

YOUR DUTIES IN RESPONDING TO THIS SUBPOENA

(Arizona Rules of Civil Procedure)

- You have the duty to produce the documents requested as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this subpoena. See rule 45(d)(1) of the Arizona Rules of Civil Procedure.
- If this subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule 44(c)(2)(A) of the Arizona Rules of Civil Procedure.

YOUR RIGHT TO OBJECT

- The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. See Rule 45(c)(1) of the Arizona Rules of Civil Procedure.
- You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the subpoena. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.
- If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. See Rule 45(d)(2) of the Arizona Rules of Civil Procedure.
- If you object to the subpoena in writing you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. See rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.
- If you are not party to the litigation, or an officer of a party, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. See Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.
- You may file a motion in the Superior Court of the county in which the case is pending to quash or modify the subpoena if the subpoena:
 - (i) does not provide responsible time for compliance;
 - (ii) requires a non-party or officer of a party to travel to a country different from the county where the person resides or does business in person; or to travel to a place farther than 40 miles from the place of service, or to travel to a place different from any other convenient place fixed by an order of the court, except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;
 - (iii) requires the disclosure of privileged or protected information and no waiver or exception applies; or
 - (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of Civil Procedure.

IF THIS SUBPOENA:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
 - (iii) requires a person who is not a party or an officer to incur substantial travel expense;;
- The court may either quash or modify the subpoena, or the court may order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure.
 - If you fail to obey this subpoena without adequate excuse, your action may be punishable as a contempt of court.