Sacramento County Public Law Library
& Civil Self Help Center
609 Ninth St.
Sacramento, CA 95814
(916) 874-6012
www.saclaw.org

DISCOVERY

Business Records Subpoena

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.

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

BACKGROUND: GETTING COPIES OF RECORDS FROM A NON-PARTY

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. (California Code of Civil Procedure (CCP) § 2020.410.)

Outline of Steps:

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, serve consumer/employee with *Notice to Consumer/Employee* and *Deposition Subpoena* plus *Attachment*. Serve any other parties, too.
    b. Wait 10 days for objections. If no objections, move to "3."
3. Personally serve witness (company with records) and serve parties 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.

* This is sometimes referred to as a "subpoena duces tecum." This is not technically correct. A subpoena duces tecum (SUBP-002) is an order that someone appear in court and bring evidence with them; a business records subpoena does not require an appearance.

Step-by-Step Instructions

STEP 1: ARE THE DOCUMENTS "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. **NOTE:** There are special protections for online and telephone records. See "Tips" at the end of this guide.

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 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" will be the easiest in most situations. Note that for options (a) and (b) you must arrange to pay the witness their costs before taking delivery of the 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.

- Option (a): By delivering to the office of the designated deposition officer a true, legible, and durable copy of the records (CCP §2020.430(a)(1)). This is typically used for bank records and other fairly routine records that are readily copied. **Costs:** The witness is entitled to reasonable costs of production and should include an itemized statement of costs along with the records. (CCP §2020.430(c)). "Reasonable costs" are specified in Cal. Evidence (Evid.) Code §1563(b)(1).
- Option (b): By delivering to the designated deposition officer at the custodian's address, i.e., at the address of the business whose records are the subject of the subpoena, a true, legible, and durable copy of the records. **Costs:** The witness is entitled to reasonable costs, as in option (a).

- Option (c): By making the original business records available for inspection and copying by the subpoenaing party at the custodian's "business address under reasonable conditions during normal business hours." If you choose this, you will have to borrow the witness's copiers (at your expense) or bring a portable one with you. **Costs:** Since you are doing the copying, the witness cannot charge you costs of production, but they are entitled to a $15 fee and reimbursement for any actual costs charged by a third person to retrieve records held off site. Evid C §1563(b)(6). If the records are retrieved from microfilm, the reasonable cost defined in Evid C §1563(b)(1) also applies. Evid C §1563(b)(6). Production at the witness's address is frequently used for medical records, or other records that should not leave the witness's address.

STEP 4: TAKE THE SUBPOENA TO COURT FOR THE CLERK TO "ISSUE" IT (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.

Subpoenas 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* (www.saccourt.ca.gov/forms/docs/cv-drop-off-sheet.pdf), and date stamp the back of the original packet. Include a self-addressed, stamped envelope. A supply of *Civil Document Drop-Off Sheets* and a date stamp are located near the drop box. Following the instructions posted at the drop box, place the subpoena and attachment plus two copies in the drop box. 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 it back, make enough copies of the stamped subpoena for yourself, the witness, and all parties. You will serve these copies in later steps.

➡ ***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.

STEP 5: COMPLETE THE ADDITIONAL REQUIRED FORM FOR CONSUMER OR 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 *Notice to Consumer or Employee and Objection* (SUBP-025). The server then gives the signed Notice to you. You will use it in step 7.

STEP 7: SERVE ALL PARTIES BY MAIL

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/pages/pos-mail.aspx.

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 (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/pages/motion-to-compel.aspx.

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-020) 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/pages/pos-mail.aspx.

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-020) 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-020) on all parties (unsigned but otherwise complete).

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). 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

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 Proof of Service form, and gives the signed Proof of Service to you.

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 force ("compel") the witness to produce the documents. For more information on Motions to Compel Production see the Step-by-Step guide on our website at www.saclaw.org/pages/motion-to-compel.aspx.

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/pages/civil-self-help-center.aspx
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 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.

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.

BUSINESS RECORDS SUBPOENA TIPS

Use for non-parties only. To get records from a ***party***, use a Request for Production of Documents and Things (see our Step-by-Step guide at www.saclaw.org/pages/requests-production.aspx).

Allow two extra weeks for the court to issue the subpoena. If you are not a lawyer, you will need to get the court clerk to stamp ("issue") the subpoena. In Sacramento civil cases, you must submit it via the drop box and wait for the clerk to mail it back to you. 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.

Friendly consumer/employee: use Authorization Form instead of Notice to Consumer/Employee. You can skip the *Notice to Consumer/Employee* steps if the person whose records you need will 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 *California Forms of Pleading and Practice*, Chapter 535, sections 535:70-73. .

