

**IN THE JUSTICE COURT OF VIRGINIA TOWNSHIP
IN AND FOR THE COUNTY OF STOREY, STATE OF NEVADA**

THE STATE OF NEVADA

Plaintiff,

vs.

Case No. _____

Defendant

SUBPOENA

For personal appearance at trial/hearing without documents

For personal appearance at trial/hearing with documents (*duces tecum*)

THE STATE OF NEVADA TO: (*insert witness name, address, and telephone number*)

Name: _____

Address: _____

Telephone No: _____

YOU ARE ORDERED TO APPEAR AS A WITNESS in the VIRGINIA TOWNSHIP JUSTICE COURT, 800 SOUTH C STREET, VIRGINIA CITY, NEVADA 89440 and give testimony at the following date and time pursuant to NRS 50.165 and JCRC 45, UNLESS you make an agreement with the party requesting this subpoena (*insert date and time of appearance*):

Date of Appearance: _____, 20 _____

Time of Appearance: _____

YOU ARE FURTHER ORDERED to bring with you at the time of your appearance the books, documents, or tangible things set forth below that are in your possession, custody, or control. All documents must be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories listed. JCRC 45(d)(1)

WITNESS FEES: You are entitled to witness fees and mileage traveled, as provided by NRS 50.225. This subpoena must be accompanied by the fees for one day's attendance and mileage, unless issued on behalf of the State or a State agency. NRC 45(b)

CONTEMPT: Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court, JCRC 45(e), punishable by a fine not exceeding \$500.00 and imprisonment not exceeding 25 days, NRS 22.100(2). Additionally, a witness disobeying a subpoena must forfeit to the aggrieved party \$100.00 and all damages sustained as a result of the failure to attend, and a warrant may issue for the witness' arrest. NRS 50.195, NRS 50.205.

Please see the Attached Exhibit "A" for information regarding your rights and responsibilities to this subpoena.

Issued at the request of: _____ <i>Signature</i> _____ <i>Print Name</i> _____ <i>Address</i> _____ <i>Telephone Number</i> _____ <i>E-Mail</i>	By: _____ Deputy Clerk _____ Date
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ITEMS TO BE PRODUCED

(Insert numbered list specifying each document or thing witness is to produce at trial or hearing.)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Case Number: _____

Defendant's Name: _____

DECLARATION OF SERVICE UNDER PENALTY OF PERJURY

I _____, being duly sworn or under penalty of perjury, state that
(Insert name of person performing service.)

at all times relevant, I was over 18 years of age and not a party to or interested in the above-captioned case;

that I served a copy of the **SUBPOENA** on _____ 20_____,
Date

at the hour of _____ .M., by:

For service on an individual:

Delivering and leaving a copy with _____
(Insert name of witness listed in the subpoena.)

at: _____
(Insert address at which you served.)

For service on a business entity:

Delivering and leaving a copy with _____
(Insert name or physical description of person served.)

who is the President or other head Secretary Cashier Managing agent, Resident agent,

or other *(specify)* _____, of the business entity named as a witness in

the subpoena at:

(Insert address at which you served.)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

SERVER'S SIGNATURE: _____ **DATE:** _____

Server's Phone: _____

Server's Residential/Business Address: _____

I am a licensed process server or an employee of a licensed process server; my license or registration number is: _____

I am not required to be licensed under Chapter 648 of the Nevada Revised Statutes or another provision of law because I am not engaged in the business of serving legal process with the State of Nevada.

EXHIBIT "A"

JCRCP RULE 45. SUBPOENA

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.