

STATE OF SOUTH CAROLINA
ISSUED BY THE PROBATE COURT IN THE COUNTY OF RICHLAND

SUBPOENA IN A PROBATE CASE

Case Number:

Pending in Richland County

Plaintiff

v.

Defendant

TO:

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

<u>Place of Testimony</u>	<u>Courtroom</u>
	<u>Date and Time</u>

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.

<u>Place of Deposition</u>	<u>Date and Time</u>
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date, and time specified below (list documents or objects):

<u>Place</u>	<u>Date and Time</u>
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

<u>Premises</u>	<u>Date and Time</u>
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Any subpoenaed organization not a party to this suit is hereby directed pursuant to rule 30(b)(6), South Carolina Rules of Civil Procedure, to file a designation with the Court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The person so designated shall testify as to matters known or reasonably available to the organization.

Issuing officer's name, address, and phone number

I certify that the subpoena is issued in compliance with Rule 45(c) (1) and that notice as required by Rule 45(b)(1) has been given to all parties.

Issuing officer's signature and title

(Indicate if attorney for plaintiff or defendant _____)

Date _____

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

Proof of Service

Served	<u>Date</u>	<u>Fees and Mileage Tendered to Witness</u> <input type="checkbox"/> Yes <input type="checkbox"/> No Amount \$ _____
	<u>Place</u>	
<u>Served on (Print name)</u>		<u>Manner of Service</u>
<u>Served by (Print name)</u>		<u>Title</u>

Declaration of Server

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
Date

Signature of server

Address of server

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d):
(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 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 in the court that issued the subpoena 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 command.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(III) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or

(iii) requires disclosure of privileged or otherwise 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 un-retained 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, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, 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.