No personal appearance. A business records subpoena gets you copies of records. No one will appear in person to answer questions. If you need a non-party to send someone to appear in person, use one of the following:

- **Deposition:** If you want a non-party to come to a deposition and bring documents with them, use a *Deposition Subpoena for Personal Appearance and Production of Documents and Things* (SUBP-020) (www.courts.ca.gov/documents/subp020.pdf). For more information, see the Step-by-Step guide on Depositions on our website at www.saclaw.org/pages/depositions.aspx.
- **Trial:** If you want a non-party to attend a trial or other court hearing and bring documents with them, or send documents directly to the court, use a *Civil Subpoena (Duces Tecum*) (SUBP-002) (www.courts.ca.gov/documents/subp002.pdf).

Telephone records, email, social media, and texts may require you to get the consumer's signature consenting to release. California Public Utilities Code (PUC) § 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 *California Forms of Pleading and Practice*, Chapter 535, section 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. You may instead serve discovery requests on the consumer (account holder), who then becomes responsible to obtain and provide the information. This process is not covered in this guide; use a request for production for parties or a deposition for non-parties, as noted above.

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

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:**
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: You can serve the witness earlier, if you choose.	___/___/20__
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: You can serve the Consumer/Employee earlier, if convenient.	___/___/20__

SUBP-010

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

FOR COURT USE ONLY

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
DEFENDANT/RESPONDENT: PETER PERPETRATOR

DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

CASE NUMBER: 34-2011-00112345

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

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

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 ti

a. [✓] by delivering a true, legible, and durable **copy** of the business records described in item 3, e 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 address in item 1.

b. [ ] by delivering a true, legible, and durable **copy** of the business records described in item 3 witness's address, on receipt of payment in cash or by check of the reasonable costs of pr under Evidence Code section 1563(b).

c. [ ] by making the **original** business records described in item 3 available for inspection at you attorney's representative and permitting **copying** at your business address under reasonat business hours.

2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locatin available or copying them, and postage, if any, are recoverable as set forth in Evidence Code secti accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code*

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 CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AN AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUME**

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

Date issued: DECEMBER 14, 2011

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

(TITLE)

(Proof of service on reverse)

Form Adopted for Mandatory Use Judicial Council of California SUBP-010 [Rev. July 1, 2010]

DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

Code of Civil Procedure, §§ 2020.410- Government Code, www.courts

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 business records ("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 (typically used for bank records);
"b" if you are asking the witness to provide copies of records to the deposition officer at the witnesses address; or
"c" if you wish to inspect and copy the records at the witnesses address during regular business hours.

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.

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

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.

MC-025

SHORT TITLE:	CASE NUMBER:
Sample v. Perpetrator	34-2011-00112345

Short title (party1 v party2)

Case number

TTACHMENT *(Number)*: 3

y be used with any Judicial Council form.)

Fill in "3"

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, prognoses, x-rays, statements, and billings.

5. All documents relating to operation, 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.)

Form Approved for Optional Use
Judicial Council of California
MC-025 [Rev. July 1, 2009]

ATTACHMENT
to Judicial Council Form

www.courtinfo.ca.gov

SUBP-025

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): 34-2011-
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): IN PRO PER

FOR COURT USE ONLY

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
STREET ADDRESS: 720 NINTH ST
MAILING ADDRESS:
CITY AND ZIP CODE: SACRAMENTO, CA 95814-1380
BRANCH NAME:

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

PLAINTIFF/ PETITIONER: PAUL SAMPLE
DEFENDANT/ RESPONDENT: PETER PERPETRATOR

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

NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3,1985.6)

34-2011-00012345

Case number

NOTICE TO CONSUMER OR EMPLOYEE

TO *(name)*: THERESA THIRDPARTY

Name of the consumer/employee

1. PLEASE TAKE NOTICE THAT **REQUESTING PARTY** *(name)*: PAUL SAMPLE
   SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on *(specify date)*: JANUARY 15, 2012
   The records are 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 THE DATE
   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 **deposition officer** 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 prohibited. You may use the form below to object and state the grounds for your obje Service on the reverse side indicating whether you personally served or mailed the obje with the court. **WARNING:** IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE D RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and 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.

Your name

Date of production (from Step 2)

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

Date: DECEMBER 14, 2011
PAUL SAMPLE
(TYPE OR PRINT NAME) (SIGNATURE OF ☑ REQUESTING PARTY ☐ AT

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:

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

Date:

(TYPE OR PRIN SIGNATURE)

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.

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-025 [Rev. January 1, 2008]

Code of Civil Procedure, §§ 1985.3, 1985.6, 2020.010–2020.510
www.courtinfo.ca.gov