

**OHIO ASSOCIATION OF COUNTY BOARDS
SERVING PEOPLE WITH DEVELOPMENTAL DISABILITIES**

2010 Spring Conference

Subpoenas

Presented by:

STEPHEN P. POSTALAKIS
BLAUGRUND, HERBERT & MARTIN, INCORPORATED
300 W. Wilson Bridge Road, Suite 100
Worthington, Ohio 43085
(614) 764-0681
spp@bhmlaw.com

MAY 20, 2010
COLUMBUS MARRIOTT NORTHWEST
COLUMBUS, OHIO

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
COUNTY, OHIO

)	CASE NO.
Plaintiff,)	
)	JUDGE
vs.)	
)	
)	<u>SUBPOENA</u>
)	<u>(Duces Tecum)</u>
Defendant.)	

TO: Custodian of Records

You are hereby commanded to appear on Tuesday, February 23, 2010 at 10:00 a.m. at
the offices of

before Attorney for Defendant, who shall take your deposition on oral
examination.

Please bring with you the following documents:

ANY AND ALL DOCUMENTS CONCERNING
, INCLUDING, BUT NOT LIMITED TO, attendance records, daily activity records
and/or schedule including nap schedule for _____ assigned classroom; any and all documents
regarding application for enrollment, emergency contact form(s), and any other documents of any
kind concerning tuition costs or fees.

**Certified copies of the requested records may be mailed and/or faxed to the
undersigned attorney prior to February 23, 2010 in lieu of appearing with the records at
the office of the undersigned attorney on that date.**

The text of divisions (C) and (D) of Rule 45, Ohio Rules of Civil Procedure, is attached
hereto and incorporated herein by reference.

RETURN OF SERVICE

I served the within subpoena upon _____ at the above address via Certified
U.S. Mail, this 17th day of February, 2010.

CERTIFICATE OF SERVICE

A copy of the foregoing Subpoena Duces Tecum has been mailed by regular U.S. mail,
postage prepaid, this 17th day of February, 2010:

Text of 3C and 3D of Rule 45

(C) 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 divisions (A)(1)(b)(ii), (iii), (iv) or (v) of this rule need not appear in person at the place of production or inspection unless commanded to attend and give testimony at a deposition, hearing or trial. (b) Subject to a division (D)(2) of this rule, a person commanded to produce under divisions (A)(1)(b)(ii), (iii), (iv), or (v) of this rule 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 objections to production. If objection is made, the party serving the subpoena shall not be entitled to production 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 expenses resulting from the production commanded.

(4) Before filing a motion pursuant to division (C)(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 (C)(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 (C)(3)(c) or (C)(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.

(D) Duties in responding to subpoena.

(1) A person responding to a subpoena to produce documents shall, at the person's option, produce them 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 under Civ R 26(B)(3) or (4), 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.

To give testimony at the trial, hearing, deposition,
(circle one)

PRECIPE FOR SUBPENA

Revised Code, Sec. 2302.11

CLERK OF COURT
FILED
COUNTY
CLERK COURT JUVENILE

COMMON PLEAS COURT

JAN 18 A 10:45

County, Ohio

IN RE
Plaintiff
vs.
Defendant

No. _____

PRECIPE

To the Clerk of Courts:

Issue Subpena for the following persons, to-wit:

Regular Mail

NAME	ADDRESS	Issue	How Served	Day Served
Send all notes... These should be any, hand written, typed, dictated, shorthand, transcripts, and / or any other notes in whatever form you may have. Tapes... C.D.'s, V.H.S., D.V.D.'s and/or any other recording tapes in whatever form you may have. Names and addresses of each witness to the occurrence that forms the basis of the charge. Copies of any written statements made by any party or witness. Transcripts, recordings and summaries of any oral statements of any parties or witness. Any scientific of reports which the prosecution intends to introduce at the hearing of	this matter Photographs and any physical evidence which prosecution intends to use at the hearing in this matter. Any and all copies of psysical evidence, in any form, from any and all, law enforcement, medical, and / or hosp-ital agencies. Please note all of the above information ask for is dealing with			

to appear as witnesses in the above case, on the 29th day of January 16 2007, at 9:30 o'clock A.M. Required on behalf of the Defense

Attorney

Subpena in Civil Case

Revised Code, Sec. 2317.14-15

The State of Ohio, _____

_____ County.

Common Pleas Court

To each of above named Persons:

You are hereby required to be and appear before the Common Pleas Court at the Court House in said County, on the day and hour set forth in the above Precipe, to testify as a witness in a certain case pending in said Court, wherein the Plaintiff... and Defendant... are as named above, and not depart the Court without leave. Herein fail not, under penalty of the law. And have you then and there this will.

Said Court requires your said attendance on behalf of the party filing said precipe.

WITNESS my hand and the seal of said Court,

this 18th day of Jan 2007 at _____

[Signature] Clerk

By _____ Deputy