

GENERAL ORDER



DISTRICT OF COLUMBIA

Title Service of Subpoenas and Civil Lawsuits Upon Members of the Department		
Topic	Series	Number
PCA	701	04
Effective Date November 10, 2011		
Replaces: General Order 701.04 (Service of Subpoenas and Civil Lawsuits Upon Members of the Department) Effective Date: June 9, 2011		

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I. BACKGROUND

On June 3, 2011, Chapter 20 of Title 6A "Police Personnel" District of Columbia Municipal Regulations (DCMR), was amended pursuant to D.C. Official Code § 5-105.09 (Service of Process). Under the amendments, non-government attorneys and unrepresented parties may request the Court Liaison Division (CLD) assist in transmitting via electronic mail:

- A. Notifications of Subpoenas generated through the Computer Assisted Notification System (CANS),
- B. Subpoenas for civil or criminal cases, and
- C. Summonses and complaints for civil lawsuits

to members arising out of their official duties for the Metropolitan Police Department (MPD). Non-government attorneys and unrepresented parties may also choose to have a process server personally serve members with subpoenas or summonses and complaints. In lieu of personal service, members may designate the Bureau Head of the bureau to which they are assigned to accept service of subpoenas or summonses and complaints on their behalf. The policies

and procedures outlined in this order do not apply to service of process for personal matters involving members (e.g., divorce and child support cases in which a member is a party).

II. POLICY

The Department's policy is that members shall abide by summonses and subpoenas that are legally served upon them in relation to the performance of their official duties.

III. DEFINITIONS

When used in this order, the following terms shall have the meanings designated:

1. Acknowledgment Form — Form which a member may submit upon receipt of a summons and complaint from CLD to accept service of the summons and complaint a civil lawsuit and waive personal service. (See Attachment A: Acknowledgment of Receipt of Summons and Complaint.)
2. Bureau Head — Member, the rank of Assistant Chief of Police or civilian equivalent or his/her designee(s) in charge of a bureau within the MPD.
3. Certification — Written statement accompanying a subpoena or summons and complaint from an attorney, not employed by the Office of the Attorney General (OAG) or the United States Attorney's Office (USAO), or an unrepresented party which includes:
 - a. The name of the case;
 - b. The civil action number or case number;
 - c. The name of the member listed on the subpoena;
 - d. A statement that the subpoena arises out of the member's performance of his/her official duties; and
 - e. The signature of the attorney or the unrepresented party listed on the subpoena.

NOTE: The process server cannot sign the certification for the attorney or the unrepresented party.
4. Complaint — Initial document by which a lawsuit is commenced, containing a short and plain statement of the claim and the relief requested.

5. Computer Assisted Notification System (CANS) – CANS is an electronic notification system used by MPD to notify members of upcoming court related commitments.
6. Deposition – Discovery device by which one (1) party asks oral questions of another party or witness. The deposition is conducted under oath and outside the courtroom, usually at an attorney's office. Normally, the lawyers for all parties in the case and a stenographer will be present at the time of the deposition. The witness being deposed may be subjected to questioning by all parties present, and the questioning can extend into areas, such as hearsay, which are not admissible as evidence in the trial.
7. Emergency Subpoena Notification – An electronic notice generated through CANS informing a member that a non-government attorney or unrepresented party has issued a subpoena for the member to appear for a hearing, deposition, or trial in less than seven (7) calendar days.
8. Member – Sworn or civilian MPD employee or MPD Reserve Corps member.
9. Non-government attorney – An attorney not employed by the USAO or the OAG.
10. Subpoena – Legal notice to a person to appear as a witness and give testimony at the place, date and time specified in the subpoena. (See Attachment B: Blank Subpoena from Superior Court for the District of Columbia, Attachment D: Blank Subpoena to Testify at a Deposition from the United States District Court for the District of Columbia, and Attachment E: Blank Subpoena to Testify at a Hearing or Trial from the United States District Court for the District of Columbia.)
11. Subpoena Duces Tecum – Subpoena which directs the witness to bring relevant documents. Duces Tecum means to bring all relevant documents related to the controversy under the control of the person. (See Attachment C: Blank Subpoena to Produce Documents from the United States District Court for the District of Columbia.)
12. Subpoena Notification – An electronic notice generated through CANS informing a member that a non-government attorney or unrepresented party has issued a subpoena for the member to appear for a hearing, deposition, or trial within seven (7) or more calendar days.
13. Summons – Legal document that gives formal notice to the person summoned that a lawsuit has been initiated against him/her in the court where the summons was issued. A person who has been properly served with a summons in a civil action is a defendant in that case, and an answer

must be filed, in court, on his/her behalf within twenty (20) days from the date of the service of the summons. If an answer is not filed within twenty (20) days, the court can place the defendant in default. (See Attachment F: Blank Civil Summons from the Superior Court for the District of Columbia and Attachment G: Blank Civil Summons from the United States District Court for the District of Columbia.)

IV. REGULATIONS

- A. Notwithstanding the requirements described in this order, in accordance with 42 U.S.C. § 3796gg (Violence Against Women Act):
 - 1. Domestic violence petitioners may use the MPD Computer Assisted Notification System (CANS) for the service of process for the members of the MPD.
 - 2. Domestic violence petitioners **shall not** be required to pay witness fees to MPD members.
- B. Notification of Civil and Criminal Subpoenas
 - 1. A non-government attorney or unrepresented party seeking to serve a subpoena upon a member of the MPD in connection with a legal matter arising out of the performance of his/her official duties may request that the MPD notify the member of the subpoena by transmitting via electronic mail to the CLD:
 - a. The subpoena; and
 - b. Written certification from the non-government attorney or unrepresented party that the subpoena is connected with a case concerning the member's performance of his/her official duties.
 - 2. If a written certification does not accompany a subpoena or the member cannot be identified based upon the information in the subpoena or certification, CLD shall reject the subpoena and return it to the sender.
 - 3. If the subpoena requires a member to appear or otherwise act in an expedited fashion (less than seven (7) calendar days), the attorney or party issuing the subpoena must include within his/her request:
 - a. An explanation for the expedited request;

- b. Verification that the non-government attorney or unrepresented party has contacted the member, and the member has agreed to appear for the subpoena; and
 - c. The signature of the non-government attorney or unrepresented party issuing the subpoena.
 - 4. If a subpoena requiring a member to appear or act in less than seven (7) days is not accompanied by the requisite explanation and verification, the CLD shall reject the subpoena and return the subpoena to the sender.
 - 5. If all prerequisites are met, CLD shall generate a Subpoena Notification through CANS of the name and number of the case along with the date, time and location of the event (hearing, deposition or trial); the name and contact information of the issuing attorney or party; and other relevant information contained in the subpoena and transmit the Subpoena Notification via e-mail to the member.
 - 6. Service of a Subpoena Notification shall be deemed complete when the member opens the e-mail and clicks on the icon to send a read receipt.
 - 7. Any applicable witness fee and/or voucher will be presented to the member by the non-government attorney or unrepresented party when the member appears pursuant to the subpoena.
 - 8. A non-government attorney or unrepresented party may contact the CANS coordinator of the element to which the member is assigned to ascertain whether a notification has been served upon the member.
- B. Notification of Summons and Complaints for Civil Lawsuits
- 1. A non-government attorney or unrepresented party seeking to serve a summons and complaint upon a member of the MPD in connection with a civil lawsuit arising out of the performance of his/her official duties may request that the MPD notify the member of the summons and complaint by transmitting via e-mail to the CLD:
 - a. The summons and complaint; and
 - b. Written certification from the non-government attorney or unrepresented party that the summons and complaint are

connected with a civil lawsuit arising out of the member's performance of his/her official duties.

2. If a written certification does not accompany the summons and complaint or the member cannot be identified based upon the information in the summons and complaint, CLD shall reject the summons and complaint and return them to the sender.
3. If the member can be identified based upon the information provided in the summons and complaint, CLD shall facilitate service of the summons and complaint by e-mailing them to the member within two (2) business days of receipt.
4. The named member may accept service of the summons and complaint and waive personal service by sending to the non-government attorney or unrepresented party via first-class mail or other reliable means, a signed Acknowledgment of Receipt of Summons and Complaint (Attachment A) within fourteen (14) calendar days of receiving the complaint and summons from CLD.
5. Service of the summons and complaint shall be deemed complete when the member mails or transmits through other reliable means the acknowledgement form to the non-government attorney or unrepresented party.
6. If the named member declines or otherwise fails to submit a signed acknowledgment form to the non-government attorney or unrepresented party within fourteen (14) calendar days of receiving the complaint and summons from CLD, the summons and complaint shall not be deemed served.
7. If the named member declines or otherwise fails to submit a signed acknowledgment form to the non-government attorney or unrepresented party within the requisite time, the member is subject to being served personally at his/her unit.

