

Notice to Persons Served with a Subpoena

A subpoena may require you to copy and mail documents, produce documents or tangible things, appear at a hearing, trial, or deposition, or allow inspection of a location.

A subpoena can be issued by the court clerk or by a licensed attorney. You must do what it says or file an objection. If you don't comply, you can be fined or go to jail.

You can find more information about subpoenas and forms you may need at:
www.utcourts.gov/resources/forms/subpoena/

1. If the subpoena requires you to **appear to at a trial, hearing, deposition, or for inspection of a place**, you must appear at the date, time, and place designated in the subpoena. You will be required to either answer questions under oath or allow inspection of a place.

For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

- If you are a resident of Utah:
 - where you reside;
 - where you are employed;
 - where you transact business in person; or
 - where the court orders.
- If you are not a resident of Utah:
 - where you are served with the subpoena; or
 - where the court orders.

2. If the subpoena requires you to **copy documents or electronically stored information**, you must:

- organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena; and
- mail or deliver the copies and the Declaration of Compliance with the Subpoena to the attorney or party requesting the documents. You may need to modify the Declaration to fit your circumstances.

The party who requested the documents must pay the reasonable cost of copying the documents.

3. If the subpoena requires you to **produce documents or tangible things**, you must appear in person with the documents or tangible things so that they may be tested, copied, sampled, or inspected. You must:

- produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena; and
- mail or deliver the Declaration of Compliance with the Subpoena to the requesting attorney or party.

The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney.

The subpoena must be served on you at least 14 days before the date designated for compliance.

The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things.

4. **Witness fee.** If the subpoena requires you to appear, a one-day witness fee must be served with the subpoena. A one-day witness fee is \$18.50 plus mileage. The witness fee for each subsequent day is \$49.00 plus mileage. Mileage is \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

A subpoena issued on behalf of the United States or Utah does not have to include a witness fee and mileage.

5. **Objection to a subpoena.** You may object to all or part of the subpoena if :

- it does not give you a reasonable amount of time to comply.
- it creates an undue burden for you.
- it requires you to disclose privileged or other protected matter and no exception or waiver applies.
- it requires you to disclose a trade secret or other confidential research, development, or commercial information.
- it requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.
- you are a Utah resident and it requires you to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county:
 - in which you do not reside,
 - are not employed, or
 - do not transact business in person,
 unless the judge orders otherwise.
- you are not a Utah resident and it requires you to appear at a deposition or to produce documents, electronic records or tangible things or to permit

inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise.

You must comply with those parts of the subpoena to which you do not object.

6. **How to object.** To object to the subpoena, complete and serve the Objection to Subpoena on the party or attorney issuing the subpoena before the compliance date.

Once you have filed the objection, you do not have to comply with the subpoena unless ordered to do so by the court.

7. **Motion to compel.** If you serve an Objection to Subpoena on the party or attorney issuing the subpoena, they may file a motion asking the court to make you comply with the subpoena. They may also ask for a hearing on the motion.

If you do not agree with the motion, you can file a Memorandum Opposing the Motion. See the court's Motions web page for information and forms: www.utcourts.gov/howto/filing/motions/.

It is possible to ask the judge to order conditions for complying with the subpoena. Consider talking to an attorney to go over your options. See the Finding Legal Help web page for information about free and low cost ways to get legal help: www.utcourts.gov/howto/legalassist/.

8. **Organizations.** If the subpoena orders a corporation, partnership, association or governmental agency that is not a party to the suit to appear at a deposition, they must designate one or more persons to answer questions on their behalf. (Utah Rule of Civil Procedure 30).