

1 Name of Person Filing: \_\_\_\_\_  
Your Address: \_\_\_\_\_  
2 Your City, State, Zip Code: \_\_\_\_\_  
Your Telephone Number: \_\_\_\_\_  
3 Attorney Bar Number (if applicable): \_\_\_\_\_  
Representing:  Self (without legal counsel)  
4 Or Legal Counsel for  Plaintiff  Respondent

5 IN THE JUDICIAL COURT OF THE TOHONO O'ODHAM NATION  
6 IN THE STATE OF ARIZONA  
7 CIVIL DIVISION

8 \_\_\_\_\_, )  
Plaintiff, ) Case No.: \_\_\_\_\_  
9 vs. \_\_\_\_\_, )  
Defendant. ) SUBPOENA IN A CIVIL  
CASE

10 **TO:**

11 \_\_\_\_\_  
(Name of Recipient)  
12 [Select one or more of the following:]

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

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

16 Date:  
17 Time:

18  **For Taking of Depositions**

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

21 Place of Deposition:  
Address:  
22 Date:  
Time:

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

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

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

at the place, date, and time set below:

4 Place of Production or Inspection: \_\_\_\_\_  
5 Address: \_\_\_\_\_  
6 Date: \_\_\_\_\_  
7 Time: \_\_\_\_\_

### 8 **Your Duties in Responding To This Subpoena**

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

15 **Production of Documentary Evidence or Inspection of Premises.** If this subpoena orders  
16 you to produce and allow inspection, copying, testing or sampling of designated  
17 documents, electronically stored information, or tangible things, you must make the items  
18 available at the place, date, and time set in this subpoena, and in the case of electronically  
19 stored information, in the form or forms requested, unless you make a good faith written  
20 objection to the party or legal counsel who served the subpoena. *See* T.O.R.Civ.Pro. Rule  
21 15(c)(4). *See also* “Your Right to Object to This Subpoena” section below.

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

An order to produce certain designated materials, or to allow the inspection of premises,  
*may* 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 appear for and give testimony at a deposition, hearing, or trial. *See*  
T.O.R.Civ.Pro. Rule 15(c)(2).

If the subpoena orders you to produce documents, you must produce the designated  
documents 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).

## Your Right to Object to This Subpoena

1  
2 **Generally.** If you have concerns or questions about this subpoena, you must first contact  
3 the party or legal counsel who served the subpoena. The party or legal counsel serving the  
4 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).

5 **Procedure for Objecting to a Subpoena.** A subpoena may combine an order to appear at  
6 a deposition, hearing, or trial with an order to produce documents, electronically stored  
7 information, or tangible things, or to allow inspection of premises. If you wish to object  
8 to a subpoena, you must file a motion to quash or modify the subpoena with the court to  
9 obtain a court order excusing you from complying with this subpoena. Your motion must  
10 clearly say to what part or parts of the subpoena you object. You must file the motion  
with the Tohono 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 motion to quash or modify the subpoena to the party or legal  
counsel who served the subpoena. *See* T.O.R.Civ. Pro. Rule 15(e).

11 If you object to the subpoena in writing, you do not need to comply with the subpoena  
12 until a court orders you to do so. It is up to the party or legal counsel serving the subpoena  
13 to first consult with you and engage in good faith efforts to resolve your objection and, if  
14 the objection 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).

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

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

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

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

- 23 (1) requires disclosure of a trade secret or other confidential research, development, or  
24 commercial information;
- 25 (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 a party;
- (3) requires you to incur substantial travel expense and you are not a party or a party's  
officer; or

1 (4) should be modified or quashed in the interests of justice.

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

6 **ADA Notification**

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

9 SIGNED AND SEALED this date \_\_\_\_\_

10 By: \_\_\_\_\_  
11 Deputy Clerk