

DISCOVERY

Depositions

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

BACKGROUND

A deposition is the taking of a statement of a witness or party under oath. The deposing party (the “asking” person) may ask the deponent (the “responding” person) questions to obtain information, to discover what the party knows about a situation or event, and to determine what their testimony would be at trial. Although depositions may be written or oral, this guide will only discuss the taking of oral depositions.

Each party may conduct one deposition of each other party. This limit is imposed to prevent parties from using the deposition process as a tool of harassment, and to make each party effectively use their deposition. Parties may also conduct depositions of any relevant witnesses in the case. A party may only conduct one deposition of any individual, though.

Taking an oral deposition is very expensive and time-consuming. The party requesting a deposition is responsible for paying all costs and fees related to the deposition. With hiring a court reporter, transcribing the reporter’s stenography, paying witness fees and travel expenses, etc., a short deposition can cost several hundred dollars or more! Because of this, many litigants prefer to use other discovery methods to obtain information and evidence. A very good discussion comparing depositions to other discovery methods is found in Chapter 1 of *Dunne on Depositions in California*, [KFC 1020 .Z9 D86](#), available on the Law Library’s computers using *WestlawNext*. Chapter 2 of that book provides tips for minimizing the costs of depositions.

You may also need...

Step-by-Step Guides on Responding to Discovery

- [Responding to Interrogatories](#)
- [Responding to Requests for Admissions](#)
- [Responding to Requests for Production](#)

Step-by-Step Guides on Making Discovery Requests

- [Form Interrogatories](#)
- [Request for Production of Documents and Things](#)
- [Requests for Admission](#)
- [Special Interrogatories](#)

Other Guides on Discovery

- [Exchange of Expert Witness Information](#)
- [Gather Information for your Case](#)

Related Videos

- [Introduction to Discovery](#)

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

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Although depositions are expensive, they can be a very effective discovery tool. In many cases, the benefits can far outweigh the costs. Depositions are extremely useful for:

- Recording a party or witness’s story before trial so you may be better prepared for cross-examination at trial.
- Evaluating the credibility of a potential witness, or observing the impression he would make on the jury.
- Preserving testimony from a witness you suspect will be unfriendly or unavailable by the date of trial. Testimony given in a deposition may be used to impeach contradictory testimony given at trial.
- Obtaining additional information about physical evidence you’ve already obtained by other discovery methods, or laying the foundation for admissibility of physical evidence at trial.
- Obtaining testimony and physical evidence from a non-party witness.

STEP-BY-STEP INSTRUCTIONS

Step 1: Determine the Date and Location of the Deposition

California law provides very strict guidelines for the timing and location of depositions. When scheduling a deposition, you must select a date that allows for adequate notice to the deponent and other parties. In most types of cases, for the deposition of a party to the case, you must provide at least 10 days’ notice if personally served, and 15 days’ notice if served by mail within California (California Code of Civil Procedure (CCP) [§ 2025.270\(a\)](#), [§ 1013](#)). Additional time is required if service will be outside of California. For the deposition of a non-party witness, [CCP § 2020.220\(a\)](#) only requires service of a subpoena in “sufficient time” to allow the witness to travel to the deposition location, and locate any documents or items requested. The law provides no definition of “sufficient time,” so unless there is considerable travel or an unusually large list of requested documents or items, it is usually reasonable to give the same notice you would give a party.

[CCP § 2025.250\(a\)](#) also provides specific guidelines for the location of a deposition. When a natural person is being deposed, whether or not that person is a party to the case, you must conduct the deposition either a) within 75 miles of the deponent’s residence, or b) within 150 miles of the deponent’s residence and in the forum county. If your case is in Sacramento County, this means that you can hold your deposition in Sacramento County, as long as the deponent doesn’t have to travel more than 150 miles from his residence to the deposition location. If Sacramento County is more than a 150 mile trip, you will need to hold your deposition elsewhere, at a location no more than 75 miles from the deponent’s residence. If you will be conducting a deposition of an organization that is a party to the case, the same rules apply, but distances are calculated from the organization’s principal executive or business office. If the deponent is a non-party organization, you must take the deposition

Need Deposition Space?

