

1 **CODE CC03**

2 *(Insert Name, Bar Number, Address, Phone, Fax, and E-mail of  
Attorney or Party Submitting Subpoena)*

- 3
- 4
- 5  Attorney for *(Name)*:
- 6  Plaintiff, In Proper Person
- 7  Defendant, In Proper Person

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

Plaintiff(s)/Petitioner(s),	
vs.	
Defendant(s)/Respondent(s).	

Case No.: \_\_\_\_\_  
 Dept. No.: \_\_\_\_\_

**DEPOSITION SUBPOENA**  
**(DUCES TECUM)**

(For Personal Appearance and Production of  
Documents and Things at Deposition)

14 **THE STATE OF NEVADA TO** *(insert witness name, address, and telephone number):*

15 Name:  
 16 Address:  
 17 Telephone No.:

18 **YOU ARE ORDERED TO APPEAR AS A WITNESS** and give testimony at the  
 19 following date, time, and place pursuant to NRS 50.165 and NRCP 30 and 45, UNLESS you  
 20 make an agreement with the attorney or party submitting this subpoena *(insert date, time, department number,  
 21 and place of appearance):*

22 Date:  
 23 Time:  
 24 Department No.:  
 25 Place:

26 If you are a public or private corporation, partnership, association, or governmental  
 27 agency, you are ordered to designate one or more officers, directors, managing agents, or other  
 28 persons who consent to testify on your behalf. The persons you designate will be examined, and  
 are ordered to testify, on the matters set forth below that are known or reasonably available to the  
 organization. NRCP 30(b)(6).

1           **YOUR ARE FURTHER ORDERED** to bring with you at the time of your appearance  
2 the books, documents, or tangible things set forth below that are in your possession, custody, or  
3 control. All documents shall be produced as they are kept in the usual course of business or shall  
4 be organized and labeled to correspond with the categories listed. NRCP 45(d)(1).

5           **WITNESS FEES:** You are entitled to witness fees and mileage traveled, as provided by  
6 NRS 50.225. This Subpoena must be accompanied by the fees for one day's attendance and  
7 mileage, unless issued on behalf of the State or a State agency. NRCP 45(b).

8           **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena  
9 served upon that person may be deemed a contempt of the court, NRCP 45(e), punishable by a  
10 fine not exceeding \$500 and imprisonment not exceeding 25 days, NRS 22.100(2). Additionally,  
11 a witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages  
12 sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest. NRS  
13 50.195, 50.205, and 22.100(3).

14           Please see the attached Exhibit "A" for information regarding your rights and  
15 responsibilities relating to this Subpoena.

(This Subpoena must be signed by the Clerk of the Court or an attorney.)

Steven D. Grierson, CLERK OF COURT

16 By: \_\_\_\_\_ (Signature)  
17 Deputy Clerk Date:

or

18 By: \_\_\_\_\_ (Signature)  
19 Attorney Name: Date:  
20 Attorney Bar Number:

21 Submitted by:

22 \_\_\_\_\_ (Signature)  
23 (Insert Name, Bar Number, Address, Phone, Fax, and E-mail of Attorney or Party Submitting Subpoena)  
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- 27  Attorney for (Name):  
28  Plaintiff, In Proper Person  
 Defendant, In Proper Person

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**MATTERS ON WHICH TESTIMONY WILL BE TAKEN**  
(for witnesses designated pursuant to NRCP 30(b)(6) only)

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**ITEMS TO BE PRODUCED**

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1 **AFFIDAVIT/DECLARATION OF SERVICE**

2 STATE OF NEVADA )  
3 ) ss.  
4 COUNTY OF \_\_\_\_\_ )

5 I, *(insert name of person making service)* \_\_\_\_\_, being duly sworn, or  
6 under penalty of perjury, state that at all times herein I was and am over 18 years of age and not a  
7 party to or interested in the proceedings in which this Affidavit/Declaration is made; that I  
8 received a copy of the **DEPOSITION SUBPOENA (DUCES TECUM)** on *(insert date person making*  
9 *service received Subpoena)* \_\_\_\_\_; and that I served the same on *(insert date person making*  
10 *service served Subpoena)* \_\_\_\_\_, by delivering and leaving a copy with *(insert name of*  
11 *witness)* \_\_\_\_\_ *(insert address where witness was served)* at  
\_\_\_\_\_.

12 Executed on: \_\_\_\_\_  
13 *(Date)* *(Signature of Person Making Service)*

14 **SUBSCRIBED AND SWORN** to before me this  
15 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

16 \_\_\_\_\_  
17 **NOTARY PUBLIC** in and for the  
18 County of \_\_\_\_\_, State of \_\_\_\_\_.

19  
20 **OR ONE OF THE FOLLOWING: Per NRS 53.045**

21 (a) If executed in the State of Nevada: "I declare under penalty of perjury that the foregoing is  
22 true and correct."

23 Executed on: \_\_\_\_\_  
*(Date)* *(Signature of Person Making Service)*

24 (b) If executed outside of the State of Nevada: "I declare under penalty of perjury under the law  
25 of the State of Nevada that the foregoing is true and correct."

26 Executed on: \_\_\_\_\_  
*(Date)* *(Signature of Person Making Service)*

**EXHIBIT "A"**  
**NEVADA RULES OF CIVIL PROCEDURE**

**Rule 45**

**(c) *Protection of persons subject to subpoena.***

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) *Duties in responding to subpoena.***

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.