C. Personal and Substitute Service of Process

1. A non-government attorney or unrepresented party may choose to personally serve a member with a summons and complaint or subpoena.
2. A member may appoint the Bureau Head of the bureau to which the member is assigned to accept service of process on his/her behalf.

3. If a member has not appointed a Bureau Head to accept service of process on his/her behalf, the member shall make himself/herself available for service of process when physically at his/her unit and shall not attempt to evade service.
4. If a member fails to make himself/herself available for service when physically at his/her unit or otherwise attempts to evade service, he/she may be subject to discipline.

V. PROCEDURES

A. Civil and Criminal Subpoenas

1. Responsibilities of CLD
 - a. CLD shall designate and maintain an active, operational and up-to-date MPD e-mail account for receiving electronic requests to facilitate service of process.
 - b. CLD staff must log into the e-mail account designated for receiving electronic requests to facilitate service of process throughout their tour of duty to retrieve any incoming requests.
 - c. CLD staff must completely open **all** e-mail requests to facilitate service of process and any attached documents.
 - d. CLD staff must review all e-mails and attachments to determine whether:
 - (1) The required written certification has been included;
 - (2) The identity of the member can be ascertained based upon the information provided in the certification and/or subpoena; and
 - (3) The subpoena requires a member to appear in less than seven (7) calendar days.
 - e. If a written certification is not included or the identity of the member cannot be ascertained, CLD staff must send a reply e-mail to the sender indicating the subpoena has been rejected.
 - f. If an Emergency Subpoena Notification (subpoena requiring a member to appear in less than seven (7) calendar days)

has been requested, CLD staff must review the e-mail and attachments for:

- (1) An explanation for the expedited request;
 - (2) Verification that the non-government attorney or unrepresented party has contacted the member and the member has agreed to appear for the subpoena; and
 - (3) The signature of the non-government attorney or unrepresented party issuing the subpoena.
- g. If a request for an Emergency Subpoena Notification is not accompanied by the requisite explanation and verification, CLD staff shall reject the subpoena and return the subpoena to the sender.
- h. If all prerequisites are met, CLD staff shall send to the named member via e-mail:
- (1) A Subpoena Notification; and
 - (2) An electronic copy of the subpoena.

2. Responsibilities of Members

- a. Responsibilities of Members Receiving Notifications of Subpoenas Via E-mail:
- (1) Members shall maintain active, operational and up-to-date MPD e-mail accounts.
 - (2) Members shall log into their account at least once during their tour of duty.
 - (3) Members must completely open **all** Subpoena Notifications and attachments.
 - (4) Once a Subpoena Notification has been opened, members shall click on the icon to send a read receipt.
- b. Responsibilities of Members with regard to Personal Service of Subpoenas

- (1) Except with respect to a member of the force engaged in undercover duties, a member being served shall make himself/herself available to receive and shall not refuse to receive personal service of a subpoena in any legal matter arising out of the performance of his/her official duties.
 - (2) Members shall make themselves available for service of subpoenas when physically at their units and shall not attempt to evade service.
 - (a) If an administrative investigation establishes that a member failed to make himself/herself available for service when physically at his/her unit or otherwise attempted to evade service, the member may be subject to discipline in accordance with the provisions set forth in GO-PER-120.21 (Disciplinary Procedures and Processes).
 - (b) If a member fails to make himself/herself available for service when physically at his/her unit or otherwise attempts to evade service, the court may order the release of the member's home address, place the member in default, or order the member to pay attorney's fees and costs.
 - (3) Members shall not accept service of a subpoena for another member, in person, by certified mail, or by e-mail unless specifically authorized to do so.
 - (4) At no time shall a member be ordered to return from the field to his/her organizational unit to make him/herself available for personal service of a subpoena.
- c. As a subpoena is a court order, members in receipt of a Subpoena Notification and/or a subpoena (served personally or through substitute service) should comply with the terms of the subpoena. Failure to comply with a subpoena may result in the court finding the named member in contempt and imposing civil and/or criminal penalties against the member. A finding of contempt could result in an internal investigation and potential discipline.

- d. Members in receipt of Subpoena Notification and/or a subpoena (served personally or through substitute service) shall **not** check in at CLD.
- e. Members in receipt of a Subpoena Notification and/or a subpoena (served personally or through substitute service) should check in with the subpoenaing non-government attorney or unrepresented party.
- f. Members appearing pursuant to a Subpoena Notification and/or subpoena (served personally or through substitute service) from a non-government attorney or unrepresented party should obtain a witness fee check or voucher from the subpoenaing non-government attorney or unrepresented party.
 - (1) If the subpoenaing non-government attorney or unrepresented party does not present a witness fee check or voucher, members should contact the Office of General Counsel immediately.
 - (2) If the subpoenaed hearing, deposition, or trial occurs outside the member's scheduled tour of duty, the member shall be entitled to keep any applicable witness fee proffered by the non-government attorney or unrepresented party, but shall not be entitled to any compensation from the Department unless the member was appointed prior to January 1, 1980.

NOTE: D.C. Official Code § 5-1304 (2001 ed.), which requires overtime compensation for court duty performed while off-duty, does not apply to members appointed after January 1, 1980.
 - (3) If members appear pursuant to a Subpoena Notification or subpoena during their scheduled tour of duty, they must surrender the witness fee check or voucher to their unit's administrative section on the next business day.
- g. Members in receipt of a CANS from USAO or OAG **and** in receipt of a Subpoena Notification and/or subpoena (served personally or through substitute service) from a non-government attorney or unrepresented party for the same case shall:

- (1) Check in and out at CLD as outlined on GO-PCA-701.01(Court and Hearings.)
- (2) Check in with both attorneys and obtain a witness fee check or voucher from the subpoenaing attorney or unrepresented party.

NOTE: In accordance with 42 U.S.C. § 3796gg (Violence Against Women Act), members will not receive a witness fee from domestic violence petitioners.

h. Conflicting Court Commitments

- (1) Members who must handle their court commitments on a priority basis shall notify each waiting government attorney, non-government attorney, and/or unrepresented party that they have checked into court and give their location and expected arrival time. Such notifications shall be accomplished by 0830 hours, or by the CANS or Subpoena Notification "time due," whichever is earliest.
- (2) Where multiple commitments conflict, members shall dispose of their commitments in accordance with the following priority schedule:
 - (a) Preliminary hearing pre-conferences;
 - (b) Juvenile cases and papering;
 - (c) Adult OAG cases;
 - (d) Adult USAO cases;
 - (e) Jury trials;
 - (f) Non-jury trials in U.S. District Court;
 - (g) Juvenile trials;
 - (h) Non-jury trials in Superior Court;
 - (i) Hearings; and

- (j) Matters not before the court, such as depositions.
 - (3) Despite this priority list, the case that is called first before the court takes priority over the cases waiting.
 - (4) Throughout the day, members shall keep the government attorneys, non-government attorneys, and/or unrepresented parties informed of their whereabouts, and the status of their pending and conflicting cases.
- i. Responsibilities of Members Receiving Subpoena Duces Tecum:
- (1) Members may be served with subpoenas which not only require them to appear and testify in person, but also to produce MPD documents related to their testimony. Members are reminded that while they may have access to many MPD documents, they are usually not the official custodian of the records, and shall **not** release MPD documents without proper authorization.
 - (2) Members who receive subpoenas requiring them to appear and produce MPD documents, shall immediately bring the subpoena to the attention of their supervisor **and** notify the Office of the General Counsel.
 - (3) If it is determined that the documents may be released, the member shall be authorized to bring the documents to the trial or hearing and he/she shall be given appropriate instructions concerning the production of the documents.
 - (4) If it is determined that the documents may not be released, the Office of the General Counsel may act to have the subpoena withdrawn, quashed, or modified.
- j. Responsibilities of Members Receiving Subpoenas for the Custodian of Records or the Chief of Police:
- (1) Members presented with subpoenas directed to the Chief of Police or the Custodian of Records requiring production of MPD documents shall not accept service

of the subpoena unless the member is the official custodian of the records specified in the subpoena.

- (2) If the member is not the official custodian of records, the member shall direct the process server to the Identification and Records Division, located on the Third Floor of the Metropolitan Police Department Headquarters at 300 Indiana Avenue, NW, Washington, DC 20001.
- (3) Members should immediately notify the Office of the General Counsel if a process server leaves such a subpoena despite being told that the member cannot accept service of the subpoena.

