

**CIVIL SUBPOENA  
STATE OF VERMONT**

**SUPERIOR COURT**

**CIVIL DIVISION**

**Unit**

**Docket No.:** \_\_\_\_\_

<i>Plaintiff(s)</i>	<b>VS.</b>	<i>Defendant(s)</i>
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**CIVIL SUBPOENA**

**In Re:** \_\_\_\_\_

Type of Case: (Check One):

- Civil   
 Small Claims   
 Domestic Relations   
 Juvenile   
 Environmental   
 Probate

TO: \_\_\_\_\_

*Name* *Address*

You are directed to appear at the Superior Court:   
 Civil Division   
 Family Division   
 Probate Division

Other: \_\_\_\_\_ located at:

Street Address: \_\_\_\_\_ Town/City: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ for a   
 Trial   
 Hearing   
 Deposition

- to attend and give testimony  
 to permit inspection of premises  
 to produce and permit inspection, copying, testing or other sampling of designated electronically stored information, books, papers, documents or tangible things in your possession, custody or control  
 Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated \_\_\_\_\_  
Clerk/Attorney/Magistrate

This subpoena was requested by   
 Plaintiff   
 Defendant   
 State's Attorney   
 Other

If you have any questions, contact \_\_\_\_\_ at \_\_\_\_\_  
*Name of Person Requesting Subpoena* *Phone Number*

Bring a copy of this subpoena to the hearing.  
See Important Notice on the reverse side of this Subpoena.

**RETURN OF SERVICE**

NOTICE: A Subpoena may be served by any person who is not a party and is at least 18 years of age.

On \_\_\_\_\_ I served this subpoena upon \_\_\_\_\_  
*Date of Service* *Name*

by: \_\_\_\_\_  
\_\_\_\_\_

at: \_\_\_\_\_ Unit: \_\_\_\_\_  
*Location City/Town*

\_\_\_\_\_  
Signature Title

Miles        \$ \_\_\_\_\_

Reading    \$ \_\_\_\_\_

Copies     \$ \_\_\_\_\_

**Total**     \$ \_\_\_\_\_

## V.R.C.P. 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. The court for which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

**(2) (A)** A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, 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 paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises--or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to the requested production or to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court for which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

**(3) (A)** On timely motion, the court for which a subpoena was issued shall quash or modify the subpoena if it

**(i)** fails to allow reasonable time for compliance;

**(ii)** requires a resident of this state to travel to attend a deposition more than 50 miles one way unless the court otherwise orders;

requires a nonresident of this state to travel to attend a deposition at a place more than 50 miles from the place of service unless another convenient place is fixed by order of court, or

**(iii)** requires disclosure of privileged or other protected matter and no exception or waiver applies, or

**(iv)** subjects a person to undue burden.

**(B)** If a subpoena

**(i)** requires disclosure of a trade secret or other confidential research, development, or commercial information, or

**(ii)** 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, or

**(iii)** requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 50 miles one way to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if 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, the court may order appearance or production only upon specified conditions.

### **(d) Duties in Responding to Subpoena.**

**(1) (A)** 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.

**(B)** If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

**(C)** A person responding to a subpoena need not produce the same electronically stored information in more than one form.

**(D)** A person responding to a subpoena need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(1). The court may specify conditions for the discovery.

**(2) (A)** When information subject to a subpoena is withheld on a claim that it 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.

**(B)** If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.