The Law Library has rooms for rent that are appropriate for the taking of depositions. Information about our rooms and rates is available on our website at saclaw.org/meeting-rooms

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within 75 miles of the organization's principal executive or business office. Additional rules apply for depositions of experts and out-of-state residents.

When scheduling a deposition, you may also need to consider the availability of a court reporter, the deponent, and other parties. It is often advisable to contact the others in advance, to determine dates that are mutually convenient. This can help avoid the cost and hassle of rescheduling a deposition.

Step 2: Complete the Proper Forms

If deposing a party:

If you wish to take the deposition of a party to the case, you will need to prepare a notice of taking of deposition. There is no fill-in-the-blanks form for this; you will need to write your own notice. A sample is at the end of this Guide. You may download a customizable template from this link:

- [Notice of Taking of Deposition](#)

Your notice must include the name of the deponent, as well as the date, time, and location of the deposition. If the deponent is an organization, describe what matters you will be discussing, so that the organization may appoint a representative with the most knowledge of those issues. Describe any documents or other physical evidence you want the witness to bring to the deposition. In your notice, you must also indicate if you plan to audio or video record the testimony, and if you reserve the right to present the recording at trial. If your court reporter will be providing instant visual display stenography, often referred to as "realtime deposition reporting," you must include notice of that, as well.

If deposing a non-party witness:

If you wish to take the deposition of a non-party witness, you will need to subpoena the witness. The form you will need to use depends on if you want the witness to bring documents or things with them to the deposition.

- [Deposition Subpoena for Personal Appearance \(SUBP-015\)](#). Use this form if you simply want a witness to appear to answer questions at a deposition. Instructions for completing this form are available at the end of this Guide.
- [Deposition Subpoena for Personal Appearance and Production of Documents and Things \(SUBP-020\)](#). Use this form if you want a witness to appear to answer questions at a deposition, and to bring with them any documents or things. Instructions for completing this form are available at the end of this Guide.

After completing the subpoena form, make a photocopy. Take the original and the photocopy to the court to have the subpoena "issued" (stamped) by the clerk. You will place your subpoenas in the dropbox in room 102 of the Gordon D. Schaber Courthouse at 720 Ninth Street downtown. Include a self-addressed, stamped envelope so the clerk can return the issued subpoena to you. This process may several weeks. Because of the time lag, the court will accept subpoena forms that do not include the date and time of the deposition. You may fill in that information after the subpoena is issued.

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You will also need to prepare a notice of taking of deposition to serve on all parties in the case, notifying them of the date, time, and location where you will conduct the deposition of the non-party witness. There is no fill-in-the-blanks form for this; you will need to write your own notice. A sample is at the end of this Guide. You may download a customizable template from this link:

- [Notice of Taking of Deposition](#)

Step 3: Make Copies

If deposing a party:

Make one photocopy of your notice of taking of deposition for each party in the case.

If deposing a non-party witnesses

Make one photocopy of the issued subpoena for the deponent and one for each party in the case. Make one photocopy of the notice of taking of deposition for each party in the case.

Step 4: Serve Your Documents

If deposing a party:

A photocopy of the notice of taking of deposition must be served on the attorney for the deponent or directly to the deponent if he or she is self-represented (*in pro per*). Copies must also be served on all other attorneys or self-represented parties who have appeared in the case, as all attorneys and self-represented parties are entitled to attend the deposition and question the deponent. [CCP § 2025.240](#). Service may be completed by mail, by a person over the age of 18 who is not a party to the case. The person serving your requests must complete a [Proof of Service by First Class Mail \(POS-030\)](#). For more information, see the Step-by-Step guide on Proof of Service by Mail on our website at saclaw.org/mail-service.

