

CASE NO. \_\_\_\_\_

**SUBPOENA CIVIL CASE**

THE STATE OF OHIO, RICHLAND COUNTY ss. COURT OF COMMON PLEAS  
TO THE SHERIFF OF \_\_\_\_\_, OR  
PROCESS SERVER: \_\_\_\_\_

YOU ARE COMMANDED to make service due and return of this subpoena:

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HEREBY ORDERED,** to appear before the Court of Common Pleas  
in Richland County, located at 50 Park Avenue East, 3<sup>rd</sup> Floor, Mansfield, Ohio,

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ to testify  
as a witness in behalf of the Plaintiff / Defendant in a certain cause pending in said  
Court, wherein

\_\_\_\_\_, et al, Plaintiffs

-vs-

\_\_\_\_\_, et al, Defendants

and do not depart the Court without leave.

**YOU MAY BE HELD IN CONTEMPT OF COURT FOR FAILURE TO APPEAR.**

Herein fail not under penalty of the law.

Present this subpoena to the Clerk of Court's office after appearance.

Witness fee of \$ \_\_\_\_\_ attached.

Witness my signature and the seal of said Court, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

Attorney Signature: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

LINDA H. FRARY, CLERK  
by: \_\_\_\_\_,  
Deputy Clerk

**SHERIFF / PROCESS - RETURN OF SERVICE**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, I (served/ was unable to serve)  
the above named witness by \_\_\_\_\_

(P – personal R – residence)

no service due to \_\_\_\_\_

**COUNTY SHERIFF**

Service & return fee \_\_\_\_\_, deputy

Mileage \_\_\_\_\_ miles \_\_\_\_\_

Total \$ \_\_\_\_\_

## **OHIO RULE OF CIVIL PROCEDURE 45(C) AND (D)**

### **PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

- (1) A party or an attorney responsible for the insurance 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 division (D) (2) of this rule, a person commanded to produce under division (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 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 expense resulting from the production commanded.
  
- (3) On timely motion, the Court from which the subpoena was issued shall quash or modify the subpoena, or order the appearance or production only under specified conditions, if the subpoena does any of the following:
  - (a) fails to allow reasonable time to comply;
  - (b) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
  - (c) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation preparation for trial as described by Civ.R. 26(B) (4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
  - (d) Subject a person to undue burden.
  
- (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 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 production 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.

CASE NO. \_\_\_\_\_

SUBPOENA DUCES TECUM / CIVIL CASE

STATE OF OHIO, RICHLAND COUNTY, ss. COURT OF COMMON PLEAS

TO THE SHERIFF OF \_\_\_\_\_ COUNTY OR PROCESS SERVER, \_\_\_\_\_  
\_\_\_\_\_, GREETINGS:

YOU ARE COMMANDED to make due service and return of this subpoena on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YOU ARE HEREBY ORDERED to appear before the Court of Common Pleas in Richland County, Ohio, located at 50 Park Avenue East, 3<sup>rd</sup> Floor, Mansfield, Ohio

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock to testify as a witness on the behalf of the Plaintiff / Defendant in a certain cause pending in said Court, wherein

\_\_\_\_\_, et al., Plaintiff(s)  
vs

\_\_\_\_\_, et al., Defendant(s)

**AND ALSO that you bring with you and produce at the time and place aforesaid documents to wit:**

\_\_\_\_\_  
\_\_\_\_\_

And do not depart without leave.

**\*YOU MAY BE HELD IN CONTEMPT OF COURT FOR FAILURE TO APPEAR.**

Herein fail not under the penalty of the law.

Present this Subpoena to the Clerk of Courts office after appearance.

Witness fee of \$ \_\_\_\_\_ is attached.

WITNESS my signature and the seal of said Court, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

LINDA H. FRARY, CLERK

Attorney: \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

SHERIFF / PROCESS SERVER – RETURN

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I served / was unable to serve the above named witness by Personal service / Residence service.

Service & Return \_\_\_\_\_ \$ \_\_\_\_\_

\*no service due to \_\_\_\_\_

Mileage \_\_\_\_\_ miles \$ \_\_\_\_\_

TOTAL \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_  
COUNTY SHERIFF

By \_\_\_\_\_  
Deputy

## **OHIO RULE OF CIVIL PROCEDURE 45(C) AND (D)**

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(2) A party or an attorney responsible for the insurance 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 division (D) (2) of this rule, a person commanded to produce under division (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 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 expense resulting from the production commanded.

(3) On timely motion, the Court from which the subpoena was issued shall quash or modify the subpoena, or order the appearance or production only under specified conditions, if the subpoena does any of the following:

- (e) fails to allow reasonable time to comply;
- (f) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies;
- (g) Requires disclosure of a fact known or opinion held by an expert not retained or specially employed by any party in anticipation of litigation preparation for trial as described by Civ.R. 26(B) (4), if the fact or opinion does not describe specific events or occurrences in dispute and results from study by that expert that was not made at the request of any party;
- (h) Subject a person to undue burden.

(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 certificate of that person's attorney of the efforts made to resolve any claim of undue burden.

(6) 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.

### **(E) 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 production 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.