

# Discovery: Business Records Subpoena for Consumer/Employee Records

## Getting records from a non-party business or organization

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](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410).) ) **The procedure requires several steps and takes several weeks, so start early.**

## Templates and Forms

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

### This guide is for subpoenas for “Consumer” or “Employee” Records

*These instructions are for Subpoenas for documents that are “consumer” or “employee” records. If you need other types of records, [use these instructions instead.](https://saclaw.org/resource_library/discovery-business-records-subpoena)*  
([https://saclaw.org/resource\\_library/discovery-business-records-subpoena](https://saclaw.org/resource_library/discovery-business-records-subpoena))

**What is a “consumer record?”** [CCP § 1985.3\(a\)\(1\)](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3)  
([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3)) ) **defines them as:**

Records from telephone companies; banks, insurance and financial services providers; health care providers; schools; attorneys; or accountants.

**What is an “employee record?”** [CCP § 1985.6](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1985.6)  
([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1985.6](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1985.6)) **defines them as:**

- books, documents, or other writings or electronic data pertaining to employment of any employee or former employee.
- An employee is defined as individual who is or has been employed by the witness whose

records are sought.

A business records subpoena, also called “Deposition Subpoena for Production of Business Records,” is used to obtain records from non-party businesses that have documents that can help you prove your case.

However, 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\(b\)\(3\)](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3)) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3)) and at least 25 days before the date of production (20 if you use personal service) ([CCP § 2020.410](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410)) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410)). See the *Worksheet to Determine Dates for Service* at the end of this Guide.

**Shortcut: consumer or 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.

## Outline of Procedure

1. Choose production date and “deposition officer” (photocopy company). Fill out forms.
2. Serve consumer/employee and all parties.
  - 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.
  - 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.
  - 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.

### What is a Deposition Officer?

Deposition Officers are professional photocopiers registered with the County Clerk. [Cal. Code of Civil Procedures \(CCP\) 2020.420](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=2020.420.&lawCode=CCP) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=2020.420.&lawCode=CCP](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=2020.420.&lawCode=CCP))

. They may be a photocopy shop or a company that specializes in assisting lawyers in litigation. Parties must use a Deposition Officer when subpoenaing business records.

### How do I find a Deposition Officer?

Ask an attorney or paralegal if they can recommend a service, or look under “Litigation Services” or “Attorney Support Services” online or in the Yellow Pages. An online search for “deposition officer for business records subpoena in sacramento” (or whatever region you are in) will give you a list as well.

### Fee Waiver does not cover your costs

Note that there will be a fee for the Deposition Officer’s service and that the third party is entitled to witness fees and copying costs. **These costs are not covered by a fee waiver.** You can add the cost to your judgment if you win the case.

### 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

## Step-by-Step Instructions

### 1. Determine Whether the Documents Are “Consumer or Employee” Records

If they are not, use [our Non-Consumer/Non-Employee guide](https://saclaw.org/resource_library/discovery-business-records-subpoena/) (https://saclaw.org/resource\_library/discovery-business-records-subpoena/) instead of this guide.

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](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC&sectionNum=22450) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=BPC&sectionNum=22450](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC&sectionNum=22450)), with some exceptions. You may need to contact several to find one that provides this service.

## 2. Set a Date and Location for Production, and Hire Your Deposition Officer

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.

Use the information in the Outline of Procedure to find a Deposition Officer.

## 3. 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). In Sacramento, visit the main courthouse at 720 9<sup>th</sup> St., Room 102 (filing room).

Ask the clerk to issue them for you. When the clerk stamps it with the court’s seal, it becomes an official court order. The clerk will probably do it right then. You can ask them to issue several blank subpoena forms if you think you will need them later. There is no fee for this.

Attorneys can sign subpoenas themselves as “officers of the court” and do not need to take this step.

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.

## 4. Complete the Required Forms

You will need four forms to subpoena consumer or employee business records:

- [Deposition Subpoena for Production of Business Records \(SUBP-010\)](https://www.courts.ca.gov/documents/subp010.pdf) (<https://www.courts.ca.gov/documents/subp010.pdf>)
- [Attachment \(MC-025\)](https://www.courts.ca.gov/documents/mc025.pdf) (<https://www.courts.ca.gov/documents/mc025.pdf>), describing the records you need (you will number this “Attachment 3”)
- [Notice to Consumer or Employee and Objection \(SUBP-025\)](https://www.courts.ca.gov/documents/subp025.pdf) (<https://www.courts.ca.gov/documents/subp025.pdf>)
- [Proof of Service by First-Class Mail \(POS-030\)](https://www.courts.ca.gov/documents/pos030.pdf) (<https://www.courts.ca.gov/documents/pos030.pdf>)

Completed samples are at the end of this Guide.

Make enough copies of all forms for yourself, the witness, and all parties. You will serve these copies in later steps.

**NOTE:** When you fill out 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. It will be the easiest in most situations. Note that 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.

Under option (b), a Deposition Officer 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](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.430) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.430](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.430))).

Most self-represented litigants should choose option (a).