If deposing a non-party witness

A photocopy of the subpoena (SUBP-015 or SUBP-020) must be personally served on the deponent. The person performing this personal service will complete the Proof of Service on the second page of the subpoena form. For more information, see the Step-by-Step guide on Personal Service of Court Papers on our website at saclaw.org/personal-service.

A photocopy of both the subpoena and the notice of taking of deposition must be served all attorneys or self-represented parties in the case ([CCP § 2025.240](#)). Service may be completed by mail, by a person over the age of 18 who is not a party to the case. The person serving your documents must complete a [Proof of Service by First Class Mail \(POS-030\)](#). For more information, see the Step-by-Step guide on Proof of Service by Mail on our website at saclaw.org/mail-service.

If the non-party witness is a public employee of certain law enforcement-related agencies or the court, and their deposition relates to information gathered in the course of their job duties, service may be completed by personally serving the witness OR by serving two copies of the subpoena to the employee's immediate supervisor or to an agent designated for service. [California Government Code \(Govt Code\) § 68097.1](#). See Step 5 below for more information about subpoenaing public employees.

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Retain your original issued subpoena and notice of taking of deposition for your records. These original documents may be submitted to the court in the event that the subpoenaed party doesn't show up and an order or warrant is required.

Step 5: Pay Witness Fees

Non-party witnesses are entitled to witness fees, which are \$35 per day, plus \$0.20 per mile actually traveled to and from the place of deposition. [Govt Code § 68093](#). Expert witnesses are also entitled to witness fees, in the amount of their normal hourly rate for the time they are in the deposition. [CCP § 2034.430\(b\)](#). These fees may be paid at the time the subpoena is served, or at the beginning of the deposition. Many litigants wait to pay these fees until the witness appears at the deposition.

If a non-party witness is a public employee, you must reimburse the employing agency the full cost incurred by the agency for the employee's salary and travel expenses for each day the employee is required to attend the deposition. [Govt Code § 68096.1 et seq.](#) At the time the subpoena is served, you must give the employing agency \$275 per day for each day you will require the employee to attend the deposition. This serves as a deposit toward those fees. If the actual costs are less, you will be reimbursed. If the actual costs are higher, you will have to provide additional funds to the agency.

Party deponents are not entitled to witness's fees or mileage.

Step 6: Conduct the Deposition

Be sure you come prepared to the deposition. It is a good idea to have an outline of your questions or the issues you wish to cover, to ensure you obtain all the information you'll need. You will have to ask all your questions now, because you can only conduct one deposition of any person during your case. You will also want to do some research ahead of time, to prepare yourself to handle problems such as objections to your questions, non-responsive answers, or hostile witnesses. The resources listed at the end of this Guide are good starting points for this type of research.

At the beginning of the deposition, the court reporter will swear in the deponent. Then, everyone in attendance should announce their names, firm names, and who they represent for the record. You may then provide any admonitions or instructions you have for the deponent before moving on to your questions. For more tips and techniques for conducting the deposition, consult the resources listed at the end of this Guide.

Step 7: After the Deposition

Unless the parties agree otherwise, the court reporter is required to make a transcript of the deposition, and provide written notice to the deponent and all parties attending the deposition when the transcript is ready for reading, correcting, and signing. After this notice is sent, the deponent has 30 days to change the form or substance of the answer to any question, and to approve the transcript by signing it. Changes will be noted directly on the original copy of the transcript. The reporter will certify that the deponent was duly sworn, and that the transcript is a true record of the testimony given and any changes made by the deponent. The original certified copy of the transcript will then be forwarded to the deposing party, who must retain this original in a safe place where it is protected

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from loss, destruction or tampering until at least six months after the final disposition of the case. [CCP § 2025.550](#).

FOR MORE INFORMATION

At the Law Library:

About Your Deposition (DVD) [KF 8900 .V56](#) (Self-Help Audio-Video)

California Civil Discovery [KFC 1020 .H64](#)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Civil Discovery Practice [KFC 1020 .C35](#)

Electronic Access: On the Law Library's computers, using *OnLaw*.

