

STATE OF LOUISIANA
First Parish Court for the Parish of Jefferson

No.: _____

Division: " _____ "

vs.

SUBPOENA DUCES TECUM FOR DEPOSITION

TO: _____

GREETING:

You are hereby commanded in the name of the State of Louisiana and of the First Parish Court for the Parish of Jefferson, to appear at the following place:

on the _____ day of _____, 20 _____, at _____ o'clock _____M to be examined under oath by oral deposition to the truth according to your

knowledge and of facts relevant to the subject matter in the above entitled and numbered cause.

You are also commanded to produce at the above place, date and time, the following, to-wit:

Herein fail not under penalty of the law:

This document prepared pursuant to the provisions of Article 1354 et. seq. of the Louisiana Code of Civil Procedure as amended by Act No. 824 of the 2008 Regular Legislative Session. Effective January 1, 2009, the following language is required to appear on this form:

Art. 1354. Subpoena duces tecum

A. A subpoena may order a person to appear and/or and produce at the trial, deposition, or hearing, books, papers, documents, or any other tangible things, or electronically stored information, in his possession or under his control, if a reasonably accurate description thereof is given. A subpoena may specify the form or forms in which electronically stored information is to be produced. A party or an attorney requesting the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or cost on a person subject to that subpoena. but the court in which the action is pending in its discretion may vacate or modify the subpoena if it is unreasonable or oppressive. Except when otherwise required by order of the court, certified copies, extracts, or photostatic copies of books, papers, and documents may be produced in obedience to the subpoena duces tecum instead of the originals thereof. If the party or attorney requesting the subpoena does not specify that the named person shall be ordered to appear, the person may designate another person having knowledge of the contents of the books, papers, documents, or other things, or electronically stored information, to appear as his representative.

B. A person commanded to respond to a subpoena duces tecum may within fifteen days after service of the subpoena or before the time specified for compliance, if such time is less than fifteen days after service, send to the party or attorney designated in the subpoena written objections, with supporting reasons, to any or all of the requests, including objection to the production of electronically stored information in the form or forms requested. If objection is so made, the party serving the subpoena may file a motion to compel compliance with the subpoena and may move for sanctions for failure to reasonably comply.

C. A person responding to a subpoena to produce books, papers, or documents shall produce them as they are kept in the usual course of business or may organize and label them to correspond with the categories in the demand.

D. If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably useable.

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

F. A person responding to a subpoena need not produce books, papers, documents, or electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel production or to quash, the person from whom production is sought shall 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 production from such sources if the requesting party shows good cause. The court may specify conditions, including an allocation of the costs, for the production.

G. When the person subpoenaed is an adverse party, the party requesting the subpoena duces tecum may accompany his request with a written request under oath as to what facts he believes the books, papers, documents, electronically stored information, or tangible things will prove, and a copy of such statement must shall be attached to the subpoena. If the party subpoenaed fails to comply with the subpoena, the facts set forth in the written statement shall be taken as confessed, and in addition the party subpoenaed shall be subject to the penalties set forth in Article 1357.

H. Subpoenas duces tecum shall reproduce in full the provisions of this Article.

This service was issued by the Clerk of Court on the _____ day of _____, 20 _____.

Issued at the request of:

ATTORNEY: _____

Attorney's Signature

Jon A. Gegenheimer, Clerk of Court
First Parish Court
Parish of Jefferson, State of Louisiana

ATTORNEY'S NAME: _____

ADDRESS: _____

By: _____

Deputy Clerk of Court

CITY/STATE/ZIP: _____

File original and two copies with the Clerk, fourth copy for Attorney's file.

SERVICE INFORMATION

Received on the _____ day of _____, 20 ____ and on the _____ day of _____, 20 ____ served the above named party as follows:

PERSONAL SERVICE on the party herein named: _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in this parish in the hands of _____, a person of suitable age and discretion residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

Parish of _____, this _____ day of _____, 20 ____.

By: _____
DEPUTY SHERIFF

SERVICE: \$ _____

MILEAGE: \$ _____

TOTAL: \$ _____