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DISCOVERY

Business Records Subpoena: Getting Copies of Documents from a Non-Party

This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide. Additional copies of this Guide can be accessed at www.saclaw.org/bus-rec-subpoena.

Parties in a lawsuit can use a “business records subpoena” to obtain records and information from **non-party witnesses**,* such as banks, employers, or police departments. ([Cal. Code of Civil Procedure \(CCP\) § 2020.410.](#)) **The procedure requires several steps and takes a month or more, so start early.**

Outline of Procedure:

1. Choose production date and “deposition officer” (photocopy company). Fill out forms.

Skip to “3” if records are not consumer or employee records.

2. Serve consumer/employee and all parties.

a. At least 25 days before production date, have the consumer/employee served with *Notice to Consumer/Employee* and *Deposition Subpoena* plus *Attachment*. Have any other parties served, too.

b. Wait 10 days for objections. If no objections, move to “3.”

3. Have the witness (the company or agency with records) *personally* served and have the parties served by mail.

a. At least 15 days before the production date, personally serve witness with *Notice* (showing that consumer/employee was served), *Deposition Subpoena* plus *Attachment*, and *Proof of Service of Notice and Deposition Subpoena plus Attachment* showing service on all parties.

b. If you skipped “2,” serve all other parties now.

If you need testimony from a non-party, don't use this form

A business records subpoena just gets you copies of records. If you need in-person testimony and records from a non-party, use one of the following:

- Deposition: *Deposition Subpoena for Personal Appearance and Production of Documents and Things* (see saclaw.org/deposition-guide).
- Trial: *Civil Subpoena (Duces Tecum)* (SUBP-002) www.courts.ca.gov/documents/subp002.pdf

If you need records from a party, don't use this form

To get records from a **party**, use a Request for Production (see saclaw.org/request-production).

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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STEP-BY-STEP INSTRUCTIONS

Step 1: Determine Whether the Documents Are “Consumer or Employee” Records

If they are, you need to add about two weeks to the process.

“Consumer records” are records sought from telephone companies; banks, insurance and financial services providers; health care providers; schools; attorneys; or accountants. [CCP § 1985.3\(a\)\(1\)](#). An “employee” is individual who is or has been employed by a witness whose records are sought. “Employee records” include books, documents, other writings or electronic data pertaining to employment of any employee or former employee. [CCP § 1985.6](#).

Once you determine whether you are seeking consumer/employee records, you can determine what steps to take and how far in advance you need to start.

Step 2: Set a Date and Location for Production

Select your date at least 15 days away for non-consumer/employee records, or at least 30 days away if the records are consumer/employee records.

Contact a copy service in your area to see if they handle document subpoenas. The service you hire to do this is called the “Deposition Officer.” The Deposition Officer must be a professional photocopier registered under [California Business & Professions \(Bus. & P\) Code §§22450–22463](#), with some exceptions. You may need to contact several to find one that provides this service.

Step 3: Complete the Required Forms

You will need two forms to subpoena business records:

- *Deposition Subpoena for Production of Business Records* (SUBP-010)
- *Attachment* (MC-025), describing the records you need (you will number this “Attachment 3”)

Completed samples are at the end of this Guide.

NOTE: When you issue a *Deposition Subpoena for Production of Business Records* (SUBP-010), there are three options for production in the first paragraph of the first page. Option “a” is having the records delivered to the Deposition Officer (generally a copy shop) will be the easiest in most situations. Note that you must arrange to pay the witness their costs before taking delivery of the

Special Protection for Online & Phone Records

Telephone records, email, social media, and texts may require you to get the consumer’s signature consenting to release. [Cal. Public Utilities Code § 2891](#) and the Federal Stored Communications Act ([18 U.S.C. §§ 2701-2712](#)) protect these types of records. A sample authorization form can be found in *Cal. Forms of Pleading and Practice*, Ch.535, sec. 535:71.

If the consumer will not sign the release voluntarily, you may need to get a court order requiring the consumer to sign it. This process is not covered in this guide.

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copies. Talk to your Deposition Officer about how to accomplish this. One option is to ask the Deposition Officer to pay the witness and then bill you.

Under option (b), a Deposition Officer (copy shop employee) goes to witness's place of business to pick up the copies. Under (c), the subpoenaing party [you] goes to the witness's place of business and copies the records. ([CCP §2020.430](#)). Most self-represented litigants should choose option (a).

