



**COURT OF COMMON PLEAS
JUVENILE COURT DIVISION
COUNTY OF CUYAHOGA**

2163 East 22nd Street
Cleveland, Ohio 44115
(216) 443-8400

SUBPOENA

CASE NO: _____ DELIVERY
CASE TYPE: _____ PERS.
JUDGE: _____ RES.

TO _____

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THIS COURT TO TESTIFY AS A WITNESS IN THE ABOVE ENTITLED CASE AND NOT DEPART THE COURT WITHOUT LEAVE. FAIL NOT UNDER PENALTY OF THE LAW. YOUR APPEARANCE IS REQUIRED ON THE

_____ OF _____ AT _____ O'CLOCK _____ M. AT
JUDGE _____ MAGISTRATE _____ COURTROOM
 2163 EAST 22ND STREET 910 CARNEGIE 3343 COMMUNITY COLLEGE
CLEVELAND, OHIO 44115 CLEVELAND, OHIO 44115 CLEVELAND, OHIO 44115

SPECIAL INSTRUCTIONS: _____

ATTORNEY NAME _____ ADDRESS _____ PHONE _____
SIGNATURE _____ REPRESENTING _____

JUDGE AND EX-OFFICIO CLERK OF SAID COURT

BY APWzdy DEPUTY CLERK

ON _____ I SERVED THIS SUBPOENA ON THE WITHIN
NAMED _____ BY:

(CHECK APPROPRIATE)
PERSONALLY DELIVERING TO HIM/HER A TRUE COPY THEREOF

LEAVING A TRUE COPY THERE OF AT HIS/HER RESIDENCE WITH A PERSON OF SUITABLE AGE AND DISCRETION RESIDING THEREIN, TO WIT: (GIVE NAME OR DESCRIPTION OF PERSON)

WAS UNABLE TO SERVE A COPY OF THIS DOCUMENT UPON HIM/HER FOR THE FOLLOWING REASONS:

Deputy Clerk

RULE 17 RULES OF JUVENILE PROCEDURE, Part D & E
(D) PROTECTION OF PERSON SUBJECT TO SUBPOENAS

(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.

(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 DIVISION (E)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE AND PERMIT INSPECTION AND COPYING MAY WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTION TO INSPECTION AND 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, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. 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.

(2) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) 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

WITNESSES MUST REPORT TO THE CLERK IN THE COURT ROOM FOR WHICH THEY ARE SUBPOENAED IN ORDER TO INSURE THE TAXATION OF THEIR FEES. WHEN A WITNESS IS SERVED WITH A SUBPOENA HE/SHE MAY DEMAND HIS/HER MILEAGE FEES AND FEES FOR ONE DAY'S ATTENDANCE AND, IF HE/SHE RESIDES OUTSIDE THE COUNTY IN WHICH THE COURT IS LOCATED, THE MILEAGE FEES AND FEES FOR ATTENDANCE SHALL BE TENDERED WITHOUT DEMAND.

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (d)(3) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (d)(3)(c) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (d)(3)(c) OR (d)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOW A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIALS THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

(E) 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. A PERSON PRODUCING DOCUMENTS PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT 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.