

IN THE MUNICIPAL COURT OF AKRON - SUMMIT COUNTY, OHIO

Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff  
VS.

**Subpoena Civil Division**

Attorney \_\_\_\_\_  
Address \_\_\_\_\_

\_\_\_\_\_  
Defendant

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

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby required to be and appear before the AKRON MUNICIPAL COURT/CIVIL DIVISION, at the Ocasek Building in said CITY OF AKRON, SUMMIT COUNTY, OHIO, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ A.D., at \_\_\_\_\_ o'clock \_\_\_\_ M., to testify as a Witness in a certain case pending in said Court, wherein \_\_\_\_\_ Plaintiff, and \_\_\_\_\_ Defendant; AND FURTHER, to bring with you and produce at the time and place aforesaid:

Documents

\_\_\_\_\_  
 Person

and not depart the court without leave. Herein fail not under penalty of law, and have you then and there this Writ.

Said Court requires your said attendance on behalf of the \_\_\_\_\_ **WITNESS** my hand and seal of said court  
This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

**SEE REVERSE SIDE FOR MORE INFORMATION**  
**THIS SUBPOENA IS IN COMPLIANCE WITH RULE 45**  
**(as amended July 1993)**

SANDRA KURT  
CLERK OF AKRON MUNICIPAL COURT  
BY \_\_\_\_\_  
Deputy Clerk

RETURN OF SERVICE

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ o'clock. I served the above-named individual by:

Personal Service     Residence Service a true copy of this subpoena. **(CHECK ONE)**

\_\_\_\_\_  
Signature

Bailiff     Process Server **(CHECK ONE)**

**TO SERVER: Leave with witness. Complete "Return of Service" on copy and file with the Clerk of Courts.**

**\*\*WITNESS MUST PRESENT THIS SUBPOENA TO COURT OFFICIALS  
FOR WITNESS CHECK ON PERSONAL APPEARANCE\*\***

\_\_\_\_\_  
(COURT OFFICIAL SIGNATURE)

CIVIL RULE 45  
(JULY 1, 1993 AMENDMENT)

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR 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 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 OR 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. (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.