California Civil Litigation and Discovery [KFC 995 .G674](#)

California Deposition and Discovery Practice [KFC 1020 .D44](#)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Discovery Citations [KFC 1020 .F56](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

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

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Practice Guide: Civil Procedure Before Trial [KFC 995 .W45](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

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

Dunne on Depositions in California [KFC 1020 .Z9 D86](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

Effective Depositions [KF 8900 .E35](#)

Handling Depositions: Here's How and When to Do it [KFC 1020 .D47 R35](#)

Electronic Access: On the Law Library's computers, using *OnLaw*.

Matthew Bender Practice Guide: California Civil Discovery [KFC 1020 .M37](#)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

Nolo's Deposition Handbook [KF 8900 .B44](#) (Self-Help)

Electronic Access: From any computer (Library or home) via the Legal Information Reference Center. Instructions are available on our website at saclaw.org/nolo-ebooks.

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Preparing for Your Deposition (DVD) [KF 8900 .A76 A27](#) (Self-Help Audio-Video)

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

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ATTACHMENTS: FORMS AND INSTRUCTIONS

For all depositions, you must prepare a notice of taking of deposition. There is no fill-in-the-blanks form for this; you will need to write your own notice. You may download a customizable template from this link:

- [Notice of Taking of Deposition](#)

If deposing a non-party witness, you will also need to complete a subpoena. The Judicial Council forms commonly used in this procedure are:

- [Deposition Subpoena for Personal Appearance \(SUBP-015\)](#).
- [Deposition Subpoena for Personal Appearance and Production of Documents and Things \(SUBP-020\)](#).

Download the blank forms from these links or www.courts.ca.gov.

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

1 PAUL SAMPLE
1234 Main Street
2 Sacramento, CA 95814
916-555-1234

Requesting party's name, address and telephone number. "In Pro Per" means you are representing yourself.

3
4
5 PAUL SAMPLE, IN PRO PER

6
7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SACRAMENTO

10
11
12 PAUL SAMPLE,

13 Plaintiff,

14 vs.

Names of the parties.

15
16 ACME, INC.,

17 Defendant

18
19 Case No.: 34-2013-00012345

Case number.

20 NOTICE OF TAKING OF DEPOSITION

21
22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Name of person or organization to be deposed, and date and location of deposition.

23 PLEASE TAKE NOTICE that the deposition of Acme, Inc. will be taken in the above-entitled
24 action before a court reporter at the following address: 556 West Elm Ave., Sacramento, CA
25 95814, on November 15, 2013, at 9 am, and continued from day to day thereafter, Sundays
26 and holidays excepted, until completed, on behalf of the plaintiff. In addition to being
27 stenographically recorded, the deposition will be videotaped/audiotaped.

If you will be video or audio taping the deposition, include this language. If not, remove this sentence.

Your party designation.

1 NOTICE IS FURTHER GIVEN that the matters on which examination is requested are as
2 follows:

3 The loan agreement between the Acme, Inc. and Paul Sample dated September 9, 2010,
4 including but not limited to, the agreement itself, payment methods and payment history,
5 and correspondence regarding the agreement

If the deponent is an organization, summarize the topics to be discussed, so that the organization may designate a representative with knowledge of those issues. If a natural person will be deposed, remove these paragraphs.

6 Pursuant to the provisions of Section 2025.230 of the Code of Civil Procedure, Acme, Inc.
7 shall designate and produce at the deposition one or more of its officers, directors,
8 managing agents, employees, or agents who are most qualified to testify on its behalf as to
9 the above-described matters to the extent of any information known or reasonably available
10 to the deponent.
11
12

If you want the deponent to bring documents or items to the deposition, include a description of the requested items.

