MAUREEN G. KELLY
LAKE COUNTY CLERK OF COURTS
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Painesville, Ohio 44077-3416
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www.lakecountyohio.gov/coc

SUBPOENA
INSTRUCTIONS

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This SUBPEONA is in a PDF form.

Enter the pertinent information directly on the form.

You will need four (4) copies of the completed SUBPEONA (page 2). In your *Print Menu*, entering 1,2,2,2,2,3 to the page setting, will avoid additional copies of pages 1 and 3.

1. File Copy – This form is to file with the Clerk of Courts prior to service.
2. Service Copy –To be served on the named party. *
3. Return Copy – To be filed with the Clerk of Courts after service.
4. Attorney Copy.

Any person who knowingly issues an unlawful subpoena, or otherwise uses sham legal process, may be subject to criminal and civil penalties pursuant to R.C. 2921.52.

*Include information on Rule 45 (C) (D) with SERVICE COPY (page 3).

DISTRIBUTION:
- *FILE COPY*
- *SERVICE COPY*
- *RETURN COPY*
- *ATTORNEY COPY*

LAKE COUNTY COMMON PLEAS COURT

MAUREEN G. KELLY – CLERK OF COURTS
25 North Park Place, Painesville, OH 44077
Phone: (440) 350-2657

Case No._____

Judge _____

VS.

Precipe for Subpoena

Civil / Criminal ☐
Duces Tecum ☐
Grand Jury ☐

To the Sheriff of _____ County, Ohio:

YOU ARE HEREBY COMMANDED TO SUBPOENA THE FOLLOWING NAMED PERSON, to-wit:

SUBPOENA

TO: _____ _____
(NAME) (ADDRESS)

You are ordered to appear before the Court of Common Pleas of Lake County, Painesville, Ohio, on the ____ day of_____ , A.D. 20___ , at _____ o'clock A.M., P.M., to testify as a witness in the above entitled action on behalf of _____.
Plaintiff / Defendant

YOU ARE FURTHER ORDERED TO BRING WITH YOU:

You may be held in contempt of Court for failure to appear. Present this subpoena to the Clerk of Courts' office after appearing. See additional form for your rights and duties under subpoena.

Witness fee of $_____paid by _____attached.

_____ _____
Signature of Party Receiving Fees Attorney for (Defendant-Plaintiff) Address

Contact the above signed Attorney / party if you have any questions or objections at (___)_____ (phone)

$_____ DEPOSIT FOR SERVICE OF THIS WRIT
RETURN ON SERVICE

On the _____ day of _____ , 20 ___ ,
I (served / was unable to serve) the above named individual
by _____
Dated _____ , 20_____ .

Sheriff of _____ County

By _____

Service fees:
Service and Return $_____
Mileage _____
Misc. Fee _____
TOTAL $_____

Print

WITNESS my hand and Seal of said Court
on _____
Date

MAUREEN G. KELLY
Clerk of the Court of Common Pleas
Painesville, OH 44077

Maureen G. Kelly

COMMON PLEAS COURT
LAKE COUNTY, OHIO

RULES OF CIVIL PROCEDURE

RULE 45. Subpoena

(C) 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.

(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 divisions (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 the 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 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 or 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) Subjects 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 a 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 protection 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.