Step 4: Have the Court Clerk “Issue” Subpoena (Self-Represented Parties Only)

Take the *Deposition Subpoena for Production of Business Records* (SUBP-010) to the court where your case is pending to be “issued” (stamped with the court seal). When the clerk stamps it with the court’s seal, it becomes an official court order. Attorneys can sign subpoenas themselves as “officers of the court” and do not need to take this step.

In Sacramento, subpoenas (original and two copies) are placed in the drop box in Room 102 in the Sacramento Superior Court at 720 Ninth Street. Fill out and attach the *Civil Document Drop-Off Sheet*, available at the drop box, and date stamp the back of the packet. Include a self-addressed, stamped envelope. There is no fee for this. Keep a copy of the subpoena plus attachment for your records. The court will process the paperwork, and return the issued subpoena and copies by mail.

When you receive the issued subpoena, make enough copies of the stamped subpoena for yourself, the witness, and all parties. You will serve these copies in later steps.

Allow extra time for court to issue subpoenas

If you are not a lawyer, you will need to get the court clerk to stamp (“issue”) the subpoena. In Sacramento, **it may take up to two weeks** to receive the stamped subpoenas back.

You can submit several blank subpoenas (with caption information only, and without attachments) ahead of time so that you have them on hand when you need them.

IF THE RECORDS ARE NOT CONSUMER OR EMPLOYEE RECORDS, SKIP TO STEP 9

Extra Steps if You Need “Consumer” or “Employee” Records

To protect people’s privacy, subpoenas of consumer and employee records require an extra procedure to give the consumer/employee time to object. This can add as much as two weeks to the process, more if they object. The consumer/employee must be served at least 10 days (5 if you use personal service) before you serve the witness ([CCP § 1985.3\(b\)\(3\)](#)) and at least 25 days before the date of production (20 if you use personal service) ([CCP § 2020.410](#)). See the **Worksheet to Determine Dates for Service** at the end of this Guide.

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Step 5: Complete the Additional Form for Consumer/Employee Records

In addition to the forms in Step 3, fill out page 1 of a *Notice to Consumer or Employee and Objection* (SUBP-025). Make enough copies of all forms for yourself, the witness, and all parties. You will serve these copies in later steps.

Step 6: Serve the Consumer/Employee with the Deposition Subpoena and Notice to Consumer or Employee

Serve the consumer/employee with a copy of:

- Stamped *Deposition Subpoena for Production of Business Records* (SUBP-010) and *Attachment* (MC-025), and
- *Notice to Consumer or Employee and Objection* (SUBP-025).

You can have this served by mail to the consumer/employee's last-known address or by personal service if you are low on time.

The person who is serving the Notice for you must complete the proof of service on the back of the original *Notice to Consumer or Employee and Objection* (SUBP-025). The server then gives the signed original Notice to you. You will use it in step 7.

Step 7: Serve All Parties by Mail (unless Consumer/Employee is Only Other Party)

If the only other party is the consumer/employee, skip this step.

Serve by mail all parties (or their attorneys) with copies of

- *Deposition Subpoena for Production of Business Records* (SUBP-010) (plus *Attachment* (MC-025))
- *Notice to Consumer or Employee and Objection* (SUBP-025) (showing the signed proof of service on the back).

Keep the originals for your files.

The person who is serving your documents for you must complete a *Proof of Service by First Class Mail* (POS-030) form. For more information on this Proof of Service, see the guide on our website at www.saclaw.org/mail-service.

The proof of service form should be completely filled out, but not signed. **Make a copy of the unsigned proof of service before proceeding.**

Shortcut: consumer/employee can sign release

You can skip the Notice to Consumer/Employee steps if the person whose records you need is willing to sign an authorization.

Include it instead of the copy of *Notice to Consumer or Employee and Objection* in steps 9 and 10. Sample authorization forms can be found in *Cal. Forms of Pleading and Practice*, Ch.535, sec. 535:70-73.

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The server (person over the age of 18 who is not a party to the case) must then mail a copy of the documents along with a copy of the unsigned Proof of Service form on the opposing attorneys or self-represented litigants.

The server then signs the Proof of Service form, and gives it to you. Keep this in your files.

Step 8: Wait for Consumer/Employee to Respond

Wait at least 10 calendar days (5 if you had the consumer personally served) before moving on to Step 9, “Serve the Witness.”

