

## COSTS TO PERSON SENDING THE SUBPOENA

**WARNING:** You are responsible for the other person's reasonable costs of compliance with the subpoena. The amount of reimbursement that person is entitled to for his or her costs is governed by Arizona Revised Statutes (A.R.S.) § 12-351 and §12-303 as well as Arizona Rule of Civil Procedure 45(c). The full text of the statutes and rule are available online at [www.azleg.gov](http://www.azleg.gov) or at the Court's Law Library.

A.R.S. § 12-351 describes costs of compliance with a subpoena for production of documents. A.R.S. §12-351 says in part:

1. The witness submits an itemized statement to the requesting party stating the reproduction and clerical costs incurred by the witness.
2. If a subpoena is subsequently withdrawn, quashed, modified or limited other than by the witness, the witness is entitled to reimbursement for all reasonable costs incurred in compliance with the subpoena to the time that the requesting party has notified the witness that the subpoena has been withdrawn, quashed, modified or limited.
3. The requesting party is not required to pay the reasonable costs before the documents are available for delivery as required by the subpoena. The witness may demand payment of the costs at the time of the actual delivery of the subpoenaed documents.
4. The requesting party may petition the court in which the case is pending to recover from the witness all or part of the costs paid or to reduce the costs charged by the witness if these costs were excessive.
5. "Reasonable costs" means ten cents for each page of standard reproduction of documents and the actual costs for reproduction of documents which require special processing plus the reasonable clerical costs incurred in locating and making the documents available billed at the rate of ten dollars per hour per person.

**WARNING:** A.R.S. §12-303 describes the costs of compliance with a subpoena for witness testimony. Persons subject to subpoenas to appear as witnesses in a civil law suit (anything other than a criminal law suit) must be paid **\$12 for each day's attendance as well as mileage at 20 cents per mile** from the witness's residence to the place of trial, hearing, or deposition. The mileage reimbursement is one way only from their home to the place of trial or hearing and does not include reimbursement for travel home.

**WARNING:** Persons subject to subpoenas are protected. Rule 45(c) of the Arizona Rules of Civil Procedure protects a person subject to a subpoena from undue burden or expense. Rule 45(c) says in part:

1. If the requesting party fails to comply with this requirement, sanctions may include lost earnings and a reasonable attorney's fee.
2. A person commanded to produce and permit inspection, copying, testing, or sampling of designated books, papers, documents, electronically stored information 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.
3. A person receiving a subpoena can object to the subpoena in writing through the Court 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. If objection is made, the party serving the subpoena shall not be entitled to see the documents or materials 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, file a motion with the Court at any time for an order to compel the production.