

IN THE SUPREME COURT OF ALABAMA
February 19, 2016

ORDER

IT IS ORDERED that Rule 45(b)(1), Alabama Rules of Civil Procedure, be amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that the Committee Comments to Amendment to Rule 45(b)(1), Effective July 1, 2016, are adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 45(b)(1) and the adoption of the Committee Comments be effective July 1, 2016;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 45:

"Note from the reporter of decisions: The order amending Rule 45(b)(1), Ala. R. Civ. P., and the adoption of the Committee Comments effective July 1, 2016, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Moore, C.J., and Stuart, Bolin, Parker, Murdock, Main, Wise, and Bryan, JJ., concur.

I, Julia Jordan Weller, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 19th day of February, 2016

Julia Jordan Weller
Clerk, Supreme Court of Alabama

APPENDIX A

Rule 45(b)(1), Alabama Rules of Civil Procedure

(1) A subpoena issued on behalf of any party may be served by the sheriff, a deputy sheriff, or any other person who is not a party, who is not related within the third degree by blood or marriage to the party seeking service of process, and who is not less than 19 years of age or by certified mail pursuant to the provisions of Rule 4. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or by leaving a copy at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein and, if the person's attendance at a place more than 100 miles from the person's residence is commanded, by tendering to that person the fees for one day's attendance and an amount to reimburse the mileage allowed by law. Prior notice of intent to secure the issuance of a subpoena to command production of documents and things or inspection of premises before trial under the procedure set forth in subparagraph (a)(3) of this rule shall be served on each party in the manner prescribed by Rule 5(b).

APPENDIX B

Committee Comments to Amendment to Rule 45(b)(1),
Effective July 1, 2016.

The amendment to Rule 45(b)(1) requires that a person serving a subpoena must be not less than 19 years of age and must not be related within the third degree by blood or marriage to the person seeking service of process. This change is made to conform to the corresponding amendments to Rule 4(i)(1)(B) of these rules regarding service of process.