The consumer/employee’s deadline to object is 5 days before the production date. A non-party consumer/employee just needs to fill out the objection on *Notice to Consumer or Employee and Objection* (SUBP-025). A consumer/employee who is a party needs to file a motion to quash the Subpoena in court.

If the consumer/employee objects or files a motion to quash, the witness is not permitted to respond to your Deposition Subpoena. You may make a Motion to Compel Production (deadline: 20 days after service of the written objection), or file an Opposition to the Motion to Quash, as appropriate. Motions to Quash Subpoenas are not covered in this Guide; see a reference librarian for more information on this process. For more information on Motions to Compel Production see the Step-by-Step guide on our website at www.saclaw.org/motion-compel.

Step 9: Serve the Witness (the Company or Agency with the Business Records) by Personal Service at Least 15 Days before Production Date

Serve these documents at least 15 days before the production date. ([CCP § 2020.410\(c\)](#))

Fill out but do not sign a *Proof of Service by Mail* (POS-030) listing all of the following documents and showing proof of service by mail on all parties. This Proof of Service will be used in Step 10, but you must include a copy of it in the packet you serve the witness. For more information on this Proof of Service, see the guide on our website at www.saclaw.org/mail-service.

If the documents are **not** consumer or employee records, have the witness *personally served* with:

- Deposition Subpoena for Production of Business Records (SUBP-010)
- Attachment (MISC-025)
- Proof of Service by Mail (POS-030) on all parties (unsigned but otherwise complete).

If the documents **are** consumer/employee records, have the witness *personally served* with:

- *Deposition Subpoena for Production of Business Records* (SUBP-010)
- *Attachment* (MISC-025)
- *Notice to Consumer or Employee and Objection* (SUBP-025), showing signed proof of service on the back.
- Proof of Service by Mail (POS-030) on all parties (unsigned but otherwise complete).

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The server (a person over the age of 18 who is not a party to the case) must personally deliver the required documents on the witness or its representative. If the witness is an organization, any officer, director, custodian of records, or any agent or employee authorized by the organization to accept service of a subpoena can be served on behalf of the organization. ([CCP § 2020.220.](#))

The server then signs the proof of service form on the back of the *Deposition Subpoena for Production of Business Records* (SUBP-010) and returns it to you. Keep this in case you need it for a motion later.

Fees Paid to the Witness:

If you are requesting copies of the documents to be mailed to the Deposition Officer (option “1(a)” or “1(b)” on the Deposition Subpoena), the witness may demand payment of reasonable costs prior to providing the documents to the Deposition Officer. These costs include:

Reproduction costs:

- \$0.10 per page for documents 8 ½” x 14” or less;
- \$0.20 per page for copying documents from microfilm;
- Actual costs for oversize documents or documents requiring special processing;

Other Costs:

- Clerical costs of \$24 per hour per person;
- Actual postage costs; and
- Costs for necessary services of third persons, including retrieval from microfilm.

These costs are paid when the witness delivers the business records and an itemized statement listing costs. [Evid C §§ 1563\(b\)\(1\), \(2\), & \(3\).](#) If you requested to inspect the original documents at the witness’s location, the witness is entitled to a fee of \$15, so write a check for the server to take along. [Evid C §1563\(b\)\(6\).](#)

Step 10: Serve the Other Party or Parties (unless You Served in Step 7)

Skip this step if you completed steps 5-8, Notice to Consumer or Employee. If you did, the service in Step 8 is sufficient.

Serve all parties by mail with copies of all documents listed in Step 9. If they have attorneys, serve the attorneys instead.

The proof of service form should be completely filled out, but not signed. **Make a copy of the unsigned proof of service before proceeding.**

The server (a person over the age of 18 who is not a party to the case) must then mail a copy of the documents along with a copy of the unsigned proof of service form on the opposing attorney(s) or self-represented litigant(s).

The server then signs the original Proof of Service form, and gives it to you.

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Step 11: Wait for the Documents

You're done for now. The documents should arrive at the copy service by your chosen production date.

If your Deposition Subpoena is ignored, or you get nothing but a written objection, you may need to file a motion in court to compel the witness to produce the documents. For more information on motions to compel production, see the guide on our website at www.saclaw.org/motion-compel.

FOR HELP

For assistance with a business records subpoena, you may want to contact a professional photocopier service to act as Deposition Officer. In some cases they will do the entire process (forms, service, and copying) for you for a fee. Call a local law office and ask who they use, or look under "Copying and Duplicating Services" or "Attorney Support Services" in the Yellow Pages.