13 NOTICE IS FURTHER GIVEN that the deponent is required to bring to the deposition the
14 following documents and items: All documents related to the loan agreement between
15 Acme, Inc. and Paul Sample dated September 9, 2010, including but not limited to, the
16 agreement itself, canceled checks, receipts, or other documentary evidence of payments
17 made; records kept of payments made; and correspondence regarding the agreement.
18
19
20
21
22

23 DATED: March 7, 2019

24 Sign and date.

25 Paul Sample
26 In Pro Per

Use this form if you simply want a non-party witness to appear to answer questions at a deposition.

SUBP-015

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State E Paul Sample 1234 Main Street Sacramento, CA 95814 TELEPHONE NO.: 916-555-1234 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 Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil | |
| PLAINTIFF/ PETITIONER: Paul Sample DEFENDANT/ RESPONDENT: Acme, Inc. | CASE NUMBER: 34-2013-00012345 |

Your name, address, and phone number. In Pro Per means you're representing yourself.

Court name, address, and branch.

Case Number.

Name, address, and telephone number of person to be deposed.

Names of Plaintiff and Defendant.

If the deponent is an organization, check box a.

Leave the date, time, and address blank for now. You will add this information after you receive your issued subpoena from the court.

Check the boxes that describe how the deposition will be recorded. If videotaped, indicate if you reserve the right to present the video at trial.

If you checked box 1(a) above, you must describe what issues will be discussed at the deposition, so the organization may appoint a knowledgeable representative.

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Wendy Witness
 467 Harvest Ln., Sacramento, CA 95826, 916-555-4378

1. **YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS.**

Date: _____ Time: _____ Address: _____

a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.230.)

b. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.

c. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).

2. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

3. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PERSON ISSUING SUBPOENA)

 (TITLE)

Names of Plaintiff and Defendant.

Case number.

| | |
|-----------------------------------|------------------------------|
| PLAINTIFF/PETITIONER: Paul Sample | CASE NUMBER: SUBP-015 |
| DEFENDANT/RESPONDENT: Acme, Inc. | 34-2013-00012345 |

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

Name and address of person served.

1. I served this *Deposition Subpoena for Personal Appearance* by personally delivering a copy to the person served as follows:
- a. Person served (name): Wendy Witness
 - b. Address where served: 467 Harvest Ln., Sacramento, CA 95826

Date and time of service.

- c. Date of delivery: 11/3/2013
- d. Time of delivery: 10 am

If witness fees and mileage were paid at the time of service, indicate the amounts.

- e. Witness fees and mileage both ways (check one):
 - (1) were paid. Amount: \$ _____
 - (2) were not paid.
 - (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____

Amount server was paid to serve this subpoena.

f. Fee for service: \$ 0

- 2. I received this subpoena for service on (date): 11/2/2013

Date server received this subpoena for service.

Check the box that best describes the server.

- Person serving:
- a. Not a registered California process server
 - b. California sheriff or marshal
 - c. Registered California process server
 - d. Employee or independent contractor of a registered California process server
 - e. Exempt from registration under Business and Professions Code section 22350(b)
 - f. Registered professional photocopier
 - g. Exempt from registration under Business and Professions Code section 22451

h. Name, address, telephone number, and, if applicable, county of registration and number:
 Sally Server
 904 West Elm Drive
 Sacramento, CA 95833

Name and address of server.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only) I certify that the foregoing is true and correct.

Date: 11/3/2013

Date:

Server's signature.

(SIGNATURE)

(SIGNATURE)

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Use this form if you want a non-party witness to appear to answer questions at a deposition, and to bring with them any documents or things.

SUBP-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Paul Sample
 1234 Main Street
 Sacramento, CA 95814

TELEPHONE NO: 916-555-1234 FAX: _____
 E-MAIL ADDRESS (Optional): _____
 ATTORNEY FOR (Name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
 STREET ADDRESS: 720 Ninth Street
 MAILING ADDRESS: 720 Ninth Street
 CITY AND ZIP CODE: Sacramento, CA 95814
 BRANCH NAME: Civil

PLAINTIFF/PETITIONER: Paul Sample
 DEFENDANT/RESPONDENT: Acme Inc.