B. Summonses and Complaints for Civil Lawsuits

1. Responsibilities of CLD in Notifying Members of Summonses and Complaints
 - a. CLD shall designate and maintain an active, operational and up-to-date MPD e-mail account for receiving electronic requests to facilitate service of process.
 - b. CLD staff must log into the e-mail account designated for receiving electronic requests to facilitate service of process throughout their tour of duty to retrieve any incoming requests.
 - c. CLD staff must completely open all e-mail requests to facilitate service of process and any attached documents.
 - d. CLD staff must review the e-mail and attachments to determine:
 - (1) The required written certification has been included; and
 - (2) Whether the identity of the member can be ascertained based upon the information provided in the certification and/or the summons and complaint.
 - e. If a written certification is not included or the identity of the member cannot be ascertained, CLD staff must send a reply e-mail to the sender indicating the summons and complaint have been rejected.

- f. If a written certification is included and the identity of the member can be ascertained, CLD staff shall forward the e-mail (with attachments), along with an electronic copy of the Acknowledgment of Receipt of Summons and Complaint (Attachment A) to the named member within two (2) business days of receipt.
- 2. Responsibilities of Members in Accepting or Declining Service of Summonses and Complaints Via E-Mail
 - a. Members shall maintain active, operational and up-to-date MPD e-mail accounts.
 - b. Members shall log into their account at least once during their tour of duty.
 - c. Members must completely open all e-mail notifications and attachments regarding service of process.
 - d. If a member chooses to accept service of a summons and complaint e-mailed by CLD, the member shall complete the Acknowledgment of Receipt of Summons and Complaint form and send it to the attorney or party on the summons within fourteen (14) calendar days of the complaint and summons being received by CLD.
 - (1) The member may mail, courier, or deliver by any other reliable means the completed Acknowledgment of Receipt of Summons and Complaint form to the attorney or unrepresented party on the summons.
 - (2) Service of the summons and complaint shall be deemed complete when the member sends the Acknowledgment of Receipt of Summons and Complaint form to the attorney or unrepresented party on the summons.
 - e. If a member chooses not to accept service of the summons and complaint e-mailed by CLD or otherwise fails to transmit a completed Acknowledgment of Receipt of Summons and Complaint form to the attorney or the unrepresented party on the summons within fourteen (14) calendar days of the summons and complaint being received by the CLD, the member may be served in person by a process server at his/her unit.

3. Responsibilities of Members Receiving Personal Service of Summonses and Complaints

- a. Except with respect to a member of the force engaged in undercover duties, a member being served shall make himself/herself available to receive and shall not refuse to receive personal service of process in any legal matter arising out of the performance of his/her official duties.
- b. Members shall make themselves available for service of summonses and complaints when physically at their units and shall not attempt to evade service.
 - (1) If an administrative investigation establishes that a member failed to make himself/herself available for service when physically at his/her unit or otherwise attempted to evade service, the member may be subject to discipline in accordance with the provisions set forth in GO-PER-120.21 (Disciplinary Procedures and Processes).
 - (2) If a member fails to make himself/herself available for service when physically at his/her unit or otherwise attempts to evade service, the court may order the release of the member's home address, place the member in default, or order the member to pay attorney's fees and costs.
- c. Members shall not accept service of a summons and complaint for another member, in person, by certified mail, or by e-mail unless specifically authorized to do so.
- d. At no time shall a member be ordered to return from the field to his/her organizational unit to make him/herself available for personal service of process.

NOTE: An employee assigned to the Office of the General Counsel shall accept service on behalf of the Chief of Police, if requested by the Chief.

C. Substitute Service of Subpoenas and Civil Lawsuits

- 1. Appointment of Bureau Head to Accept Service of Process

- a. Members may appoint the Bureau Head of the bureau to which they are assigned to accept service for them by completing the upper portion of a PD Form 161 (Attachment H) and submitting them to the Bureau Head.
 - c. Members make revoke their appointment of a Bureau Head to accept service for them at anytime by completing and submitting the middle portion of the PD Form 161 to the Bureau Head.
 - d. Members may decline to appoint a Bureau Head to accept service for them by completing and submitting the bottom portion of a PD Form 161 to his/her Bureau Head.
 - e. The Bureau Heads shall maintain lists of all members who have appointed them to accept service for legal matters involving the performance of their official duties.
2. Responsibilities of Bureau Head with regard to Substitute Service of Process
- a. When a Bureau Head or his/her designee(s) is presented with a subpoena or summons and complaint for a member who has appointed the Bureau Head to accept service on his /her behalf, the Bureau Head must determine whether:
 - (1) The required written certification has been included;
 - (2) The identity of the member can be ascertained based upon the information provided; and
 - (3) The member is required to appear in less than seven (7) calendar days.
 - b. If a written certification is not included or the identity of the member cannot be ascertained, the Bureau Head or his/her designee(s) shall reject the subpoena or summons and complaint.
 - c. If a subpoena requires a member to appear in less than seven (7) calendar days, the Bureau Head or his/her designee(s) must receive in writing:
 - (1) An explanation for the expedited request;

