



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

SUBPOENA

DELIVERY: PERS. RES.

CASE NAME:

CASE NO:

CASE TYPE:

JUDGE:

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 CUYAHOGA COUNTY JUVENILE COURT, JUDGE _____ ON THE _____ FLOOR
 MAGISTRATE _____ ON THE _____ FLOOR

AT 9300 QUINCY AVENUE, CLEVELAND, OHIO 44106.

SPECIAL INSTRUCTIONS:

ATTORNEY OR PETITIONER
Phone: _____

REPRESENTING

JUDGE AND EX-OFFICIO OF SAID COURT

BY: Linda Brooks 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 THEREOF AT HIS/HER RESIDENCE WITH A PERSON OF SUITABLE AGE AND DISCRETION RESIDING THEREIN, TO WIT: (GIVE NAME OR DESCRIPTION OF A PERSON)

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

_____ 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 in dispute 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.