

PROBATE COURT OF BUTLER COUNTY, OHIO

IN THE MATTER OF \_\_\_\_\_

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

SUBPOENA

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff

VS

\_\_\_\_\_  
\_\_\_\_\_  
Defendant

- CIVIL/CRIMINAL
- DUCES TECUM
- GRAND JURY

TO:

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

YOU ARE HEREBY COMMANDED TO appear at Butler County Probate Court, Butler County Courthouse,  
101 High Street, 2<sup>nd</sup> floor, Hamilton, OH 45011 on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at  
\_\_\_\_\_ o'clock \_\_\_\_M.

You are further ordered to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand and seal of said Court this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Attorney's Name \_\_\_\_\_

Attorney's Address \_\_\_\_\_

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

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

Phone No.: \_\_\_\_\_

RETURN OF SERVICE

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I served the above named individual by \_\_\_\_\_  
\_\_\_\_\_.

Dated \_\_\_\_\_, \_\_\_\_\_

By \_\_\_\_\_  
(Process Server)

Service fees  
1 day's fee tendered..... \$ \_\_\_\_\_  
Service & Return..... \_\_\_\_\_  
Mileage..... \_\_\_\_\_  
Total..... \$ \_\_\_\_\_

(Over)

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.
- (2Xa) 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 division (DX2) of this rule, a person commanded to produce and permit inspection and copying 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 inspection and 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 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 inspection and copying 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 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;
  - (d) subjects a person to undue burden.
- (4) Before filing a motion pursuant to division (Cx3xd) 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 (Cx3xd) 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) In cases under division (Cx3xc) or (Cx3xd) 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 a 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. 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 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.

CIVIL RULE 45(f) SANCTIONS

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena was issued. A subpoenaed person or that person's attorney frivolously resisting discovery under this rule may be required by the court to pay the reasonable expenses, including reasonable attorney's fees, of the party seeking the discovery. The court from which a subpoena was issued may impose upon a party or attorney in breach of this duty imposed by division (C)(1) of this rule an appropriate sanction, which may include, but is not limited to, lost earning and reasonable attorney's fees.