

[NEW MATERIAL]

1 4-505

2
3 [1-045]

4
5 STATE OF NEW MEXICO
6 _____ COURT No. _____
7 _____ COUNTY

8
9 _____, Plaintiff

10
11 v.

12
13 _____, Defendant

14
15 **SUBPOENA**

16
17 **SUBPOENA FOR¹**

- 18 **APPEARANCE OF PERSON FOR** **DEPOSITION** **TRIAL**
- 19 **SUBPOENA FOR DOCUMENTS OR OBJECTS²**
- 20 **INSPECTION OF PREMISES²**

21
22 TO: _____

23
24 YOU ARE HEREBY COMMANDED TO APPEAR as follows: PLACE:

25
26 DATE: _____, _____ TIME: _____ (a.m.) (p.m.)
27 to:

- 28 testify at the taking of a deposition in the above case
- 29 testify at trial
- 30 permit inspection of the following described documents or
- 31 objects _____

- 32 _____
- 33 _____
- 34 permit the inspection of the premises located at:
- 35 _____ (address).

36
37 YOU ARE ALSO COMMANDED to bring with you the following
38 document(s) or object(s) _____

39
40
41 IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held
42 in contempt of court and punished by fine or imprisonment.

43 _____, _____.

44
45 _____
46 Judge, clerk or attorney

47
48 **RETURN FOR COMPLETION BY SHERIFF OR DEPUTY**

[NEW MATERIAL]

1 I certify that on the ____ day of _____,
2 _____, in _____ County, I served this subpoena
3 on _____ by delivering to the person
4 named a copy of the subpoena, a witness fee in the amount of
5 _____ and mileage in the amount of \$_____³.

6
7 _____
8 Deputy sheriff
9

10
11 **RETURN FOR COMPLETION BY OTHER PERSON**
12 **MAKING SERVICE**
13

14 I, being duly sworn, on oath say that I am over the age
15 of eighteen (18) years and not a party to this lawsuit, and
16 that on the ____ day of _____, _____,
17 in _____ County, I served this subpoena on
18 _____ by delivering to the person named a copy of
19 the subpoena, the \$75.00 witness fee and mileage as provided
20 by law in the amount of \$_____³.

21
22 _____
23 Person making service
24

25
26 SUBSCRIBED AND SWORN to before me this ____ day of
27 _____, _____ (date).
28

29 _____
30 Judge, notary or other officer
31 authorized to administer oaths
32

33 THIS SUBPOENA issued by or at request of:

34 _____
35
36 Name of attorney of party
37

38 _____
39 Address
40

41 _____
42 Telephone
43

44 **CERTIFICATE OF SERVICE BY ATTORNEY⁴**
45

46 I certify that I caused a copy of this subpoena to be

[NEW MATERIAL]

1 served on the following persons or entities by (delivery)
2 (mail) on this ____ day of _____, ____:

3
4 (1) _____
5 (Name of party)

6
7 _____
8 (Address)

9
10 (2) _____
11 (Name of party)

12
13 _____
14 (Address)

15
16 _____
17 Attorney for appellant

18
19 _____
20 Signature

21
22 _____
23 Date of signature

24
25 **TO BE PRINTED ON EACH SUBPOENA**

26
27 1. A command to produce evidence or to permit
28 inspection may be joined with a command to appear
29 for a deposition or trial.

30
31 2. A person commanded to produce and permit inspection
32 and copying of designated books, papers, documents
33 or tangible things, or inspection of premises need
34 not appear in person at the place of production or
35 inspection unless commanded to appear for
36 deposition, hearing or trial.

37
38 3. If a person's attendance is commanded one full
39 day's per diem must be tendered with the subpoena,
40 unless the subpoena is issued on behalf of the
41 state or an officer or agency thereof. Mileage
42 must also be tendered at the time of service of the
43 subpoena as provided by the Per Diem and Mileage
44 Act. Payment of per diem and mileage for subpoenas
45 issued by the state is made pursuant to regulations
46 of the Administrative Office of the Courts.

