

Invitation to Comment

Title	Civil Discovery: Deposition Subpoenas in Actions Pending Outside California (adopt forms SUBP-030, SUBP-035, SUBP-040, SUBP-045, and SUBP-050)
Summary	The Legislature recently passed the Interstate and International Depositions and Discovery Act, Assembly Bill 2193 ([Tran]; Stats. 2008, ch. 231) (the Act). The proposed mandatory forms implement the Act’s mandate that the Judicial Council develop forms to be used in applying for and issuing subpoenas for California discovery in out-of-state actions.
Source	Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair
Staff	Anne M. Ronan, Attorney, 415-865-8933, anne.ronan@jud.ca.gov.

Discussion Assembly Bill 2193 adopts the Interstate and International Depositions and Discovery Act to replace the prior statute that authorized issuance of California deposition subpoenas in actions pending outside the state, former Code of Civil Procedure section 2029.010. The new Act clarifies the deponents for whom California subpoenas can be issued, provides a process for obtaining subpoenas, and provides a process for the resolution of disputes regarding discovery in actions pending outside the state.

The Act simplifies the procedure for obtaining a subpoena by permitting issuance of a California subpoena to be based on *any* documents from an out-of-state court that commands a person in California to testify or provide other discovery (and defines such a document, for the purpose of the Act, as a foreign subpoena). (Code Civ. Proc., §§ 2029.200(e), 2029.300.) The out-of-state party can obtain a California deposition subpoena in two ways: (1) from a court, by presenting the foreign subpoena or a copy of it to the clerk of the superior court in the county in which the discovery is to take place, along with an application form and the prescribed fee (Code Civ. Proc., § 2029.300 (a), (b)); or (2) from retained California counsel, by presenting the foreign subpoena to the attorney, who may issue a California subpoena with identical terms (Code Civ. Proc., § 2029.350(a)). Under either procedure, the subpoenas are to be issued on Judicial Council forms, with terms identical to those in the foreign subpoena. (Code Civ. Proc., §§ 2029.300(d), 2029.350(b).)

Application form

The proposed *Application for Deposition Subpoena in Action Pending Outside California* (form SUBP-030) includes two court address boxes in the captions at the top left of the forms for the party to identify both the California court where the application is being filed and the out-of-state court in which the action is pending. There is a space for the case number in the out-of-state action as well as a space for one in the California proceedings, should a court wish to issue one at the time the application is filed.

The proposed application form includes a statement, made under penalty of perjury, that a true copy of the foreign subpoena is attached. There is also a statement confirming that the proposed California subpoena submitted with the application contains terms identical to those in the foreign subpoena. (§ 2029.300(a),(b) & (d)(1).)

The form contains a notice box at the bottom with a reminder that a fee is required and a warning that the subpoena must be served in compliance with California law. (Code Civ. Proc., §§ 2029.300(b)(2), 2029.400.)

Subpoena forms

The first three of the proposed set of deposition subpoenas mirror the current subpoenas in use for depositions in California actions:

- *Deposition Subpoena for Production of Business Records in Action Pending Outside California* (form SUBP-035, based on current form SUBP-010);
- *Deposition Subpoena for Personal Appearance in Action Pending Outside California* (form SUBP-040, based on current form SUBP-015);
- *Deposition Subpoena for Personal Appearance and Production of Documents and Things in Action Pending Outside California* (form SUBP-045, based on current form SUBP-020).

Most of the text of the current subpoena forms has been retained in the new forms, because the Act incorporates the provisions of the Code of Civil Procedure dealing with the production of evidence (beginning with section 1985) and the Civil Discovery Act (beginning with section 2016.010) as well as any other law or court rule governing depositions to discovery under these new provisions. (Code Civ. Proc.,

§ 2029.500.) Two items that are not pertinent to depositions in out-of-state actions have not been included on the new forms: the item indicating whether a videotaped deposition is to be used at trial under section 2025.620(d) and the statement that the deposition may take place within 150 miles of a natural person's residence if taken within the county in which the action is pending (see form SUBP-040, item 5 and form SUBP-045, item 8). By their nature, these depositions in out-of-state actions will never take place in that county.

