

1 Name: \_\_\_\_\_  
2 Address: \_\_\_\_\_  
3 City, State, Zip: \_\_\_\_\_  
4 Telephone: \_\_\_\_\_  
Email/Fax: \_\_\_\_\_

5 IN THE JUSTICE COURT OF INCLINE VILLAGE-CRYSTAL BAY  
6 TOWNSHIP COUNTY OF WASHOE, STATE OF NEVADA

7 THE STATE OF NEVADA,

Case No.:

8 Plaintiff,

Citation No.:

9 vs.

10 **SUBPOENA**  
11 (For Personal Appearance)

12 Defendant.

13 **THE STATE OF NEVADA TO** (insert witness name, address, and telephone number):

14 Name: \_\_\_\_\_  
15 Agency: \_\_\_\_\_  
16 Address: \_\_\_\_\_  
17 City, State, Zip: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

18 **YOU ARE ORDERED TO APPEAR** before the Incline Justice Court, County  
19 of Washoe, State of Nevada, located at 855 Alder Ave, Incline Village Nevada  
20 89451, on \_\_\_\_\_ at \_\_\_\_\_ to provide testimony regarding the  
21 civil infraction citation issued to defendant  
22 \_\_\_\_\_ on \_\_\_\_\_. See NRS  
23 484A.7041(4) and JCRC 45.

24 **WITNESS FEES:** You are entitled to witness fees and mileage traveled, as provided by  
25 NRS 50.225. This Subpoena must be accompanied by the fees for one day's attendance and  
26 mileage (\$0.70/mile), unless issued on behalf of the State or a State agency. See JCRC 45(b).

27 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena  
28 served upon that person may be deemed a contempt of the court, JCRC 45(e), punishable by a  
fine not exceeding \$500 and imprisonment not exceeding 25 days. See NRS 22.100(2), 74.040.

1 Additionally, a witness disobeying a subpoena shall forfeit to the aggrieved party \$100 and all  
2 damages sustained as a result of the failure to attend, and a warrant may issue for the witness'  
3 arrest. *See also* NRS 50.195, 50.205, and 22.100(3). Please see the attached Exhibit "A" for  
4 information regarding your rights and responsibilities relating to this Subpoena.

5

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6 Dated

7

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8 Incline Justice Court Clerk

9 Submitted by: I declare under penalty of perjury under the law of the State of Nevada  
10 that the foregoing is true and correct.

11

12 Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

13 Print name: \_\_\_\_\_

14 Address: \_\_\_\_\_

15 City, State, Zip: \_\_\_\_\_

16 Telephone: \_\_\_\_\_

17 Email/Fax: \_\_\_\_\_

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## EXHIBIT "A"

## **JUSTICE COURT RULES OF CIVIL PROCEDURE 45**

**(c) Protection of Persons Subject to Subpoena.**

(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 on behalf of 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 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 paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying 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 inspection or 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 of the court by 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. Such 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)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, 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, 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

1 testimony or material that cannot be otherwise met without undue hardship and assures that the person to  
2 whom the subpoena is addressed will be reasonably compensated, the court may order appearance or  
3 production only upon specified conditions.

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

5 (1) A person responding to a subpoena to produce documents shall produce them as they are  
6 kept in the usual course of business or shall organize and label them to correspond with the categories in  
7 the demand.

8 (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject  
9 to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a  
10 description of the nature of the documents, communications, or things not produced that is sufficient to  
enable the demanding party to contest the claim.

11 **(e) Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon  
12 that person may be deemed a contempt of the court from which the subpoena issued.

13 [As amended; effective July 1, 2005.]

## **DECLARATION OF SERVICE**

STATE OF NEVADA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I, (print name of person making service) \_\_\_\_\_, being duly sworn, or under penalty of perjury, state that at all times herein I was and am over 18 years of age and not a party to or interested in the proceedings in which this Affidavit/Declaration is made; that I received a copy of the **SUBPOENA** in Case No. \_\_\_\_\_ on (insert date person making service received Subpoena) \_\_\_\_\_; and that I served the same on (insert date Subpoena was served) \_\_\_\_\_, by delivering and leaving a copy with (insert name of person who received Subpoena) \_\_\_\_\_ at (insert address where Subpoena was served)

Unless the subpoena was issued on behalf of the State or a State agency, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ .

I declare under penalty of perjury that this information is true and correct.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Additional information regarding attempted service, etc.: