

SAMPLE CIVIL FORM 51A

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)
v.) CIVIL ACTION NO. _____
C.D., Defendant)

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS, ETC., UNDER RULE 45

To _____

You are hereby commanded to do each of the following acts at the instance of the [Plaintiff, Defendant, etc.] within _____ days (no sooner than fifteen (15) unless the Court orders otherwise) after service of this subpoena:

(1) That _____ produce and permit [Plaintiff, Defendant, etc.] to inspect and to copy each of the following documents:

[Here list the documents either individually or by category and describe each of them.]

Such production and inspection is to take place at the place where the documents or things are regularly kept or at some other reasonable place designated by you.

You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You have the option to deliver or mail legible copies of documents or things to the party causing the issuance of this subpoena but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies.

(2) That _____ produce and permit [Plaintiff, Defendant, etc.] to inspect and copy, test or sample each of the following objects:

[Here list the objects either individually or by category and describe each of them.]

Such production and inspection is to take place at the place where the documents or things are regularly kept.

You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

(3) That _____ permit [*Plaintiff, Defendant, etc.*] to enter [*here describe the property to be entered*] and to inspect, photograph, test and sample [*here describe the portion of the property and the objects to be inspected*].

[*Here state the time and manner of making the inspection and performance of any related acts.*]

The [*Plaintiff, Defendant, etc.*] agrees to pay all reasonable expenses incurred by _____ at the aforementioned time and place.

You have the right to object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and state, with respect to any item or category to which objection is made, your reasons for such objection.

If the materials subpoenaed are stored electronically by you (whether or not they may also be available in paper copy), and if you prefer to produce them in electronic format or in hard-copy format, you should make known your preference to counsel for the party who issued the subpoena and discuss the production with counsel.

If you are producing electronically stored information ("ESI"), you have certain rights as well as obligations.

- You may object to providing the ESI in the form specified by the requesting party. If you object, you should specify the form in which you wish to provide the ESI.
- If the requesting party did not specify the form in which the ESI is to be produced, you may produce the information in the form in which you ordinarily maintain it or a form that is reasonably usable. You should advise the requesting party of your intent before you produce the information.
- If the source of the ESI subpoenaed is not reasonably accessible, you should identify the source to the requesting party, and you need not then produce the information unless the court so orders.
- If in producing ESI you inadvertently produce privileged or protected information, you may notify the requesting party of that fact, and the information will be returned, sequestered, or destroyed by the requesting party, pending a ruling on your assertion of privilege if a ruling is requested.

If you and counsel for the requesting party cannot agree regarding the above matters or any other matter concerning your compliance with the subpoena, you should object, as mentioned above.

Dated _____, 20____

Attorney for

Address

CLERK

By: _____
Deputy Clerk

RETURN ON SERVICE