

Instructions for filing Request for Foreign Subpoena

Step 1: Sign up for an electronic filing account.

The Second Judicial District Court requires all documents to be electronically filed using the [eFlex](#) system. To file electronically, you must have an eFlex account: <https://www.washoecourts.com/EFiling/SignUp>.

Step 2: Prepare the following documents:

- Request for Foreign Subpoena
- [Index of Exhibits & Exhibit Cover Page\(s\)](#)
- Subpoena from original jurisdiction
- Prepared Second Judicial District Court Subpoena

The main document, usually titled Request for Foreign Subpoena, must comply with Washoe District Court Rule 10 ([WDCR 10](#)).

Subpoena from original jurisdiction must contain an [Affirmation](#) per N.R.S. 239B.030(6) and N.R.S. 603A.040.

The prepared Second Judicial District Court subpoena must comply with [WDCR 10](#) and incorporate the terms used in the foreign subpoena per N.R.S. 53.170(3)(a). Also, per N.R.S. 53.170(3)(b), it must contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

Step 3: File the forms:

1. Sign into your eFlex account: <https://wceflex.washoecourts.com/>.
2. To start the civil case, click “Home,” then click “New Case.”
3. Select “Civil: Other” and “Other Civil Filing: Other Civil Matters – GC.”
4. Click “Add my Parties” to add the parties to the case.
5. To file each document, select the applicable Document Type, and click “Choose File.” Locate your document file on your computer, click “Add.”
6. Follow the prompts to upload the documents below.

Note: The eFlex Document Category field can be left blank.

- Request for Foreign Subpoena and Index of Exhibits as the last page, all together as one PDF document.
(Document Type: Request for Foreign Subpoena)

- Exhibit #1 Cover Page, Subpoena from original jurisdiction, and affirmation, all together as one PDF document.
(Document Type: **Continuation)
 - Upon filing your Exhibit Cover Page and Subpoena as **Continuation, you will be prompted to select which document you are attaching it to; confirm that “Request for Foreign Subpoena” is selected and click “Next.”
- Second Judicial District Court Subpoena
(Document Type: ** Document Issued by the Court)

Note: If you are **not** including contact details for all counsel of record in your SJDC Subpoena, the accompanying contact information will need to have its own Exhibit #2 Cover Page, be listed on the Index of Exhibits, and filed using Document Type: **Continuation.

7. Estimated Fees: There is no filing fee. Select “No Fee Required.”
8. When you are ready to submit your documents to the court, click “Submit the Filing.”

Note: The issued SJDC Subpoena will be available in eFlex at the docket entry where the un-issued document was e-filed. You will receive an eFlex notification when it is available.

9. Once service of process of the subpoena has been effectuated, file proof of service with the court.

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

1 JOHN DOE, ESQ. (State Bar No. 9999)
2 12345 Main St.
3 Reno, NV 89501
4 Tel: 775-123-4567
5 Attorneys for Defendant
6 Acme Products, Inc.

7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 JANE DOE and SARAH DOE

10 Plaintiffs,

11 vs.

Case No. _____

12 ACME PRODUCTS, INC.

Dept. No. _____

13 Defendants.

14
15 REQUEST FOR FOREIGN DEPOSITION SUBPOENA
16 OF _____

17 COMES NOW Defendant _____ by and through its counsel
18 of record, hereby request the issuance for the Clerk of a foreign deposition subpoena pursuant to
19 _____ and N.R.S. 53.170. A copy of the _____ Subpoena to
20 _____ is attached here as Exhibit 1.

21 This document does not contain the personal information of any person as defined by NRS
22 603A.040.

Submitted By:

ACME PRODUCTS, INC.

By: _____

25 JOHN DOE, ESQ. (State Bar No. 9999)
26 12345 Main St.
27 Reno, NV 89501
28 Tel: 775-123-4567
Attorneys for Defendant
Acme Products, Inc.

1 Code: 4055

2
3
4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE

6
7 _____,
8 Plaintiff(s),

9 vs.

Case No. _____

10 _____.
11 Defendant(s).

Dept. No. _____

12
13 SUBPOENA

14 To: _____.

15 YOU ARE COMMANDED to appear before the Second Judicial District Court, State of
16 Nevada, Washoe County at the courtroom of said court, Department _____ at Reno, Nevada,
17 on the _____ day of _____, 20 ____, at _____, to testify
18 on the part of _____.

19 Failure by any person without adequate excuse to obey a subpoena served on that person may
20 be deemed in contempt of the court from which the subpoena issued [Nevada Rules of Civil
21 Procedure, Rule 45(e)].

22 This document does not contain the personal information of any person as defined by NRS
23 603A.040.

24 Dated this _____ day of _____, 20 ____.

25
26 ALICIA L. LERUD
CLERK OF THE COURT

27 By: _____
28 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 issuing
4 and 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
appropriate sanction—which may include lost earnings and reasonable attorney fees—on a party or 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
9 tangible things, or to permit the inspection of premises, need not appear in person at the place of production
10 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
12 the party that issued the subpoena without an appearance at the place of production, that party must, unless
13 otherwise stipulated by the parties or ordered by the court, promptly copy or electronically reproduce the
14 documents or information, photograph any tangible items not subject to copying, and serve these items on
15 every other party. The party that issued the subpoena may also serve a statement of the reasonable cost of
16 copying, reproducing, or photographing, which a party receiving the copies, reproductions, or photographs
17 must promptly pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost
18 of copying the documents or information, or photographing the tangible items.

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

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

28 (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;

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

(iii) requires disclosure of privileged or other protected matter and no exception or
waiver 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
modify the subpoena if it requires disclosing:

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (i) expressly make the claim; and

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

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

25 (e) **Contempt; Costs.** Failure by any person without adequate excuse to obey a subpoena served upon
that person may be deemed a contempt of the court that issued the subpoena. In connection with a motion for
26 a protective order brought under Rule 26(c), a motion to compel brought under Rule 45(c)(2)(B), or a motion
to quash or modify the subpoena brought under Rule 45(c)(3), the court may consider the provisions of Rule
27 37(a)(5) in awarding the prevailing person reasonable expenses incurred in making or opposing the motion.

28 [Amended; effective March 1, 2019.]