

1 Name of Person Filing: _____
Your Address: _____
2 Your City, State, Zip Code: _____
Your Telephone Number: _____
3 Attorney Bar Number (if applicable): _____
Representing: Self (without legal counsel)
4 Or Legal Counsel for Plaintiff Respondent

5 IN THE JUDICIAL COURT OF THE TOHONO O'ODHAM NATION
6 IN THE STATE OF ARIZONA
7 CIVIL DIVISION

8 _____)
Plaintiff,) Case No.: _____
vs.)
9 _____)
Defendant.)
10 SUBPOENA IN A CIVIL
CASE

11 **TO:**

12 _____
(Name of Recipient)
13 [Select one or more of the following, as appropriate:]

14 **For Attendance of Witnesses at Hearing or Trial**

15 **YOU ARE COMMANDED** to appear in the Tohono O'odham Justice Center in
16 Sells, Arizona at the place, date and time specified below to testify at a hearing
trial in the above cause:

17 Date:
Time:

18 **For Taking of Depositions**

19 **YOU ARE COMMANDED** to appear at the place, date and time specified below to
20 testify at the taking of a deposition in the above cause:

21 Place of Deposition:
22 Address:
Date:
23 Time:

24 **For Production of Documentary Evidence or Inspection of Premises**

25 **YOU ARE COMMANDED**, to produce and permit inspection, copying, testing, or
sampling of the following designated documents, electronically stored information or

1 tangible things, or to permit the inspection of premises (list): _____

2 _____

3 _____

4 at the place, date, and time specified below:

5 Place of Production or Inspection: _____

6 Address: _____

7 Date: _____

8 Time: _____

9 **Your Duties in Responding To This Subpoena**

10 **Attendance at a Trial or Hearing.** If this subpoena commands you to appear at a trial or
11 hearing, you must appear at the place, date, and time designated in the subpoena unless
12 you file a timely motion with the court and the court quashes or modifies the subpoena.
13 See T.O.R.Civ.Pro. Rule 6.3(b). See also “Your Right To Object To This Subpoena”
14 section below. Unless a court orders otherwise, you are required to travel to the Tohono
15 O’odham Justice Center in Sells, Arizona and give testimony at a trial or hearing.

16 **Attendance at a Deposition.** If this subpoena commands you to appear at a deposition,
17 you must appear at the place, date, and time designated in this subpoena unless you are
18 excused by the party or attorney filing the subpoena, or unless you file a timely motion
19 with the court and the court quashes or modifies the subpoena. See T.O.R.Civ.Pro. Rule
20 6.3(a). See also “Your Right To Object To This Subpoena” section below.

21 **Production of Documentary Evidence or Inspection of Premises.** If this subpoena
22 commands you to produce and permit inspection, copying, testing or sampling of
23 designated documents, electronically stored information, or tangible things, you must
24 make the items available at the place, date and time designated in this subpoena, and in
25 the case of electronically stored information, in the form or forms requested, unless you
provide a good faith written objection to the party or attorney who served the subpoena.
See T.O.R.Civ.Pro. Rule 6.4(e). See also “Your Right To Object To This Subpoena”
section below.

Similarly, if this subpoena commands you to make certain premises available for
inspection, you must make the designated premises available for inspection on the date
and time designated in this subpoena unless you provide a good faith written objection to
the party or attorney who served the subpoena. See T.O.R.Civ.Pro. Rule 6.4(e). See also
“Your Right To Object To This Subpoena” section below.

You should note that a command to produce certain designated materials, or to permit
the inspection of premises, *may* be combined with a command to appear at a trial,
hearing or deposition. You do not, however, need to appear in person at the place of
production or inspection unless the subpoena *also* states that you must appear for and

1 give testimony at a hearing, trial or deposition. *See* T.O.R.Civ.Pro. Rule 6.4(b).

2 If the subpoena commands you to produce documents, you have the duty to produce the
3 designated documents as they are kept by you in the usual course of business, or you
4 may organize the documents and label them to correspond with the categories set forth
5 in the subpoena. *See* T.O.R.Civ.Pro. Rule 6.4(c).

6 **Your Right To Object To This Subpoena**

7 ***Generally.*** If you have concerns or questions about this subpoena, you are required to
8 first contact the party or attorney who served the subpoena. The party or attorney serving
9 the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or
10 expense on you. If you are unable to resolve your concern with the party or attorney
11 serving the subpoena, you may file an objection with the court as set forth below. The
12 court may impose sanctions upon the party or attorney serving the subpoena if the duty
13 to avoid imposing an undue burden or expense on you is breached. *See* T.O.R.Civ.Pro.
14 Rules 6.4(e) and 6.5.

