



**COURT OF COMMON PLEAS
JUVENILE DIVISION
COUNTY OF CUYAHOGA
9300 Quincy Avenue
Cleveland, Ohio 44106**

SUBPOENA

CERTIFIED MAIL DELIVERY
DELIVERY REQUESTED

CASE NAME(S): _____ JUDGE: _____

CASE NO(S): _____ CASE TYPE: _____

TO: _____

YOU ARE HEREBY **COMMANDED TO APPEAR BEFORE THIS COURT TO TESTIFY** AS A WITNESS IN THE ABOVE ENTITLED CASE. FAILURE TO APPEAR AT THE STATED TIME AND PLACE CAN RESULT IN A FINDING OF CONTEMPT. PLEASE CONTACT THE ATTORNEY OR PETITIONER LISTED BELOW FOR FURTHER INFORMATION. **YOUR APPEARANCE IS REQUIRED:**

ON THE _____ DAY OF _____, 20____ AT _____ A.M P.M.
AT THE CUYAHOGA COUNTY JUVENILE COURT, 9300 QUINCY AVENUE, CLEVELAND, OHIO 44016,
BEFORE JUDGE MAGISTRATE _____ ON THE _____ FLOOR.

SPECIAL INSTRUCTIONS: _____

YOU ARE **HEREBY COMMANDED TO PRODUCE AND PERMIT INSPECTION, COPYING, TESTING OR SAMPLING OF THE FOLLOWING DOCUMENTS OR OBJECTS AT THE PLACE, DATE AND TIME SPECIFIED BELOW** (LIST DOCUMENTS OR OBJECTS):

Place records are to be delivered to _____ Date records due by _____ Time records due by _____

To the filer of this subpoena: Default method of service is by posting on residence of the person to whom the subpoena is addressed. Subpoena fees are as follows: \$2.00 administrative fee for the Juvenile Court (collected upon filing) and an administrative fee for the Sheriff plus round trip mileage fees (ORC 311.17) from the Cuyahoga County Sheriff's Dept. to the destination address (collected upon return of service from Sheriff). Residence or Personal service available upon request at additional costs of round trip mileage per attempt to effectuate service. You are responsible for fees regardless of whether service was effectuated or not after attempt(s) were made. Out of county subpoenas will not be served unless certified delivery is checked above.

Printed name of person filing subpoena

Signature of person filing subpoena

Phone: _____

Representing (if filed by an attorney)

JUDGE AND EX-OFFICIO OF SAID COURT
BY: Je'Nine Nickerson DEPUTY CLERK

SUBPOENA RETURN: On _____, the undersigned served this subpoena on _____ by:

- POST: Leaving a true copy thereof at their residence;
- RESD: Leaving a true copy thereof at their residence with a person of suitable age and discretion therein (see notes below for description);
- PERS: Personally delivering to their a true copy thereof;
- CERT: Sending a true copy thereof by Certified U.S. Mail to the addressee at the address indicated herein;
- FAX or EMAIL: Faxing or Emailing a true copy to the fax number or email contained in the attached sheet and/or listed in notes section below;
- UNSU: I was unable to serve a copy of this document upon him/her (see notes below for reason)

Notes: _____

DEPUTY CLERK/SPECIAL PROCESS SERVER

RULE 17. RULES OF JUVENILE PROCEDURE, PARTS (D) & (E)

(D) Protection of persons 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 under division (A)(1)(b)(ii), (iii), or (iv) of this rule is not required to appear in person at the place of production or inspection unless commanded to attend and give testimony at a trial, hearing, proceeding, or deposition.

(b) Subject to division (E)(2) of this rule, a person commanded to produce under division (A)(1)(b)(ii), (iii), or (iv) of this rule may serve upon the party or attorney designated in the subpoena written objections to production. The objections must be served within fourteen days after service of the subpoena or before the time specified for compliance if that time is less than fourteen days after service. If objection is made, the party serving the subpoena shall not be entitled to production except pursuant to an order of the court that issued the subpoena. 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 production commanded.

(3) 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 a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation or preparation for trial if the fact or opinion does not describe specific events or occurrences indispute and results from study by that expert that was not made at the request of any party;

(d) Subjects a person to undue burden.

(4) Before filing a motion pursuant to division (D)(3)(d) 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)(d) 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 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.

(E) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall at the person's option, produce the documents as

they are kept in the usual course of business or organized and labeled to correspond with the categories in the subpoena. 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 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.

WITNESSES MUST REPORT TO THE CLERK IN THE COURTROOM 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.