Sacramento County Public Law Library Civil Self Help Center

609 9th Street, Sacramento 95814

www.saclaw.org/self-help/civil-self-help-center/

Services Provided: The Sacramento County Public Law Library Civil Self Help Center provides general information and basic assistance to self-represented litigants on a variety of civil legal issues. Appointments will be made beginning at 8:30 a.m. Patrons who are present at 8:30 a.m. will be entered into a random drawing to determine the order their case will be evaluated. If an appointment is appropriate, it will be made for later in the day. You are encouraged to arrive by 8:25 a.m. to participate in the appointment setting drawing.

Eligibility: Must be a Sacramento County resident or have a [qualifying](#) case in the Sacramento County Superior Court.

FOR MORE INFORMATION

On the Web:

NOLO Law for All: "Formal Discovery: Gathering Evidence for Your Lawsuit"

www.nolo.com/legal-encyclopedia/formal-discovery-gathering-evidence-lawsuit-29764.html

This respected self-help site offers excellent information on discovery in general.

California Courts: "Getting Evidence for Court"

www.courts.ca.gov/xbcr/partners/getting-evidence.pdf

This pamphlet, provided by the Judicial Council's website, contains information about preparing evidence for admission in a court trial or hearing.

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At the Law Library:

The following books have information about preparing business records subpoenas:

California Forms of Pleading and Practice [KFC 1010 .A65 C3](#)

California Practice Guide: Civil Procedure before Trial [KFC 995 .W45](#) Chap. 8, Discovery, Sec. 540-555.

Litigation by the Numbers [KFC 995 .G67](#) Chap.5, Discovery, Sec. 5.3.5.

These books give detailed discussion of the steps needed to use a business records subpoena. *Civil Procedure before Trial* in particular contains discussion of the applicable statutes and cases.

For examples of the types of documents you may want to request in different types of civil cases, see:

Deposition Checklists and Strategies [KF 8900 .S33](#)

This book is divided into chapters by type of case (vehicular liability, premises liability, medical malpractice, etc.). Each chapter has a section on "Documents and Exhibits" which lists the types of documents that may be useful in that type of case.

California Points and Authorities [KFC 1010. B4](#) (Ready Reference)

Vol. 8, Chap. 81, Sec. 240-254

Contains information and forms for consumer/employee objections.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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ATTACHMENTS: FORMS AND INSTRUCTIONS

Forms

The Judicial Council forms commonly used in this procedure are:

- *Deposition Subpoena for Production of Business Records* (SUBP-010)
www.courts.ca.gov/documents/subp010.pdf
- *Attachment* (MC-025)
<http://www.courts.ca.gov/documents/mc025.pdf>
- *Notice to Consumer or Employee and Objection* (SUBP-025)
www.courts.ca.gov/documents/subp025.pdf
- *Proof of Service by Mail* (POS-030)
www.courts.ca.gov/documents/pos030.pdf

Sample filled-in forms with instructions are available at the end of this Guide.

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Business Records Subpoena: Worksheet to Determine Dates for Service

Work backwards from the date you want to receive the documents (Date of Production).

1. Choose the date for production of documents.
2. Count backwards 15 days. If the 15th day is a holiday or weekend, keep going until you reach a workday. This is the last day the witness can be served. (It is a good idea to serve it a few days early, in case of problems with the service.)
3. If you are requesting consumer/employee records: Choose the date you expect to *actually* serve the witness (on or before the date in step 2).
4. Count backwards 10 days from the date you expect to *actually* serve the witness. Again, if the 10th day is a holiday or weekend, keep counting backwards until you reach a workday. This is the last day the Consumer/Employee can be served by mail.

If you are short on time, you can save a few days by having the Consumer/Employee personally served. In this case, you only have to count back 5 days from the date you expect to serve the witness.

Worksheet: Fill this out to figure out the dates (using a calendar can help):

Event:	Instructions:
Date of Production	Enter the date you want to receive the documents here: ____ / ____ /20 ____
Last day to serve the witness	Starting from the Date of Production, count backwards 15 calendar days. If the day you land on is a weekend or holiday, keep going until you reach a workday. This is the last day to serve the witness. Enter that date here: ____ / ____ /20 ____ You can serve the witness earlier, if you choose.
Day you actually plan to serve the witness	Enter the date you actually plan to serve the witness here: ____ / ____ /20 ____
Last day to serve the Consumer/ Employee	Starting from the day you actually plan to serve the witness, count backwards 10 calendar days (5 if personally serving). If the day you land on is a weekend or holiday, keep going until you reach a workday. This is the last day to serve the Consumer/ Employee by mail. Enter that date here: ____ / ____ /20 ____ You can serve the Consumer/Employee earlier, if you choose.

