

ARIZONA SUPERIOR COURT, PIMA COUNTY

In the Matter of:	Case No. _____	Hon. _____
Petitioner	FAMILY SUBPOENA DUCES TECUM	
Respondent		

THE STATE OF ARIZONA SENDS GREETINGS TO:

Deponent: _____

Organization (if applicable): _____

Address: _____

YOU ARE HEREBY COMMANDED to bring with you and produce then and there the following: **See Attachment “1”**:

REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES MUST BE MADE TO THE COURT BY PARTIES AT LEAST 3 WORKING DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING.

IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT MAY BE ISSUED FOR YOUR ARREST

If you have any questions concerning your appearance, please call the individual whose name appears below.

WITNESS MY Hand and the Seal of the Superior Court

Dated: _____

By _____
GARY HARRISON
 Clerk of the Superior Court

 Petitioner Respondent OR
 Attorney for Petitioner Respondent

Name, Address, and Phone of the above.

Your Duties in Responding To This Subpoena

Attendance at a Trial. If this subpoena commands you to appear at a trial, you must appear at the place, date and time designated in the subpoena unless you file a timely motion with the court and the court quashes or modifies the subpoena. *See* Rule 52(b)(5) and Rule 52(e)(2) of the Arizona Rules of Family Law Procedure. *See also* "Your Right To Object To This Subpoena" section below. Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial. *See* Rule 52(b)(3)(A) of the Arizona Rules of Family Law Procedure.

Attendance at a Hearing or Deposition. If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either: (1) you file a timely motion with the court and the court quashes or modifies the subpoena; or (2) you are not a party or a party's officer and this subpoena commands you to travel to a place other than: (a) the county in which you reside or you transact business in person; or (b) the county in which you were served with the subpoena or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order. *See* Rule 52(b)(3)(B) and Rule 52(e)(2)(A)(ii) of the Arizona Rules of Family Law Procedure. *See also* "Your Right To Object To This Subpoena" section below.

Production of Documentary Evidence or Inspection of Premises. If this subpoena commands you to produce and permit inspection, copying, testing or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. *See* Rule 52(c)(5) of the Arizona Rules of Family Law Procedure. *See also* "Your Right To Object To This Subpoena" section below. Similarly, if this subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a good faith written objection to the party or attorney who served the subpoena. *See* Rule 52(c)(5) of the Arizona Rules of Family Law Procedure. *See also* "Your Right to Object to This Subpoena" section below.

You should note that a command to produce certain designated materials, or to permit the inspection of premises, may be combined with a command to appear at a trial, hearing or deposition. *See* Rule 52(b)(2) of the Arizona Rules of Family Law Procedure. You do not, however, need to appear in person at the place of production or inspection unless the subpoena also states that you must appear for and give testimony at a hearing, trial or deposition. *See* Rule 52(c)(3) of the Arizona Rules of Family Law Procedure.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena. *See* Rule 52(c)(4) of the Arizona Rules of Family Law Procedure.

Your Right To Object To This Subpoena

Generally. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The superior court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. *See* Rule 52(e)(1) of the Arizona Rules of Family Law Procedure.

Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition. If you wish to object to a subpoena commanding your appearance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena with the court to obtain a court order excusing you from complying with this subpoena. *See* Rule 52(b)(5) and 45(e)(2) of the Arizona Rules of Family Law Procedure. The motion must be filed in the Justice Court precinct in which the case is pending or from which the subpoena was issued. *See* Rule 52(e)(2)(A) and (B) of the Arizona Rules of Family Law Procedure. The motion must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. *See* Rule 52(e)(2)(D) of the Arizona Rules of Family Law Procedure. You must send a copy of any motion to quash or modify the subpoena to the party or attorney who served the subpoena. *See* Rule 52(e)(2)(E) of the Arizona Rules of Family Law Procedure.

The court must quash or modify a subpoena:

- (1) if the subpoena does not provide a reasonable time for compliance;
- (2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than: (a) the county in which you reside or transact business in person; (b) the county in which you were served with a subpoena, or within forty (40) miles from the place of service; or (c) such other convenient place fixed by a court order; or
- (3) if the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (4) if the subpoena subjects you to undue burden.

See Rule 52(e)(2)(A) of the Arizona Rules of Family Law Procedure.

The court *may* quash or modify a subpoena:

- (1) if the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;
- (2) if you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;
- (3) if you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or
- (4) if the court determines that justice requires the subpoena to be quashed or modified.

See Rule 52(e)(2)(B) of the Arizona Rules of Family Law Procedure.

In these last four circumstances, a court may, instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if: (1) the serving party or attorney shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and (2) if your travel expenses or the expenses resulting from the production are at issue, the court ensures that you will be reasonably compensated. *See* Rule 52(e)(2)(C) of the Arizona Rules of Family Law Procedure.

Procedure for Objecting to Subpoena For Production of Documentary Evidence. If you wish to object to a subpoena commanding you to produce documents, electronically stored information or tangible items, or to permit the inspection of premises, you may send a good faith written objection to the party or attorney serving the subpoena that objects to: (1) producing, inspecting, copying, testing or sampling any or all of the materials designated in the subpoena; (2) inspecting the premises; or (3) producing electronically stored information in the form or forms requested. You must send your written objection to the party or attorney who served the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. *See* Rule 52(c)(5)(A)(ii) of the Arizona Rules of Family Law Procedure.

If you object because you claim the information requested is privileged, protected, or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. *See* Rule 52(c)(5)(C) of the Arizona Rules of Family Law Procedure.

If you object to the subpoena in writing, you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to

first personally consult with you and engage in good faith efforts to resolve your objection and, if the objection cannot be resolved, to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. *See* Rule 52(c)(5)(B) of the Arizona Rules of Family Law Procedure.

If you are not a party to the litigation, or a party's officer, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. *See* Rule 52(c)(6)(B) of the Arizona Rules of Family Law Procedure.

Instead of sending a written objection to the party or attorney who served the subpoena, you also have the option of raising your objections in a motion to quash or modify the subpoena. *See* Rule 52(e)(2) of the Arizona Rules of Family Law Procedure. The procedure and grounds for doing so are described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition."

If the subpoena also commands your attendance at a hearing, trial or deposition, sending a written objection to the party or attorney who served the subpoena does not suspend or modify your obligation to attend and give testimony at the date, time and place specified in the subpoena. *See* Rule 52(c)(5)(A)(iii) of the Arizona Rules of Family Law Procedure. If you wish to object to the portion of this subpoena requiring your attendance at a hearing, trial or deposition, you must file a motion to quash or modify the subpoena as described in the section above entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or Deposition." *See* Rule 52(b)(5) and 45(c)(5)(iii) of the Arizona Rules of Family Law Procedure.

ADA Notification

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties as soon as possible in advance of a scheduled court proceeding.

IF THIS IS FOR MEDICAL RECORDS, YOU MUST ATTACH THIS, ALONG WITH A SIGNED HIPPA RELEASE

NOTICE OF RIGHTS PURSUANT TO A.R.S. § 12-2282

Please take notice that the subpoena of the Custodian of Records seeks production of your medical records maintained by a health care provider which may be privileged under state or federal law. You have a right to file an objection with the party who is seeking the records and with the health care provider no later than five (5) days prior to the production date noted on the attached subpoena. You may consult an attorney regarding this subpoena if you wish.