

V.A | GENERAL

1 - A subpoena is necessary in discovery to obtain deposition testimony or other information, including documents, from a non-party.

2 - Rule 45, Federal Rules of Civil Procedure, governs subpoenas for discovery as well as for trial or hearings. The rule was significantly amended on December 1, 2013.

3 - A subpoena to obtain deposition testimony or other information from a non-party must issue from the court in the district where the action is pending. Rule 45(a)(2), Federal Rules of Civil Procedure. This is a change from the former rule which required a subpoena to issue from the court in the district where the deposition is to be taken or where the production or inspection of documents is to be made.

4 - A motion to quash or a motion to enforce a discovery subpoena must be filed with the court in the district where the discovery is to be obtained. Rule 45(c), Federal Rules of Civil Procedure. However, that court may transfer a subpoena-related motion to the court in the district where the action is pending if the person subject to the subpoena consents or if there are exceptional circumstances. Rule 45(f), Federal Rules of Civil Procedure.