SUBP-010

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PAUL SAMPLE 2036 DONNER DRIVE SACRAMENTO, CA 95826 TELEPHONE NO.: 916-123-4567 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): IN PRO PER</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 720 NINTH ST MAILING ADDRESS: CITY AND ZIP CODE: SACRAMENTO, CA 95814-1380 BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: PAUL SAMPLE DEFENDANT/RESPONDENT: PETER PERPETRATOR</p>	
<p>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</p>	<p>CASE NUMBER: 34-2011-00112345</p>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number):
ACME, INC., 987 MAIN ST., SACRAMENTO CA 95814

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

To (name of deposition officer): **SPEEDY COPY**
 On (date): **JANUARY 15, 2012** At (time): **10AM**
 Location (address): **567 OAK ST. SACRAMENTO CA 95814**

Do not release the requested records to the deposition officer prior to the date and time specified in item 1.

a. by delivering a true, legible, and durable copy of the business records described in item 3, in its original form or in a true and legible copy, wrapped in a clear plastic 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 production and copying under Evidence Code section 1563(b).

c. by making the original business records described in item 3 available for inspection and copying at your business address under reasonable 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 service, or 15 days after service, whichever date is later). Reasonable costs of production and copying, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b).

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

Continued on Attachment 3.

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

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

Date issued: **DECEMBER 14, 2011**

(TYPE OR PRINT NAME) _____ (SIGNATURE OF PERSON ISSUING SUBPOENA) _____

Your name, address, and phone number. "In Pro Per" means you are representing yourself.

County and address of the court where the case is pending.

Your name and the other party's name as they appear on the complaint

Case number

Name, address, phone number of the "witness" (company with records)

Date, place and time for delivery of the copies ("the production date"), the date you chose in Step 2.

Check: "a" if you are asking the witness to mail copies of the business record to the deposition officer (most common option). Check "b" or "c" to use those options.

Leave this area blank. Check "Continued on Attachment 3."

Leave this area blank. The clerk will fill it in when you take the subpoena to court to get it issued in Step 4.

NOTE: Fill in the names and case number on page 2, and leave the rest blank. The person who serves the subpoena in Step 9 will fill it out.

The "deposition officer" is the copy service you hired in Step 2.

SHORT TITLE: Sample v. Perpetrator	CASE NUMBER: 34-2011-00112345
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Short title (party1 v party2)

Case number

Fill in "3"

ATTACHMENT (Number): 3
(to be used with any Judicial Council form.)

1. Any and all any and all police reports, arrest reports, case reports, supplementary reports, street files, laboratory reports, notes and memoranda, printed or otherwise, and files relating to the arrest of [Party Name], date of birth of [Party Name], on or about [Date of Arrest or Incident], at or near [Location].
2. Any and all phone records for the year of [year or range of dates] pertaining to [name of Consumer/Employee] at [Consumer/Employee's phone number or numbers], including but not limited to text and data and call records.
3. Employment records for Employee [employee's name] whose Social Security number is _____, and whose date of birth is _____, including the following: All documents relating to Employee's employment from [date] to [date], including but not limited to pay checks, pay stubs, reviews, correspondence, and W-2 forms.
4. All documents relating to medical and physical therapy examinations, treatment and services rendered to [Party] from [date] to the present, including but not limited to reports, summaries, diagnoses, x-rays, statements, and billings.
5. All documents relating to inspection, maintenance, and repair of the automobile [Party] was operating during the accident which is the subject of this action, including repair estimates, repair receipts, owner's manuals, and records of repairs made by any person or entity, including [Party], from [date] to the present.

sample

Specifically describe each item or reasonably particularize each category of item to be produced ([CCP § 2025.410\(a\)](#)).

Specific information that is identifiable only to the deponent's records system (e.g., a policy number or the date the consumer interacted with the witness) is not required. ([CCP § 2020.410\(a\)-\(b\)](#)).