15 ***Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or***
16 ***Deposition.*** If you wish to object to a subpoena commanding your appearance at a
17 hearing, trial, or deposition, you must file a motion to quash or modify the subpoena
18 with the court to obtain a court order excusing you from complying with this subpoena.
19 The motion must be filed with the Tohono O'odham Court. The motion must be filed
20 before the time specified for compliance or within 14 days after the subpoena is served,
21 whichever is earlier. You must send a copy of any motion to quash or modify the
22 subpoena to the party or attorney who served the subpoena. *See* T.O.R.Civ.Pro. Rule 6.5.

23 The court *shall* quash or modify a subpoena:

- 24 (1) if the subpoena does not provide a reasonable time for compliance;
- 25 (2) if the subpoena requires disclosure of privileged or other protected matter, if no
exception or waiver applies; or
- (3) if the subpoena subjects you to undue burden.
- (4) if the person or entity to whom the subpoena is directed is immune from service or
enforcement of the subpoena.

The court *may* quash or modify a subpoena:

- (1) if the subpoena requires you to disclose a trade secret or other confidential research,
development or commercial information;
- (2) if you are an unretained expert and the subpoena requires you to disclose your
opinion or information resulting from your study that you have not been requested by
any party to give on matters that are specific to the dispute;
- (3) if you are not a party or a party's officer and the subpoena would require you to incur
substantial travel expense; or
- (4) if the court determines that justice requires the subpoena to be quashed or modified.

1 In these last four circumstances, a court may, instead of quashing or modifying a
2 subpoena, order your appearance or order the production of material under specified
3 conditions if: the serving party or attorney shows a substantial need for the testimony or
4 material that cannot be otherwise met without undue hardship.

4 ***Procedure for Objecting to Subpoena For Production of Documentary Evidence.*** If
5 you wish to object to a subpoena commanding you to produce documents, electronically
6 stored information or tangible items, or to permit the inspection of premises, you may
7 send a good faith written objection to the party or attorney serving the subpoena that
8 objects to: (1) producing, inspecting, copying, testing or sampling any or all of the
9 materials designated in the subpoena; (2) inspecting the premises; or (3) producing
electronically stored information in the form or forms requested. You must send your
written objection to the party or attorney who served the subpoena before the time
specified for compliance or within 14 days after the subpoena is served, whichever is
earlier. *See* T.O.R.Civ.Pro. Rule 6.4(e)(1).

10 If you object because you claim the information requested is privileged, protected, or
11 subject to protection as trial preparation material, you must express the objection clearly,
12 and support each objection with a description of the nature of the document,
communication, or item not produced so that the demanding party can contest the claim.
See T.O.R.Civ.Pro. Rule 6.5(a).

13 If you object to the subpoena in writing, you do not need to comply with the subpoena
14 until a court orders you to do so. It will be up to the party or attorney serving the
15 subpoena to first personally consult with you and engage in good faith efforts to resolve
16 your objection and, if the objection cannot be resolved, to seek an order from the court to
compel you to provide the documents or inspection requested, after providing notice to
you. *See* T.O.R.Civ.Pro. Rule 6.4(e)(2).

17 If you are not a party to the litigation, or a party's officer, the court will issue an order to
18 protect you from any significant expense resulting from the inspection and copying
commanded. *See* T.O.R.Civ.Pro. Rule 6.5(e).

19 Instead of sending a written objection to the party or attorney who served the subpoena,
20 you also have the option of raising your objections in a motion to quash or modify the
21 subpoena. The procedure and grounds for doing so are described in the section above
entitled "Procedure for Objecting to a Subpoena for Attendance at a Hearing, Trial or
Deposition." *See* T.O.R.Civ.Pro. Rule 6.5(c).

22 If the subpoena *also* commands your attendance at a hearing, trial, or deposition, sending
23 a written objection to the party or attorney who served the subpoena does not suspend or
24 modify your obligation to attend and give testimony at the date, time, and place specified
25 in the subpoena. If you wish to object to the portion of this subpoena requiring your
attendance at a hearing, trial, or deposition, you must file a motion to quash or modify
the subpoena as described in the section above entitled "Procedure for Objecting to a

1 Subpoena for Attendance at a Hearing, Trial, or Deposition.” See T.O.R.Civ.Pro. Rules
2 6.3 and 6.5(c).

3 **ADA Notification**

4 Requests for reasonable accommodation for persons with disabilities must be made to
5 the court by parties at least 5 working days in advance of a scheduled court proceeding.

6 SIGNED AND SEALED this date _____

7 By: _____
8 Deputy Clerk

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