## 5. Serve the Deposition Subpoena and Notice to Consumer or Employee

### a. Serve the Consumer/Employee by Mail or Personal Service:

- 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 these 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 a later step.

### b. Serve All Other 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

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

## 6. 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 7, “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, see our guide [Motion to Compel Discovery Responses](https://saclaw.org/resource_library/motion-to-compel-discovery-responses/). ([https://saclaw.org/resource\\_library/motion-to-compel-discovery-responses/](https://saclaw.org/resource_library/motion-to-compel-discovery-responses/))

## 7. Serve the Witness (the Company or Agency with the Records) by Personal Service at Least 15 Days before Production Date

### a. Serve Witness

Serve these documents at least 15 days before the production date. ([CCP § 2020.410\(c\)](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410))  
([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410).)

- *Deposition Subpoena for Production of Business Records* (SUBP-010)
- *Attachment* (MC-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).

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, along with a check for fees. 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](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.220))  
([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.220](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=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.

**b. Serve parties**

In addition, serve all parties by mail with copies of all documents listed above. 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.

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

([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410).)

- *Deposition Subpoena for Production of Business Records* (SUBP-010)
- *Attachment* (MC-025)
- *Proof of Service by Mail* (POS-030) 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, along with a check for fees. 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](#))

([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.220](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=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:***

The witness is entitled to payment of reasonable costs prior to providing the documents to the Deposition Officer. These costs include:

Reproduction costs of \$0.10 per page for documents 8 ½" x 14" or less; \$0.20 per page for copying documents from microfilm; and actual costs for oversize documents or documents requiring special processing.

Other Costs: The witness can request 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\(b\)\(1\), \(2\), & \(3\).](#)

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EVID&sectionNum=1563.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EVID&sectionNum=1563.)

If you requested to inspect the original documents at the witness's location, the witness is entitled to a flat fee of \$15, so write a check for the server to take along. [Evid C §1563\(b\)\(6\).](#)

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EVID&sectionNum=1563.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EVID&sectionNum=1563.)

## b. Serve the Other Party or Parties

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

- Stamped Deposition Subpoena for Production of Business Records (SUBP-010) and Attachment (MC-025).

## 8. Wait for the Documents

You're done for now. The Deposition Officer should receive the documents 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, see our guide

[Motion to Compel Discovery Responses](https://www.saclaw.org/resource_library/motion-to-compel-discovery-responses/) ([https://www.saclaw.org/resource\\_library/motion-to-compel-discovery-responses/](https://www.saclaw.org/resource_library/motion-to-compel-discovery-responses/)).

## For Help

For assistance with a business records subpoena, your Deposition Officer may do the entire process (forms, service, and copying) for you for a fee. Ask an attorney or paralegal if they can recommend a service, or look under "Litigation Services" or "Attorney Support Services" online or in the Yellow Pages. An online search for "deposition officer for business records subpoena in sacramento" (or whatever region you are in) will give you a list as well.

## For More Information

### On the Web:

**NOLO Law for All:** "[Formal Discovery: Gathering Evidence for Your Lawsuit](http://www.nolo.com/legal-encyclopedia/formal-discovery-gathering-evidence-lawsuit-29764.html)" (<http://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](http://www.courts.ca.gov/xbcr/partners/getting-evidence.pdf)" (<http://www.courts.ca.gov/xbcr/partners/getting-evidence.pdf>)

This pamphlet, provided by the Judicial Council's website, contains information about preparing evidence for



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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.

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## 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): <b>PAUL SAMPLE</b> 2036 DONNER DRIVE SACRAMENTO, CA 95826 TELEPHONE NO.: 916-123-4567 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>IN PRO PER</b>	Your name, address, and phone number. "In Pro Per" means you are representing yourself.
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b> 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: <b>PAUL SAMPLE</b> DEFENDANT/RESPONDENT: <b>PETER PERPETRATOR</b>	Your name and the other party's name as they appear on the complaint
<b>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</b>	CASE NUMBER: 34-2011-00112345 Case number
THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number) <b>ACME, INC., 987 MAIN ST., SACRAMENTO CA 95814</b>	
1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows: To (name of deposition officer): <b>SPEEDY COPY</b> On (date): <b>JANUARY 15, 2012</b> At (time): <b>10AM</b> Location (address): <b>567 OAK ST. SACRAMENTO CA 95814</b> Do not release the requested records to the deposition officer prior to the date and time shown above.	
Date, place and time for delivery of the copies ("the production date"), the date you chose in Step 2.	
a. <input checked="" type="checkbox"/> by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a 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. <input type="checkbox"/> by delivering a true, legible, and durable copy of the business records described in item 3 to the witness's address, on receipt of payment in cash or by check of the reasonable costs under Evidence Code section 1563(b). c. <input type="checkbox"/> by making the original business records described in item 3 available for inspection at your business address under reasonable business hours.	
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.	
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after service of this subpoena, or 15 days after service, whichever date is later). Reasonable costs of production, including reasonable attorney's fees, are recoverable as set forth in Evidence Code section 1563(b). 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: <input checked="" type="checkbox"/> Continued on Attachment 3.	
4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER RECORDS UNDER EVIDENCE CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, OR A COURT ORDER AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.	
Leave this area blank. Check "Continued on Attachment 3."	
<b>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.</b>	
Date issued: <b>DECEMBER 14, 2011</b>	Leave this area blank. The clerk will fill it in when you take the subpoena to court to get it issued in Step 4.
(TYPE OR PRINT NAME)	(SIGNATURE OF PERSON ISSUING SUBPOENA)
<b>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.</b>	

