

1 Name of Person Filing: _____

Your Address: _____

2 Your City, State, Zip Code: _____

Your Telephone Number: _____

3 Your Email Address: _____

Attorney Bar Number (if applicable): _____

4 Representing: Self (without Legal Practitioner)
Or Legal Practitioner for Plaintiff Defendant

5
6 **IN THE JUDICIAL COURT OF THE TOHONO O’ODHAM NATION**
CIVIL DIVISION

7 In Re: _____)

(Adult or Child’s Name))

Case No.: _____

8 _____)

(Additional Adult or Child’s Name))

9 _____)

(Additional Adult or Child’s Name))

10 _____)

(Additional Adult or Child’s Name))

11 _____)

SUBPOENA
IN A CIVIL CASE

12 **TO:** _____

(Name of Recipient)

13 [Select one or more of the following:]

14 **For Attendance of Witnesses at Hearing or Trial**

15 **YOU ARE ORDERED** to appear in the Tohono O’odham Justice Center in Sells,
16 Arizona on the following date and time to testify at a hearing trial in this case:

17 Date: _____

18 Time: _____

19 **For Taking of Depositions**

20 **YOU ARE ORDERED** to appear at the place, date, and time set below to testify at a
21 deposition in this case:

22 Place of Deposition: _____

Address: _____

23 Date: _____

24 Time: _____

1 **For Production of Documentary Evidence or Inspection of Premises**

2 **YOU ARE ORDERED**, to produce and allow inspection, copying, testing, or
3 sampling of these documents, electronically stored information or tangible things, or
to allow the inspection of premises (list): _____

4 _____
5 _____

6 at the place, date, and time set below:

7 Place of Production or Inspection: _____

8 Address: _____

9 Date: _____

Time: _____

10 **Your Duties in Responding To This Subpoena**

11 ***Attendance at a Deposition, Hearing, or Trial.*** If this subpoena orders you to appear at a
12 deposition, hearing, or trial, you must appear at the place, date, and time in the subpoena. You
do not have to appear if the party serving the subpoena excuses you, or if you file a timely
13 motion with the court and the court quashes or modifies the subpoena. *See* T.O.R.Civ.Pro. Rule
15(e)(2). *See also* “Your Right to Object to This Subpoena” section below.

14 ***Production of Documentary Evidence or Inspection of Premises.*** If this subpoena orders you
15 to produce and allow inspection, copying, testing or sampling of designated documents,
electronically stored information, or tangible things, you must make the items available at the
16 place, date, and time set in this subpoena, and in the case of electronically stored information,
in the form or forms requested, unless you make a good faith written objection to the party or
17 legal counsel who served the subpoena. *See* T.O.R.Civ.Pro. Rule 15(c)(4). *See also* “Your
Right to Object to This Subpoena” section below.

18 If this subpoena orders you to make certain property available for inspection, you must allow
19 inspection of the property on the date and time set in this subpoena unless you make a good
faith written objection to the party or legal counsel who served the subpoena. *See*
20 T.O.R.Civ.Pro. Rule 15(c)(4). *See also* “Your Right to Object to This Subpoena” section
below.

21 An order to produce certain designated materials, or to allow the inspection of premises, *may*
22 be combined with an order to appear at a deposition, hearing, or trial. You do not need to appear
in person at the place of production or inspection unless the subpoena ***also*** states you must
23 appear for and give testimony at a deposition, hearing, or trial. *See* T.O.R.Civ.Pro. Rule
15(c)(2).

1 If the subpoena orders you to produce documents, you must produce the designated documents
2 as kept by you in the usual course of business, or you may organize the documents and label
them to match the categories stated in the subpoena. *See* T.O.R.Civ.Pro. Rule 15(c)(3).

3 **Your Right to Object to This Subpoena**

4 **Generally.** If you have concerns or questions about this subpoena, you must first contact the
5 party or legal counsel who served the subpoena. The party or legal counsel serving the
6 subpoena must try to avoid imposing an undue burden or expense on you. If you cannot resolve
your concern with the party or legal counsel serving the subpoena, you may file an objection
with the court. *See* T.O.R.Civ.Pro. Rules 15(e)(1).

7 **Procedure for Objecting to a Subpoena.** A subpoena may combine an order to appear at a
8 deposition, hearing, or trial with an order to produce documents, electronically stored
9 information, or tangible things, or to allow inspection of premises. If you wish to object to a
10 subpoena, you must file a motion to quash or modify the subpoena with the court to obtain a
11 court order excusing you from complying with this subpoena. Your motion must clearly say to
what part or parts of the subpoena you object. You must file the motion with the Tohono
12 O’odham Court before the time for compliance stated in the subpoena, or within fourteen (14)
days after the subpoena is served, whichever is earlier. You must also send a copy of any
13 motion to quash or modify the subpoena to the party or legal counsel who served the subpoena.
14 *See* T.O.R.Civ.Pro. Rule 15(e).

15 If you object to the subpoena in writing, you do not need to comply with the subpoena until a
16 court orders you to do so. It is up to the party or legal counsel serving the subpoena to first
consult with you and engage in good faith efforts to resolve your objection and, if the objection
17 cannot be resolved, to seek an order from the court to compel you to provide the documents or
inspection requested, after providing notice to you. *See* T.O.R.Civ.Pro. Rule 15(c)(4)(B).

18 **Actions by the Court After an Objection is Filed.** The court may take the following actions
19 after you properly file a written objection.

20 The court *must* quash or modify a subpoena if the court finds:

- 21 (1) you are immune from service or enforcement of the subpoena;
- 22 (2) the subpoena does not allow a reasonable time to comply;
- 23 (3) the subpoena requires disclosure of privileged or other protected matter, if no exception or
waiver applies; or
- 24 (4) the subpoena causes an undue burden; or

The court *may* quash or modify a subpoena if the court finds the subpoena:

- (1) requires disclosure of a trade secret or other confidential research, development, or
commercial information;
- (2) requires disclosing an unretained expert’s opinion or information that does not describe
specific occurrences in dispute, and results from the expert’s study that were not requested by

1 a party;
2 (3) requires you to incur substantial travel expense and you are not a party or a party's officer;
3 or
4 (4) should be modified or quashed in the interests of justice.

5 In these last four circumstances, a court may, instead of quashing or modifying a subpoena,
6 order your appearance or order the production of material under specified conditions if the
7 serving party or legal counsel shows a substantial need for the testimony or material that cannot
8 be otherwise met without undue hardship.

9 **Requests for reasonable accommodation for persons with disabilities must be made to the**
10 **court by parties at least three (3) working days before a scheduled court proceeding.**

11 SIGNED AND SEALED this date _____.

12 CLERK OF COURT

13 By: _____
14 Clerk of Court