- (2) Verification that the non-government attorney or unrepresented party has contacted the member and the member has agreed to appear for the subpoena; and
 - (3) The signature of the non-government attorney or unrepresented party issuing the subpoena.
- d. If a subpoena requiring a member to appear in less than seven (7) calendar days is not accompanied by the requisite explanation and verification, the Bureau Head or his/her designee(s) shall reject the subpoena.
- e. If all prerequisites are met, the Bureau Head or his/her designee(s) shall accept service, date-stamp the subpoena or summons and complaint, and record:
 - (1) the name and number of the case;
 - (2) the title of the legal documents served;
 - (3) The time and date of service;
 - (4) the member served;
 - (5) the name of the person accepting service; and
 - (6) the name of the person effecting service.
- f. If a Bureau Head or his/her designee(s) accepts service of a subpoena which requires the member to appear in less than seven (7) calendar days, the Bureau Head shall immediately contact the member to inform him/her of service and arrange delivery of the documentation to the member.
- g. The Bureau Head shall forward all other subpoenas or summonses and complaint within forty-eight (48) hours of service to the members' Commander/Director for delivery.

D. Obtaining Legal Counsel

- 1. Members may be entitled to free legal representation by the OAG in civil lawsuits arising out of their official duties for the Department.
- 2. Members who wish to request representation by the OAG should immediately respond to the Department's Office of the General

Counsel and complete a PD Form 858 (Request for Representation by the Office of the Attorney General for the District of Columbia) and an Employee Representation Form. [See GO-PER-201.12 (Legal Counsel for Members of the Department)].

3. Members shall ensure the summons and complaint are personally delivered to the Office of the General Counsel without delay, along with any documentation (e.g., police reports.) or reports of investigation pertaining to the case which are readily available to the member served.
4. Failure to notify the Office of the General Counsel or OAG of a civil lawsuit or delay in notifying the Office of the General Counsel or OAG of service of the summons and complaint may result in the member being held liable by the court and/or having OAG deny representation.
5. Members who do not wish to be represented by the OAG may obtain private legal counsel at their own expense.

NOTICE: Should a conflict in procedures arise, the provisions enumerated in this order shall supersede provisions in any existing order.

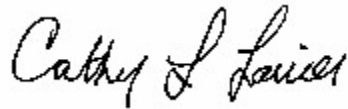
VI. CROSS REFERENCES

- A. GO-PER-120.21 (Disciplinary Procedures and Processes)
- B. GO-PER-201.12 (Legal Counsel for Members of the Department)
- C. GO-PCA-701.01 (Courts and Hearings)
- D. GO-PCA-701.06 (Court Appearance Notifications)
- E. D.C. Official Code § 5-105.09
- F. D.C. Official Code § 5-1304
- G. D.C. Municipal Regulations (DCMR) Title 6A, Chapter 20
- H. 42 U.S.C. § 3796gg (Violence Against Women Act)

VII. ATTACHMENTS

- A. Acknowledgment of Receipt of Summons and Complaint
- B. Blank Subpoena from the Superior Court for the District of Columbia

- C. Blank Subpoena to Produce Documents from the United States District Court for the District of Columbia
- D. Blank Subpoena to Testify at a Deposition from the United States District Court for the District of Columbia
- E. Blank Subpoena to Testify at a Hearing or Trial from the United States District Court for the District of Columbia
- F. Blank Civil Summons from the Superior Court for the District of Columbia
- G. Blank Civil Summons from the United States District Court for the District of Columbia
- H. PD Form 161 (Appointment of Service of Process Agent Designee Form)



Cathy L. Lanier
Chief of Police

CLL:PAB:MOC:TQH:JC

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

TO: _____
(Name of Plaintiff's Attorney or Plaintiff (if not represented by an attorney))