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



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



<b>MC-025</b>	
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      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, review 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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Page 1 of 1  
(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



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





## Notice to Consumer or Employee and Objection

SUBP-025	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>PAUL SAMPLE</b> 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): <b>IN PRO PER</b></p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b> STREET ADDRESS: 720 NINTH ST MAILING ADDRESS: CITY AND ZIP CODE: SACRAMENTO, CA 95814-1380 BRANCH NAME:</p> <p>PLAINTIFF/ PETITIONER: <b>PAUL SAMPLE</b> DEFENDANT/ RESPONDENT: <b>PETER PERPETRATOR</b></p> <p style="text-align: center;"><b>NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION</b> (Code Civ. Proc., §§ 1985.3, 1985.6)</p>	<p>FOR COURT USE ONLY</p> <div style="border: 1px solid red; padding: 5px; margin-bottom: 10px;">Your name, address, and phone number. "In Pro Per" means you are representing yourself.</div> <div style="border: 1px solid red; padding: 5px; margin-bottom: 10px;">County and address of the court where the case is pending.</div> <div style="border: 1px solid red; padding: 5px; margin-bottom: 10px;">Your name and the other party's name as they appear on the complaint</div> <p>CASE NUMBER: <b>34-2011-00112345</b></p> <div style="border: 1px solid red; padding: 5px;">Case number</div>
NOTICE TO CONSUMER OR EMPLOYEE	
<p><b>TO (name): THERESA THIRDPARTY</b></p> <p>1. PLEASE TAKE NOTICE THAT <b>REQUESTING PARTY (name): PAUL SAMPLE</b> <div style="border: 1px solid red; padding: 2px;">Your name</div> <b>RECORDS FOR EXAMINATION</b> by the parties to this action on (specify date): <b>JANUARY 15, 2012</b> described in the subpoena directed to <b>witness (specify name and address of person or entity from whom records are sought): ACME, INC. 987 MAIN ST., SACRAMENTO CA 95814</b> A copy of the subpoena is attached.</p> <p>2. IF YOU OBJECT to the production of these records, <b>YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE OF PRODUCTION</b> IN ITEM a. OR b. BELOW:</p> <p>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 <b>witness</b> and the <b>requesting party</b> at least five days before the date set for production of the records.</p> <p>b. If you are not a party to this action, you must serve on the <b>requesting party</b> and on the <b>witness</b> 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 <b>not</b> be filed with the court. <b>WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND</b></p> <p>3. YOU OR YOUR ATTORNEY MAY CONTACT the <b>witness</b> to reach 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.</p> <p>Date: <b>DECEMBER 14, 2011</b> <b>PAUL SAMPLE</b> (TYPE OR PRINT NAME)</p> <p style="text-align: right;">(SIGNATURE OF <input checked="" type="checkbox"/> REQUESTING PARTY <input type="checkbox"/> ATTORNEY)</p>	
OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS	
<p>1. <input type="checkbox"/> I object to the production of all of my records specified in the subpoena.</p> <p>2. <input type="checkbox"/> I object only to the production of the following specified records:</p> <p>3. The specific grounds for my objection are as follows:</p> <p>Date: <div style="border: 1px solid red; padding: 5px; display: inline-block;">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.</div></p> <p style="text-align: center;">12</p> <p style="text-align: right;">(SIGNATURE)</p>	
<div style="border: 1px solid red; padding: 5px; display: inline-block;"><b>NOTE:</b> Leave this portion blank. The consumers/employees fill it in if they object to the production.</div>	

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

**NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**

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





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



## Proof of Service by Mail

POS-030

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</b> Paul Sample, in Pro Per 3036 Donner Dr. Sacramento, CA 95826		<b>FOR COURT USE ONLY</b>	
TELEPHONE NO.: 916-123-4567 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): IN PRO PER			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b> 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			
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>		CASE NUMBER: 34-2011-00112345	

(Do not use this Proof of Service by First-Class Mail—Civil for Summons and Complaint.)

1. I am over 18 years of age and **not a party** to the case. I am the person who served the documents 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. ☒ **deposited** the sealed envelope with the United States Postal Service for collection and 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.  
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 laws of the State of California that the foregoing is true and correct.

Date: Dec. 12, 2011

Sally Server

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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



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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 15<sup>th</sup> 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 10<sup>th</sup> 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.  <b>Enter that date here:</b> ____/____/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.  <b>Enter that date here:</b> ____/____/20____ You can serve the Consumer/Employee earlier, if you choose.