

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

### 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 [use these instructions instead](#). ([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.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3](http://leginfo.legislature.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.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1985.6](http://leginfo.legislature.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.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=1985.3](http://leginfo.legislature.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.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410](http://leginfo.legislature.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/ 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

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

## Step-by-Step Instructions

### 1. 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](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. Have the Court Clerk “Issue” Subpoena (Self-Represented Parties Only)

Attorneys can sign subpoenas themselves as “officers of the court” and

#### 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](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PU&sectionNum=2891) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PU&sectionNum=2891](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PU&sectionNum=2891)) and the Federal Stored Communications Act ([18 U.S.C. §§ 2701-2712](http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap121.pdf)) (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap121.pdf>) 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.

do not need to take this step.

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.

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.

### 3. Complete the Required Forms

You will need two forms to subpoena 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”)

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 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](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).

### 4. Complete the Additional Form for Consumer/Employee Records

In addition to the forms in Step 3, fill out page 1 of [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>). Make enough copies of all forms for yourself, the witness, and all parties. You will serve these copies in later steps.

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## 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 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 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/))

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## 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.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.410](http://leginfo.legislature.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.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2020.220](http://leginfo.legislature.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.

## 8. 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, 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/)).

### ***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 of 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).)

## **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.

**[SH@LL \(Self-Help at the Law Library\)](https://saclaw.org/services/civil-self-help/)** (formerly Civil Self Help Center)

609 9<sup>th</sup> Street, Sacramento CA 95814

(916) 476-2731 (Appointment Request Line)

*Services Provided:* SH@LL provides general information and basic assistance to self-represented litigants on a variety of civil legal issues, including name changes. All assistance is provided by telephone. Visit [“What we can help with”](#) (<https://saclaw.org/services/civil-self-help/#canhelp>) for a list of qualifying cases.

*Eligibility:* Must be a Sacramento County resident or have a [qualifying case](https://saclaw.org/services/civil-self-help/#who) (<https://saclaw.org/services/civil-self-help/#who>) in the Sacramento County Superior Court.

## 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 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.

# 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, 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 shown above.

a.  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.  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 of production under Evidence Code section 1553(b).

c.  by making the original business records described in item 3 available for inspection 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 of this deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of production, including postage, if any, are recoverable as set forth in Evidence Code section 1553(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 CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER EVIDENCE CODE SECTION 1553.3 OR 1553.6 AND A MOTION TO QUASH HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, OR OTHER AFFECTED PARTIES 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) \_\_\_\_\_

www.courtinfo.ca.gov

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



<p>SHORT TITLE: Sample v. Perpetrator</p>	<p style="text-align: right;">MC-025</p> <p>CASE NUMBER: 34-2011-00112345</p>
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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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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

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):  <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></p> <p>STREET ADDRESS: 720 NINTH ST</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: SACRAMENTO, CA 95814-1380</p> <p>BRANCH NAME:</p> <p>PLAINTIFF/ PETITIONER: PAUL SAMPLE</p> <p>DEFENDANT/ RESPONDENT: PETER PERPETRATOR</p> <p style="text-align: center;"><b>NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION</b> (Code Civ. Proc., §§ 1985.3, 1985.6)</p>	<p><b>SUBP-025</b></p> <p>FOR COURT USE ONLY</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, 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** 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 DISCLOSED.**

3. YOU OR YOUR ATTORNEY MAY CONTACT THE **requesting party** and the **witness** to reach an agreement 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) (SIGNATURE)

(Proof of service on reverse)

**NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION**

Page 1 of 2  
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 FURNISH OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)

Paul Sample, in Pro Per  
3036 Donner Dr.  
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

Court name, address, and branch

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

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

Case number

CASE NUMBER: 34-2011-00112345

**PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL**

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

1. I am over 18 years of age and not a party to the case. Home or business address of person serving the documents

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

City and State where documents were mailed

Date documents were mailed

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

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.

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 your 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 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.

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

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

Sally Server

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

13 (SIGNATURE OF PERSON COMPLETING THIS FORM)

Form Approved for Optional Use  
Judicial Council of California  
POS-030 (New January 1, 2005)

**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 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.

**Date Created**

06/20/2024