Sample language for several common situations is listed here. For more information about how to request specific types of records, talk to the Reference Librarian.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

SUBP-025

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PAUL SAMPLE 2036 DONNER DRIVE SACRAMENTO, CA 95826		FOR COURT USE ONLY
TELEPHONE NO: 916-123-4567	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): IN PRO PER		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO		
STREET ADDRESS: 720 NINTH ST		
MAILING ADDRESS:		
CITY AND ZIP CODE: SACRAMENTO, CA 95814-1380		
BRANCH NAME:		
PLAINTIFF/ PETITIONER: PAUL SAMPLE		CASE NUMBER:
DEFENDANT/ RESPONDENT: PETER PERPETRATOR		34-2011-00112345
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3,1985.6)		

Your name, address, and phone number. "In Pro Per" means you are representing yourself.

County and address of the court where the case is pending.

Your name and the other party's name as they appear on the complaint

Case number

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): THERESA THIRDPARTY

1. PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name):** PAUL SAMPLE

is seeking **RECORDS FOR EXAMINATION** by the parties to this action on (specify date): **JANUARY 15, 2012**

as described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought):** ACME, INC. 987 MAIN ST., SACRAMENTO CA 95814

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE PRODUCTION OF THE RECORDS IN ITEM a. OR b. BELOW:

a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **requesting party** at least five days before the date set for production of the records.

b. If you are not a party to this action, you must serve on the **requesting party** and on the **witness** before the production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MADE AVAILABLE TO ALL PARTIES.**

3. YOU OR YOUR ATTORNEY MAY CONTACT the **witness** to attempt to reach an agreement can be reached in writing to cancel or limit the scope of the subpoena. If you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: **DECEMBER 14, 2011**

PAUL SAMPLE

(TYPE OR PRINT NAME)

(SIGNATURE OF REQUESTING PARTY ATTORNEY)

Name of the consumer/employee

Your name

Date of production (from Step 2)

Name and address of the witness (company that has the records)

Date, fill in your name, and sign

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

1. I object to the production of all of my records specified in the subpoena.

2. I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date: _____

 (SIGNATURE)

Page 1 of 2
 Code of Civil Procedure, §§ 1985.3, 1985.6, 2020.010-2020.510

NOTE: Leave this portion blank. The consumers/employees fill it in if they object to the production.

NOTE: Fill in the names and case number on page 2, and leave the rest blank. The person who serves the notice in Step 6 will fill it out.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Paul Sample, in Pro Per 3036 Donner Dr. Sacramento, CA 95826 TELEPHONE NO.: 916-123-4567 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): IN PRO PER		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 720 9th St. MAILING ADDRESS: CITY AND ZIP CODE: Sacramento CA 95814 BRANCH NAME: Gordon D. Schaeber Superior Court		
PETITIONER/PLAINTIFF: PAUL SAMPLE RESPONDENT/DEFENDANT: PETER PERPETRATOR		
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 34-2011-00112345

The party's name, address, and phone number (optional). "In Pro Per" means you are representing yourself.

Court name, address, and branch

Enter the party's names, exactly as they appear on other documents in this case.

Case number

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this case. I am employed in the county where the mailing took place.
- My residence or business address is:
 876 Oak St.
 Sacramento CA 95814
 Date documents were mailed: _____
 City and State where documents were mailed: _____
- On (date): Dec. 12, 2011 I mailed from (city and state): Sacramento, California the following documents (specify):
 Deposition Subpoena for Pro Per
 Notice to Consumer or Employer
 The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
- I served the documents by enclosing them in an envelope and (check one):
 a. depositing the sealed envelope in a mail box or at a US Post Office.
 b. placing the envelope for collection in my business's practice for collecting mail to be placed for collection and mailing in a sealed envelope with postage fully prepaid.
- The envelope was addressed and mailed as follows:
 a. Name of person served: Peter Perpetrator
 b. Address of person served:
 987 Main St.
 Sacramento CA 95814
 The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

Home or business address of person serving the documents

City and State where documents were mailed

Date documents were mailed

List all documents that were mailed. If you need more room, check this box and use form POS-030(D) to list all the documents.

Check the box that describes the mailing. If the envelope was placed in a mail box, or mailed at a US Post Office, check box a. If it was placed in your business's outgoing mail, check box b.

The name and address of the person being served, at the address listed on the Summons. If the other party has an attorney, the attorney should be served. If multiple people are served, check this box and use form POS-030(p) to list all parties served.

Type the date and Server's name. The Server signs the form after mailing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: Dec. 12, 2011
 Sally Server
 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)