The fourth proposed subpoena, *Subpoena for Inspection of Premises in Action Pending Outside California* (form SUBP-050), has been developed to be used to enforce a foreign subpoena permitting the inspection of property in California. (Code Civ. Proc., § 2029.200(b)(3).) There is no equivalent California subpoena for this discovery, because under California law such a demand may be made only to a party, with no subpoena required. (See Code Civ. Proc., § 2031.010, et seq.) Proposed form SUBP-050 includes items for all the information that would be required in such a demand, including the time and place of inspection, identification of anyone who is permitted to enter the property, and specification of any activity that will be conducted during the inspection.

The new law mandates that the subpoenas issued under these provisions:

1. Incorporate the terms of the foreign subpoena;
2. Contain or be accompanied by the names, addresses, or phone numbers of all counsel of record or parties without counsel;
3. Bear the caption and case number of the out-of-state case; and
4. State the name of the court that issues it (when issued by a clerk) or the court for the county in which the discovery is to be conducted (when issued by an attorney of record).

(Code Civ. Proc. §§ 2029.300(d), 2029.350(b).)

As to the first requirement, an applicant for a court-issued subpoena must declare under penalty of perjury that the California subpoena prepared by that party contains terms identical to that in the foreign subpoena. For an attorney-issued subpoena, it is the responsibility of California counsel to only issue a subpoena that has terms identical to the foreign subpoena it is based on. To the extent there are terms on foreign subpoena that do not fit within the text and items on the California forms, the additional terms may be added to the form. (See item 6 on form SUBP-035, item 4 on form SUBP-040, item 6 on form

SUBP-045, and item 5 on form SUBP-050.)

The second requirement is met by including an item for entry of the name, address, and phone number of all counsel in the out-of-state action and any nonrepresented parties. (This item is at the bottom of the first page of each subpoena form).

The final two requirements are met by the double caption box on the top of the forms, identifying both courts: the court in which the action is pending (along with the case number in that court) and the court of the California county in which the discovery will occur.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT - v.3 03.20.09 NOT YET ADOPTED BY THE JUDICIAL COUNCIL
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Court in which action is pending: Name of Court: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
APPLICATION FOR DEPOSITION SUBPOENA IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of California proceeding, if any):

1. Applicant (name): _____ is (check one):

Plaintiff Petitioner Defendant Respondent Other (specify): _____
in the above action.

2. Applicant requests that this court issue a deposition subpoena under Code of Civil Procedure sections 2029.100—2029.900 to (name and address of deponent):

3. Attached hereto is a true and correct copy of the document from the out-of-state court listed above that requires the deponent to attend and give testimony at a deposition; produce and permit inspection and copying of designated materials, information, or tangible things in the possession, custody, or control of the deponent; or permit the inspection of premises under the control of the deponent. (See Code Civ. Proc. § 2029.200.)

4. Applicant submits with this application a proposed subpoena that includes terms identical to those in the document from the out-of state court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

Note: This application must be accompanied by the fee specified in Government Code section 70626. A deposition subpoena must be personally served on the deponent in compliance with California law, including Code of Civil Procedure section 1985.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <p style="text-align: center;">DRAFT - v4 03.20.09</p> <p style="text-align: center;">NOT YET ADOPTED BY THE JUDICIAL COUNCIL</p>
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Court in which action is pending: Name of Court: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER (of action pending outside California):
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of California proceeding, if any):

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (*name, address, and telephone number of deponent, if known*):

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (<i>name of deposition officer</i>): On (<i>date</i>): _____ At (<i>time</i>): _____ Location (<i>address</i>):	
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*

3. The records to be produced are described as follows:

Continued on Attachment 3 (*use form MC-025*).

4. Attorneys of record in this action or parties without attorneys are (*name, address, telephone number, and name of party represented*):

Continued on Attachment 4 (*use form MC-025*).

