

# Superior Court of the District of Columbia

DOMESTIC VIOLENCE DIVISION  
500 INDIANA AVENUE, N.W. ROOM 4510  
WASHINGTON, D.C. 20001  
(202)879-0157

## SUBPOENA IN A CIVIL PROTECTION ORDER CASE

\_\_\_\_\_  
PETITIONER

V.

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

\_\_\_\_\_  
RESPONDENT

SUBPOENA REQUESTED BY

PETITIONER  RESPONDENT

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

**YOU ARE COMMANDED to appear in this Court at the place, date, and time specified below to testify in the above case.**

COURTROOM	DATE	TIME

**YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (*list documents or objects*):**

DOCUMENTS OR OBJECTS

PLACE OF PRODUCTION	DATE	TIME

*If the subpoena commands the production of tangible evidence or documents before the hearing or trial, a notice and copy of the subpoena must be served on the opposing party in accordance with DV Rule 5(b) before the subpoena is served on the person to whom it is directed.*

ISSUING ATTORNEY'S SIGNATURE AND TITLE	DATE
ISSUING ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER	An attorney as an officer of the court may issue and sign a subpoena.
	A party not represented by an attorney may obtain a blank subpoena from the clerk, complete it and submit it to the clerk to be signed. The clerk may sign the subpoena if it relates to a case in which action is pending; otherwise the clerk shall refer the subpoena to a judicial officer for consideration.
	Judicial authorization for some types of confidential communications or information is required.

\_\_\_\_\_  
SIGNATURE OF THE CLERK

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF JUDGE

\_\_\_\_\_  
DATE

**PROOF OF SERVICE**

DATE OF SERVICE	TIME OF SERVICE	PLACE OF SERVICE
SERVED ON (PRINT NAME AND TITLE, IF ANY)		MANNER OF SERVICE: (ATTACH RETURN RECEIPT IF SERVICE WAS MADE BY REGISTERED OR CERTIFIED MAIL) <b>I served the subpoena by delivering a copy to the named person as follows:</b>

<b>DECLARATION OF SERVER</b>		
<b>I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled cause and that the foregoing information contained in the Proof of Service is true and correct.</b>		
SIGNATURE OF SERVER	PRINT NAME OF SERVER	DATE EXECUTED
ADDRESS OF SERVER		

**SUPERIOR COURT DOMESTIC VIOLENCE DIVISION RULES 9 (d) AND (e)**

**(d) PROTECTING A PERSON SUBJECT TO A SUBPOENA; ENFORCEMENT.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce and Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce and permit inspection and copying of designated documents or tangible evidence need not appear in person at the place of production or inspection unless also commanded to appear for hearing or trial.

(B) *Objections.* A person commanded to produce and permit inspection and copying may serve on the party or attorney designated in the subpoena a written objection to inspection or copying of any or all of the designated materials. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is not a party from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court must quash or modify a subpoena that:

(i) fails to allow reasonable time to comply;

(ii) requires a person who is not a party to travel more than 25 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 9(d)(3)(B), the person may be commanded to attend a trial by traveling from any such place to the place of trial;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court may, on motion, quash or modify the subpoena if it requires a person who is not a party to incur substantial expense to travel more than 25 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstance described in Rule 9(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) DUTIES IN RESPONDING TO A SUBPOENA.**

(1) *Producing Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation materials must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.