(Address of Plaintiff's Attorney or Plaintiff (if not represented by an attorney))

I, _____, acknowledge that I received a copy of the Summons
(Name of Member)

and Complaint in the case of _____ v. District of Columbia,
(Name of Lawsuit)

Civil Action No. _____. By signing this form acknowledging receipt of the Summons and Complaint and returning it within fourteen (14) calendar days to the Plaintiff's Attorney or to the Plaintiff (if not represented) listed on the Summons, I am agreeing that service of process is complete and that I do not have to be served in person with the Summons and Complaint.¹

Signature of Member

Date

¹ If this form is not returned within fourteen (14) calendar days to the Plaintiff's Attorney or to the Plaintiff (if not represented by an attorney), then you are subject to being served in person with the Summons and Complaint by a process server.

SUBPOENA**Superior Court of the District of Columbia****CIVIL DIVISION**

500 Indiana Avenue, N.W.
Washington, D.C. 20001 Telephone (202) 879-1133

SUBPOENA IN A CIVIL CASE_____
Plaintiff

v.

Defendant

CASE NUMBER: _____

To: _____

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

COURTROOM	DATE	TIME
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- ☐ 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
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- ☐ 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
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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. SCR-CIV 30(b)(6).

ISSUING PERSON'S SIGNATURE AND TITLE (indicate if attorney for plaintiff or defendant)	DATE
ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER	

(SEE RULE 45, SUPERIOR COURT RULES OF CIVIL PROCEDURE ON REVERSE)

WHITE—ORIGINAL YELLOW—FOR RETURN SERVICE PINK—OFFICE COPY

Judge To Whom Case Is Assigned

PROOF OF SERVICE

SERVED	DATE	TIME	PLACE
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SERVED ON (PRINT NAME) MANNER OF SERVICE

(attach return receipt if service was made by registered or certified mail)

SERVED BY (PRINT NAME)	TITLE
------------------------	-------

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

RULE 45, SUPERIOR COURT RULES OF CIVIL PROCEDURE, Sections C & 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 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 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. 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 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 a person who is not a party or an officer of a party to travel to a place more than 25 miles from the place 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 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 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.

Superior Court of the District of Columbia
CIVIL DIVISION 500 Indiana Avenue, N.W.,
Room 5000 Washington, D.C. 20001 Telephone:
879-1133

Plaintiff

vs. Civil Action No.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon your exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government you have 60 days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney’s name and address appear **below**. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons. You are also required to file the original Answer with the Court in Room 5000 at 500 Indiana Avenue, N.W. between 9:00 am. and 4:00 pm., Mondays through Fridays or between 9:00 am. and 12:00 Noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Clerk of the Court

Name of Plaintiff's Attorney

Address

By

Deputy Clerk

Date Telephone

PUEDE OBTENERSE COPIAS DE ESTE FORMULARIO EN ESPANOL EN EL TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA, 500 INDIANA AVENUE, N.W., SALA 5000.

YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., 500 INDIANA AVENUE, N.W., ROOM 5000.

Form 701-04 Rev. 11

NOTE: SEE IMPORTANT INFORMATION ON BACK OF THIS FORM.

GO_PCA-701.04 701.04
Civil Action Form 1
Attachment B1
Effective, 11/10/2011

IMPORTANT: IF YOU FAIL TO SERVE AND FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT *FAIL TO ANSWER WITHIN THE REQUIRED TIME*

AND If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (628-1 161) or the Neighborhood Legal Services (682-2700) for help or come to Room 5000 at 500 Indiana Avenue, N.W., for more information concerning where you may ask for such help.

UNITED STATES DISTRICT COURT

for the _____ District of

_____))
Plaintiff))
v.) Civil Action No.
_____))
_____))
Defendant)

SUMMONS IN A CIVIL ACTION

To: *(Defendant’s name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)*
was received by me on *(date)*

_____ . ' I personally served the summons on the individual at *(place)*
; or

on (*date*)

I left the summons at the individual's residence or usual place of abode with (name)

On *(date)* _____, and mailed a copy to the individual's last known address; or ' I served the summons _____, who is
on *(name of individual)* _____

designated by law to accept service of process on behalf of *(name of organization)* on *(date)* ' I ; or
returned the summons unexecuted because ' Other *(specify)*:

; or

for services, for a total of \$ 0 .

My fees are \$ for travel and \$ I declare under penalty of perjury that this information is true.

