party serving the subpoena is not entitled to be given copies of the requested items except by order of the court.

The party serving the subpoena may move the court for an order compelling production or inspection. See Nevada Rules of Civil Procedure, Rule 45(c)(2)(B).

For procedural questions, or help with electronically filing your documents, visit or contact:

Resource Center
1 South Sierra St., 3rd Floor
Reno, NV 89501
775-325-6731

Law Library
75 Court St., Room 101
Reno, NV 89501
775-328-3250