

# HOW TO OBTAIN AND SERVE A SUBPOENA OR SUBPOENA DUCES TECUM

## CHECKLIST

*You may use the forms and instructions in this packet if . . .*

- ✓ You want a legal order summoning a witness to testify or submit evidence, or
- ✓ You want a legal order for someone to produce or make documents, records or objects, *or* a physical location, available for your inspection, AND
- ✓ You have already filed and have a case open in the Superior Court, OR
- ✓ You have already registered a foreign (out of state) case with the Mohave County Clerk of Superior Court, AND
- ✓ The person (or company or organization, etc.) to whom the subpoena is to be given is NOT a party to the case, AND
- ✓ The person (or company or organization, etc.) to whom the subpoena is to be given will be served within the state of Arizona.

**WARNING:** There are additional requirements for requesting **MEDICAL RECORDS** by subpoena. Those requirements and additional forms that may be needed for that purpose are **NOT** included in this packet. Refer to Arizona Revised Statutes **§12-2294.01** or consult an attorney for additional information.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website. [www.mohavecourts.com](http://www.mohavecourts.com)

## PROCEDURES: HOW TO OBTAIN AND SERVE A SUBPOENA

### NOTE

- **NOT Party to the Case:** The subpoena is used to obtain information (testimony, or to produce documents, electronically stored information, records or objects, or to inspect premises) from persons or companies, organizations, etc., who are NOT parties to the case.
- **YOU PAY COSTS:** You are responsible for the receiving party's costs of complying with the subpoena. (See "Costs to Person Sending Subpoena" in this packet for more information.)
- **OPEN CASE:** To request a subpoena from the Clerk of Superior Court, you must already have an OPEN case in the Superior Court of Arizona, or have already registered the order of a foreign (out of state) court for a deposition.
- **SERVICE INSIDE ARIZONA only:** You must be able to serve the subpoena within the state of Arizona.
- **WARNING:** There are additional requirements for a subpoena of **MEDICAL RECORDS**. Those requirements and additional forms that may be needed for that purpose are NOT included in this packet. Refer to **A.R.S. § 12-2294.01** or consult an attorney for additional information.

**STEP 1: COMPLETE THE SUBPOENA.** (See separate instructions inside this packet about "How to Complete the Subpoena".)

**STEP 2: PHOTOCOPY:** Make (1) copy of the original completed subpoena for your records, *plus* (1) copy for every party in the case.

**STEP 3: GO to the Clerk of Superior Court.** Take the original subpoena and photocopies with you. eFiling information [www.azcourts.gov](http://www.azcourts.gov).

At the office of the Clerk of Superior Court, you will 1) **SUBMIT** the subpoena, and 2) **PAY** the issuance fee to the Clerk of Superior Court.

- **SUBMIT:** Hand the original subpoena and copies to the Clerk of Superior Court. The Clerk of Superior Court will sign and date your documents, take one copy, and return the original and other photocopies to deliver to the receiving person, parties to the case, and keep one for you.

Clerk of the Court  
Mohave County Superior Court  
415 E. Spring Street  
Kingman, AZ 86401  
(Hours 8:00-5:00)  
(928) 753-0713

Clerk of the Court  
Mohave County Superior Court  
2225 Trane Road  
Bullhead City, AZ 86442  
(Hours 8:30-12:00 & 1:30-4:30)  
(928) 758-0730

Clerk of the Court  
Mohave County Superior Court  
2001 College Drive  
Lake Havasu City, AZ 86404  
(Hours 8:30-12:00 & 1:30-4:30)  
(928) 453-0701

- **PAY ISSUANCE FEE:** A list of current fees is available on the Clerk of Superior Court's website. [www.mohavecourts.com](http://www.mohavecourts.com)

**STEP 4: MAIL ONE COPY** to every party in the case.

#### **STEP 5: SERVE THE SUBPOENA**

Have the *original* subpoena served on (personally delivered to) the named person you want to appear in court or for a deposition or who is in control of the documents, objects or location you want to examine.

- **The original subpoena may be served by any person over the age of 18 who is NOT a party to the case.**
- The person serving the subpoena must file an **Affidavit of Service** with the Court as proof of delivery.
- If you choose to have the subpoena served by a licensed process server or the Sheriff's Department, they will have their own **Affidavit of Service** form, *if not*, use the one included in this packet.

**FREQUENTLY ASKED QUESTION (FAQ): WHEN MUST THE SUBPOENA BE SERVED? HOW FAR IN ADVANCE OF WHEN I WANT THE PERSON TO APPEAR OR THE DOCUMENTS, RECORDS, OBJECTS OR PLACE MADE AVAILABLE FOR INSPECTION MUST THE SUBPOENA BE DELIVERED?**

**ANSWER:** The rules of court known as the Arizona Rules of Family Law Procedure (A.R.F.L.P.) do not specify any particular number of days that the subpoena must be delivered before the person is to appear or the documents or objects delivered or place made available for inspection.

The Rules do say that if the person receiving the subpoena feels that the length of time is unreasonable or otherwise objects, he or she must file an objection with the Court within 14 days of receiving the subpoena or before the date listed on the subpoena for the person to appear or to produce or provide access to the documents, records, objects, or location listed on the subpoena. A.R.F.L.P. 52 (a)(1)(D).

**STEP 6: WAIT** and be prepared to respond to any objection from the party being served with the subpoena, or for the date and time the items are to be produced or for the scheduled appearance.