

**IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE IN AND FOR _____ COUNTY
COURT NO. _____**

IN RE: _____ **CIVIL ACTION NO.** _____

Last name(s) of plaintiff(s)/complainant(s)

vs.

Last name(s) of defendant(s)

SUBPOENA IN A CIVIL CASE

I request that the Court command the person listed below to come to the Court and give testimony and/or bring certain evidence or permit inspection and copying of the documents or objects listed below.

Name and Address of Person to be Subpoenaed	Those Items Which the Person Must Bring or Permit Inspection Of
_____	_____
_____	_____
_____	_____
Date _____	_____
	Signature of Party
	Name (Printed)

TO: _____ (subpoenaed person):

YOU ARE COMMANDED to (*check one*) _____ (1) appear in the Delaware Justice of the Peace Court at the place, date, and time specified below to testify in the above case, and bring the items noted above, **OR** _____ (2) produce and permit inspection and copying of certain documents or objects at the place, date, and time specified below.

PLACE OF TESTIMONY/INSPECTION	DATE AND TIME
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ITEMS TO BE BROUGHT TO COURT OR TO BE INSPECTED

Date: _____ (SEAL)
_____ Court Official/Attorney

PROOF OF SERVICE

SERVED	DATE OF SERVICE	PLACE OF SERVICE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS/PHONE NUMBER OF SERVER

Justice of the Peace Court Civil Rule 45 (excerpted):

(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 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 hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 15 days after service of the subpoena or before the time specified for compliance if such time is less than 15 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. 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 shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iii) subjects a person to undue burden.

(B) If a subpoena 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 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 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, 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.

(e) Contempt.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of court.