DEPOSITION SUBPOENA
 FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

CASE NUMBER: 34-2012-00012345

Your name, address, and phone number. In Pro Per means you're representing yourself.

Court name, address, and branch.

Names of Plaintiff and Defendant.

Case Number.

Name, address and telephone number of person to be deposed.

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Wendy Witness, 467 Harvest Ln. Sacramento, CA, 95826, 916-555-_____

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS

Date: _____ Time: _____ Address: _____

a. As a deponent who is not a natural person, you are ordered to designate to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
 b. You are ordered to produce the documents and things described in item 3.
 c. This deposition will be recorded stenographically through _____ and by audiotape videotape.
 d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.230.

2. The personal attendance of the custodian or other qualified witness and the production of the documents and things described in this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1560(c), and 1560(d) shall apply with this subpoena.

3. The documents and things to be produced and any testing or sampling being sought are described as follows:
 All records of repairs you made to Doug Debtor's vehicle on or after July 1, 2010.

Continued on Attachment 3.

4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:
 Continued on Attachment 4.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A BUSINESS OR OTHER ENTITY UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.4, AND YOU HAVE BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT AFFECTED MUST BE OBTAINED BEFORE YOU ARE RECALLED TO COURT.

6. At the deposition, you will be asked questions under oath. Questions will be recorded for possible use at trial. You may read the written report to receive witness fees and mileage actually traveled both ways either with service of this subpoena or at the time of the deposition. If you are an individual, the deposition must take place within 75 miles of your county of the court where the action is pending. The location of the deposition shall be within the county of the court where the action is pending.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Leave the date, time, and address blank for now. You will add this information after you receive your issued subpoena back from the court.

Check the boxes that describe how the deposition will be recorded. If videotaped, indicate if you reserve the right to present the video at trial.

If the deponent is an organization, check box (a).

If you want the deponent to bring documents or things to the deposition, check box (b). Describe those documents and things in question 3. If you need more room, attach an additional sheet labeled "Attachment 3."

If you checked box 1(a) above, you must answer question 4. Describe what issues will be discussed at the deposition, so the organization may appoint a knowledgeable representative. Check the box and attach an additional sheet labeled "Attachment 4" if you need more room.

Date issued _____
Do not sign here. The court clerk will sign here.

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Names of Plaintiff and Defendant.

Case number.

| | |
|-----------------------------------|----------------------------------|
| PLAINTIFF/PETITIONER: Paul Sample | CASE NUMBER: 34-2012-00012345 |
| DEFENDANT/RESPONDENT: Acme Inc. | |

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

Name and address of person served.

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

- a. Person served (name): Wendy Witness
- b. Address where served:
467 Harvest Ln., Sacramento, CA 95826

Date and time of service.

- c. Date of delivery: 11/3/2013
- d. Time of delivery: 10 am

If witness fees and mileage were paid at the time of service, indicate the amounts.

- e. Witness fees and mileage both ways (check one):
 - (1) were paid. Amount: \$ _____
 - (2) were not paid.
 - (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____
- f. Fee for service: \$ 0

Amount server was paid to serve this subpoena.

Check the box that best describes the server.

2. I received this subpoena for service on (date): 11/2/2013

- 3. Person serving:
 - a. Not a registered California process server
 - b. California sheriff or marshal
 - c. Registered California process server
 - d. Employee or independent contractor of a registered California process server
 - e. Exempt from registration under Business and Professions Code section 22350(b)
 - f. Registered professional photocopier
 - g. Exempt from registration under Business and Professions Code section 22451
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

Date server received this subpoena for service.

Sally Server
904 West Elm Drive
Sacramento, CA 95833

Name and address of server.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date: 11/3/2013

Date:

(SIGNATURE)

(SIGNATURE)