47
48 4. To be completed only if the subpoena is commanding

[NEW MATERIAL]

1 *production of documents and things or inspection of*
2 *premises before trial. If the subpoena is*
3 *commanding production of documents and things or*
4 *inspection of premises before trial, it must be*
5 *served on each party in the manner provided by Rule*
6 *1-005. If service is by a party, an affidavit of*
7 *service must be used instead of a certificate of*
8 *service.*

9
10 **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

11
12 A party or an attorney responsible for the issuance and
13 service of a subpoena shall take reasonable steps to
14 avoid imposing undue burden or expense on a person
15 subject to that subpoena. The court on behalf of which
16 the subpoena was issued shall enforce this duty and
17 impose upon the party or attorney in breach of this duty
18 an appropriate sanction, which may include, but is not
19 limited to, lost earnings and a reasonable attorney's
20 fee.

21
22 A person commanded to produce and permit inspection and
23 copying of designated books, papers, documents or
24 tangible things, or inspection of premises need not
25 appear in person at the place of production or inspection
26 unless commanded to appear for deposition, hearing or
27 trial.

28
29 Subject to Subparagraph (2) of Paragraph D below, a
30 person commanded to produce and permit inspection and
31 copying may, within fourteen (14) days after service of
32 the subpoena or before the time specified for compliance
33 if such time is less than fourteen (14) days after
34 service, serve upon the party or attorney designated in
35 the subpoena written objection to inspection or copying
36 of any or all of the designated materials or of the
37 premises. If objection is made, the party serving the
38 subpoena shall not be entitled to inspect and copy the
39 materials or inspect the premises except pursuant to an
40 order of the court by which the subpoena was issued. If
41 objection has been made, the party serving the subpoena
42 may, upon notice to the person commanded to produce, move
43 at any time for an order to compel the production. Such
44 an order to compel production shall protect any person
45 who is not a party or an officer of a party from
46 significant expense resulting from the inspection and
47 copying commanded.

[NEW MATERIAL]

1 On timely motion, the court by which a subpoena was
2 issued shall quash or modify the subpoena if it:

- 3
- 4 (1) fails to allow reasonable time for compliance;
- 5
- 6 (2) requires a person who is not a party or an officer
7 of a party to travel to a place more than one
8 hundred miles from the place where that person
9 resides, is employed or regularly transacts
10 business in person, except as provided below, such
11 a person may in order to attend trial be commanded
12 to travel from any such place within the state in
13 which the trial is held, or
- 14
- 15 (3) requires disclosure of privileged or other
16 protected matter and no exception or waiver
17 applies, or
- 18
- 19 (4) subjects a person to undue burden.
- 20

21 If a subpoena:

- 22
- 23 (1) requires disclosure of a trade secret or other
24 confidential research, development, or commercial
25 information, or
- 26
- 27 (2) requires disclosure of an unretained expert's
28 opinion or information not describing specific
29 events or occurrences in dispute and resulting from
30 the expert's study made not at the request of any
31 party, or
- 32
- 33 (3) requires a person who is not a party or an officer
34 of a party to incur substantial expense to travel,
- 35

36 the court may, to protect a person subject to or affected
37 by the subpoena, quash or modify the subpoena or, if the
38 party in whose behalf the subpoena is issued shows a
39 substantial need for the testimony or material that
40 cannot be otherwise met without undue hardship and
41 assures that the person to whom the subpoena is addressed
42 will be reasonably compensated, the court may order
43 appearance or production only upon specified conditions.

DUTIES IN RESPONDING TO SUBPOENA

[NEW MATERIAL]

1 (1) A person responding to a subpoena to produce
2 documents shall produce them as they are kept in the
3 usual course of business or shall organize and label them
4 to correspond with the categories in the demand.
5

6 (2) When information subject to a subpoena is withheld
7 on a claim that it is privileged or subject to protection
8 as trial preparation materials, the claim shall be made
9 expressly and shall be supported by a description of the
10 nature of the documents, communications, or things not
11 produced that is sufficient to enable the demanding party
12 to contest the claim.
13

14 [Adopted effective January 1, 1998.]

15 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000]
16 SQL0530N The insert or update value of the FOREIGN KEY
17 "DBUSER.BILLDETAIL.SQL980508102800170" is not equal to any
18 value of the parent key of the parent table. SQLSTATE=23503
19