

**DISTRICT OF COLUMBIA  
Office of Administrative Hearings**

**SUBPOENA IN AN ADMINISTRATIVE HEARING**

\_\_\_\_\_  
**PETITIONER (S)**

v.

**CASE NUMBER:** \_\_\_\_\_

\_\_\_\_\_  
**RESPONDENT(S)**

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

**YOU ARE COMMANDED to appear at the place, date and time specified below to testify in the above case.**

LOCATION	DATE	TIME

**YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.**

PLACE OF DEPOSITION	DATE	TIME

**YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date and time specified below (*list documents or objects*):**

DOCUMENTS OR OBJECTS

PLACE OF PRODUCTION	DATE	TIME

**YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.**

PREMISES	DATE	TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. See SCR-CIV 30(b)(6).

ISSUING PERSON'S SIGNATURE AND TITLE (indicate if attorney for Petitioner or Respondent)	DATE

ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER

AUTHORIZING ADMINISTRATIVE LAW JUDGE	TITLE	DATE

WHITE – WITNESS

YELLOW – RETURN OF SERVICE

PINK – OFFICE COPY

## PROOF OF SERVICE

<b>SERVED</b>	<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
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<b>SERVED ON (PRINT NAME)</b>	<b>MANNER OF SERVICE (Attach Return Receipt, if applicable)</b>
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<b>SERVED BY (PRINT NAME)</b>	<b>TITLE</b>
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### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled cause and that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

### **Submission of a false statement is a crime, punishable under D.C. Code § 22-2514**

#### **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 Administrative Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction.

(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) 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 Administrative Court. 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 Administrative Court 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 25 miles for the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (3)(B)(iii), such a person may in order to attend trial be commanded to travel from any such place to the place of trial; 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 25 miles to attend trial, the Administrative 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 Administrative Court may order appearance or production only upon specified conditions.

#### **Duties in Responding to Subpoena.**

(1) 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.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, 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.

This subpoena is enforceable only when signed by an Administrative Law Judge.

WHITE – WITNESS

YELLOW – RETURN OF SERVICE

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