Date:

*Server's signature Printed name
 and title*

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)

Civil Action No. _____

(If the action is pending in another district, state where: _____)

_____ District of _____)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

☐ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

Place: _____

Date and Time: _____

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: _____

Date and Time: _____

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are: _____

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)

Civil Action No.

(If the action is pending in another district, state where:

_____ District of _____ (.....))

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place:

Date and Time:

The deposition will be recorded by this method: _____

☐ *Production:* You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) _____, who issues or requests this subpoena, are:

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

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

Date: _____
_____ *Server's signature*

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii)** ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i)** expressly make the claim; and
- (ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

UNITED STATES DISTRICT COURT

for the _____ District of

_____)
Plaintiff _____)
v. _____ Civil Action No. _____
_____)
Defendant _____)

SUBPOENA TO APPEAR AND TESTIFY AT A
HEARING OR TRIAL IN A CIVIL ACTION

To:

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place:	Courtroom No.:
	Date and Time:

You must also bring with you the following documents, electronically stored information, or objects *(blank if not applicable)*:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Fed. R. Civ. P. 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date:

CLERK OF COURT
OR

Signature of Clerk or Deputy Clerk Attorney’s signature

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* , who issues or requests this subpoena, are:

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for (name of individual and title, if any) was received by me on (date)

. ' I served the subpoena by delivering a copy to the named person as follows:

; or on (date)

' I returned the subpoena unexecuted because: .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day’s attendance, and the mileage allowed by law, in the amount of
\$.

My fees are \$ for travel and \$ for services, for a total of \$ 0 .

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

Date:

Server’s signature

Printed name and title

Server’s address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.(d) Duties in Responding to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a

Subpoena Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to

(ii) compel a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue

(D) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

ensures that the subpoenaed person will be reasonably compensated.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form.

The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or

Protection Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim;

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

CA Form 1

**Superior Court of the District of Columbia
CIVIL DIVISION**

500 Indiana Avenue, N.W., Room 5000
Washington, D.C. 20001 Telephone: 879-1133

Plaintiff

VS.

Civil Action No.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon your exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government you have 60 days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear **below**. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Room 5000 at 500 Indiana Avenue, N.W. between 9:00 am. and 4:00 pm., Mondays through Fridays or between 9:00 am. and 12:00 Noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Clerk of the Court

Name of Plaintiff's Attorney

By

Deputy Clerk

Address

Date

Telephone

PUEDE OBTENERSE COPIAS DE ESTE FORMULARIO EN ESPANOL EN EL TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA, 500 INDIANA AVENUE, N.W., SALA 5000.

YOU MAY OBTAIN A COPY OF THIS FORM IN SPANISH AT THE SUPERIOR COURT OF D.C., 500 INDIANA AVENUE, N.W., ROOM 5000.

Form CV(6)-456/Msr. 91

NOTE: SEE IMPORTANT INFORMATION ON BACK OF THIS FORM.

GO-PCA-701.04 Attachment F Effective November 10, 2011

IMPORTANT: IF YOU FAIL TO SERVE AND FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT *FAIL TO ANSWER WITHIN THE REQUIRED TIME*

AND If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (628-l 161) or the Neighborhood Legal Services (682-2700) for help or come to Room 5000 at 500 Indiana Avenue, N.W., for more information concerning where you may ask for such help.

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Metropolitan Police Department Appointment of Service of Process Agent Designee Form

I hereby **appoint** the Assistant Chief or Civilian Equivalent _____
for the Metropolitan Police Department and/or his/her designee(s) as my agent(s)
to accept service of process for all legal matters arising out of the performance of
my official duties for the Department.

Signature of Appointee (Date)

Signature of Member (Date)

I hereby **revoke my appointment of** the Assistant Chief or Civilian Equivalent
_____ for the Metropolitan Police Department and/or his/her
designee(s) as my agent(s) to accept service of process for all legal matters
arising out of the performance of my official duties for the Department. I
understand that by revoking my appointment of an agent to accept service of
process that I may be served personally with subpoenas, civil summons, and/or
other legal documents.

Signature of Member (Date)

Signature of Appointee (Date)

I hereby **decline to appoint** an agent to accept service of process for all legal
matters arising out of the performance of my official duties for the Department. I
understand that by declining to appoint an agent to accept service of process that
I may be served personally with subpoenas, civil summons, and/or other legal
documents.

Signature of Appointee (Date)

Signature of Member (Date)