
IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA
CIVIL CASE SUBPOENA

Plaintiff,

Civil Action No.:

v.

Defendant.

TO: [If the list of the persons/entities subpoenaed is too numerous to fit in this area, type "See Attached List" and attach list, titled "Persons/Entities Subpoenaed."]

YOU ARE HEREBY COMMANDED [mark all that apply]

___ to appear in the Circuit Court of _____ County at the place, date and time specified below to
___ testify in the taking of a deposition in the above-styled case; or
___ testify in a hearing in the above-styled case; or
___ testify in the trial of the above-styled case.

___ to produce and permit inspection of and copying of designated books, documents or tangible things in your possession, custody or control, as follows:[If the number of items is too numerous to fit in this area, type "See Attached List-Production/Inspection" and attach list, titled "Production/Inspection".]

___ to permit inspection of premises located at place, date and time specified below.

Place of Appearance/Inspection:

Date of Appearance/Inspection:

Time of Appearance/Inspection:

_____ AM/PM

Issued by: _____

If this subpoena is issued by the circuit clerk, please state the name and the office address of the attorney requesting the subpoena.

Title: _____

Signature: _____

Bar Identification No., if applicable: _____

Date Issued: _____

W. Va. R. Civ. P. 45(c). Place of the examination.- A deponent may be required to attend an examination only in the county in which the deponent resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of court.

W. Va. R. Civ. P. 45(d). 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. The Court on behalf of which the subpoena was issued may enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee. (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. (B) Subject to paragraph (e)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or

before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person to travel for a deposition to a place other than the county in which that person resides or is employed or transacts business in person or at a place fixed by order of the court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research development, or commercial 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, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if 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, the court may order appearance or production only upon specified conditions.

W. Va. R. Civ. P. 45(e). *Duties in responding to subpoena.* - (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, 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.

[Revised- April 24, 1998]