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

6. Other terms or provisions from out-of-state subpoena, if any (*specify*):

Continued on Attachment 6 (*use form MC-025*).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

	▶	
(TYPE OR PRINT NAME)		(SIGNATURE OF PERSON ISSUING SUBPOENA)
		(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this *Deposition Subpoena for Production of Business Records In Action Pending Outside California* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):
- b. Address where served:

- c. Date of delivery: _____ d. Time of delivery: _____
- e. Witness fees and mileage both ways (*check one*):
 - (1) were paid. Amount: \$ _____
 - (2) were not paid.
 - (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ _____
- f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

▶ _____
(SIGNATURE)

▶ _____
(SIGNATURE)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

4. Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 4 (use form MC-025).

5. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)

(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

1. I served this *Deposition Subpoena for Personal Appearance in Action Pending Outside California* by personally delivering a copy to the person served as follows:

- a. Person served
- b. Address where served:

c. Date of delivery: _____ d. Time of delivery: _____

e. Witness fees and mileage both ways (check one):

- (1) were paid. Amount: \$ _____
- (2) were not paid.
- (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT - v4 03.20.09 NOT YET ADOPTED BY THE JUDICIAL COUNCIL
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Court in which action is pending: Name of Court: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER (of action pending outside California):
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of California proceeding, if any):

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (*name, address, and telephone number of deponent, if known*):

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date:	Time:	Address:
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- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b. You are ordered to produce the documents and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.

2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.

3. The documents and things to be produced and any testing or sampling being sought are described as follows:

Continued on Attachment 3 (*use form MC-025*).

4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

Continued on Attachment 4 (*use form MC-025*).

5. Attorneys for the parties to this action or parties without attorneys are (*name, address, telephone number, and name of party represented*):

Continued on Attachment 5 (*use form MC-025*).

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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6 Other terms or provisions from out-of-state subpoena, if any (*specify*):

Continued on Attachment 6 (*use form MC-025*).

7. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**

8. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

(SIGNATURE OF PERSON ISSUING SUBPOENA)

(TYPE OR PRINT NAME)

(TITLE)

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things in Action Pending Outside California* by personally delivering a copy to the person served as follows:

- a. Person served (*name*):
- b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (*check one*):

(1) were paid. Amount: \$ _____

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT - v5 04.16.09 NOT YET ADOPTED BY THE JUDICIAL COUNCIL
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Court in which action is pending: Name of Court: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER (of action pending outside California):
SUBPOENA FOR INSPECTION OF PREMISES IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of California proceeding, if any):

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (*name, address, and telephone number of deponent, if known*):

1. YOU ARE ORDERED TO PERMIT THE INSPECTION OF THE PREMISES BELOW, at the following time and date:

Date:	Time:	Address or description of premises:

2. The individuals permitted to enter the premises for the inspection are (*specify party and any other individuals permitted to enter*):

Continued on Attachment 2 (*use form MC-025*).

3. Any testing, sampling, or other activity to take place during the inspection are described as follows:

Continued on Attachment 3 (*use form MC-025*).

4. Attorneys for the parties to this action or parties without attorneys are (*name, address, telephone number, and name of party represented*):

Continued on Attachment 4 (*use form MC-025*).

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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5. Other terms or provisions from out-of-state subpoena, if any (*specify*):

Continued on Attachment 5 (*use form MC-025*).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued:

(SIGNATURE OF PERSON ISSUING SUBPOENA)

(TYPE OR PRINT NAME)

(TITLE)

PROOF OF SERVICE OF SUBPOENA FOR INSPECTION OF PREMISES

1. I served this *Subpoena for Inspections of Premises in Action Pending Outside California* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (*check one*):

(1) were paid. Amount: \$ _____

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

a. Not a registered California process server

b. California sheriff or marshal

c. Registered California process server

d. Employee or independent contractor of a registered California process server

e. Exempt from registration under Business and Professions Code section 22350(b)

f. Registered professional photocopier

g. Exempt from registration under Business and Professions Code section 22451

h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

Item SPR09-12 Response Form

Title: **Civil Discovery: Deposition Subpoenas in Actions Pending Outside California** (adopt forms SUBP-030, SUBP-035, SUBP-040, SUBP-045, and SUBP-050)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009
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