

Samples

Deposition Subpoena for Production of Business Records

SUBP-010
FOR COURT USE ONLY

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**

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):
ACME, INC., 987 MAIN ST., SACRAMENTO CA 95814

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3.

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

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

a. by delivering a true, legible, and durable copy of the business records described in item 3, or by making a true, legible, and durable copy of the business records described in item 3 available for inspection at your business address under real business hours, 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 under Evidence Code section 1563(b).

c. by making the original business records described in item 3 available for inspection at your business address under real 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 making copies or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(d). 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.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTOMER OR EMPLOYEE OF A BUSINESS, AND YOU HAVE BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, OR OTHER PERSONS 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.

Date issued: **DECEMBER 14, 2011**

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

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.

Deposition Subpoena for Production of Business Records (SUBP-010)



MC-025	
SHORT TITLE: Sample v. Perpetrator	CASE NUMBER: 34-2011-00112345

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

Short title (party 1 v party 2)

Case number

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].

Fill in "3"

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.

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)

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

ATTACHMENT
to Judicial Council Form

www.courtinfo.ca.gov

Attachment (MC-025), Attached to SUBP-010



Notice to Consumer or Employee and Objection

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PAUL SAMPLE 2036 DONNER DRIVE SACRAMENTO, CA 95826</p> <p>TELEPHONE NO. 916-123-4567 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): IN PRO PER</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</p> <p>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 style="text-align: center;">NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)</p>	<p>SUBP-025 FOR COURT USE ONLY</p> <p>CASE NUMBER: 34-2011-00112345</p>
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NOTICE TO CONSUMER OR EMPLOYEE

TO (name): THERESA THIRDPARTY

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

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

Your name 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 SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND:

a. If you are a party to the above-entitled action, you must serve on the **requesting party** and on the **witness** 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:**

b. If you are not a party to this action, you must serve on the **requesting party** and on the **witness** a written 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.

Date: DECEMBER 14, 2011

PAUL SAMPLE (TYPE OR PRINT NAME)

(SIGNATURE OF REQUESTING PARTY ATTORNEY)

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: **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.**

(TYPE OR PRINT NAME) 12 (SIGNATURE)

(Proof of service on reverse)

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
PUBLIC LAW LIBRARY

NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION

Code of Civil Procedure,
§§ 1985.3, 1985.6,
2020.010-2020.510

Notice to Consumer or Employee and Objection (SUBP-025)



Proof of Service by Mail

POS-030

ALL JOURNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) FOR COURT USE ONLY

Paul Sample, in Pro Per
3036 Donner Dr.
Sacramento, CA 95826

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 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

CASE NUMBER: 34-2011-00112345

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(Do not use this Proof of Service for Summons and Complaint.)

1. I am over 18 years of age and not a party to the case. I am employed in the county where the mailing took place.

2. My residence or business address is:
876 Oak St.
Sacramento CA 95814

3. On (date): Dec. 12, 2011
I mailed from (city and state): Sacramento, California

the following documents (specify):
Deposition Subpoena for Production of Business Records
Notice to Consumer or Employee and Object

The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).

4. I served the documents by enclosing them in an envelope:

a. depositing the sealed envelope with the United States Postal Service 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.

b. placing the envelope for collection and mailing in my business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. 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)).

I declare under penalty of perjury under the law 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)

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PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL
(Proof of Service)

Code of Civil Procedure, §§ 1013, 1013a
www.courtinfo.ca.gov

Proof of Service by Mail (POS-030)

Worksheet to Determine Dates for Service

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

- Choose the date for production of documents.
- 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.)
- 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).
- 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 to determine dates for business records subpoena