

STATE OF VERMONT

SUPERIOR COURT
Windham Unit

CIVIL DIVISION
Docket No. 310-7-14 Wmcv

Diane M. Wilcox,
David Garrapy,
Plaintiffs

v.

Erin Douglas Fish,
Armond Fish,
Defendants

DISMISSAL

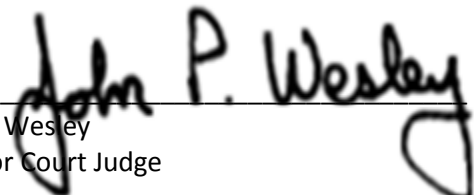
By request filed July 14, 2014, counsel for Plaintiffs in a New Hampshire civil action in Cheshire County, Civil Action 213-2013-CV-00154, presented a subpoena seeking to compel the attendance of a Vermont resident as a witness at a scheduled trial in Keene, NH on Aug. 1, 2014. The letter request is unaccompanied by citation to any legal authority empowering this Court to grant such relief, particularly at the behest of an attorney not admitted to practice in Vermont.

While Vermont has enacted the Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases, 13 V.S.A. § 6642 et seq., no similar statutory authority exists with respect to civil actions. By rule, Vermont incorporates the provisions of the Uniform Interstate Depositions and Discovery Act (UIDDA), with modifications appropriate to Vermont practice, which “governs depositions and discovery conducted in Vermont in connection with a civil action brought in another state”, including a provision that the request for the issuance of a subpoena under V.R.C.P.45(f) does not constitute an appearance in the courts of this state. Rule 45(f), however, does not contemplate an order issued by a Vermont court compelling a citizen of Vermont to submit to the authority of another state, except for the limited purpose of making discovery within the State of Vermont. Nothing in the Rule could be construed as authorizing the relief sought here.

WHEREFORE, it is hereby **ORDERED** : The request for issuance of a subpoena to compel attendance as a witness in an out-of-state civil trial is **DENIED** as outside the Court’s subject matter jurisdiction.

Electronically signed on July 15, 2014 at 02:44 PM pursuant to V.R.E.F. 7(d).

John P. Wesley
Superior Court Judge

A handwritten signature in black ink, appearing to read "John P. Wesley", is written over a horizontal line. The signature is stylized and cursive.