

CODE CC03

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

- Attorney for *(Name)*:
- Plaintiff, In Proper Person
- Defendant, In Proper Person

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Case No.: _____
Dept. No.: _____

**SUBPOENA DUCES TECUM FOR
BUSINESS RECORDS**
(No Appearance Required)

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

The Custodian of Records or Other Qualified Person at

Business/Organization Name:
Address:
Telephone No.:

YOU ARE ORDERED, pursuant to NRCP 45, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by one of the following methods *(check one)*:

- Making the original business records described below available for inspection at your business address by the attorney's representative or party appearing in proper person and permitting copying at your business address under reasonable conditions during normal business hours.
- Delivering a true, legible, and durable copy of the business records described below to the requesting attorney or party appearing in proper person, by United States mail or

1 similar delivery service, no later than *(insert date production is due)* _____ at the
2 following address *(insert address where production to be delivered)*: _____

3 _____
4 All documents shall be produced as they are kept in the usual course of business or shall be
5 organized and labeled to correspond with the categories listed. NRCP 45(d)(1).

6 **YOU ARE FURTHER ORDERED** to authenticate the business records produced,
7 pursuant to NRS 52.260, and to provide with your production a completed Certificate of
8 Custodian of Records in substantially the form attached as Exhibit "B."

9 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena
10 served upon that person may be deemed a contempt of the court. NRCP 45(e). If you fail to
11 obey, you may be liable to pay \$100, plus all damages caused by your failure. NRS 50.195.

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

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

15 Steven D. Grierson, CLERK OF COURT

16 By: _____ *(Signature)*
17 Deputy Clerk Date:

18 or

19 By: _____ *(Signature)*
20 Attorney Name: Date:
21 Attorney Bar Number:

22 Submitted by:

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

- 25
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27 Attorney for *(Name)*:
28 Plaintiff, In Proper Person
 Defendant, In Proper Person

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ITEMS TO BE PRODUCED

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on *(insert date of mailing)* _____, 20____,
pursuant to NRCP 5(b)(2)(B), I placed a true and correct copy of the foregoing **SUBPOENA
DUCES TECUM FOR BUSINESS RECORDS** in the United States Mail, with first-class
postage prepaid, addressed to the following *(insert last known address of opposing attorney or party if unrepresented)*:

DATED: _____, 20____,

_____ *(Signature)*
_____ *(Print name)*

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 **SUBPOENA DUCES TECUM FOR BUSINESS RECORDS** on *(insert*
9 *date person making service received Subpoena)* _____; and that I served the same on *(insert date*
10 *person making service served Subpoena)* _____, by delivering and leaving a copy with *(insert*
11 *name of 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 waive 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.

EXHIBIT "B"
CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA)
) ss.
COUNTY OF _____)

Case No.: _____

NOW COMES _____ *(name of custodian of records)*, who after first being duly sworn deposes and says:

1. That the deponent is the _____ *(position or title)* of _____
_____ *(name of employer)* and in his or her capacity as _____
_____ *(position or title)* is a custodian of the records of _____
_____ *(name of employer)*.

2. That _____ *(name of employer)* is licensed to do business as a _____ in the State of _____.

3. That on the _____ day of the month of _____ of the year _____, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____

_____.

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____
_____ *(name of employer)*.

Executed on: _____
(Date)

(Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this
_____ day of _____, 20____.

NOTARY PUBLIC in and for the
County of _____, State of _____.