

**THE STATE OF TEXAS**

**SUBPOENA FOR DEPOSITION ON WRITTEN QUESTIONS DUCES TECUM**

**County of {{subpoena.witness.mailing\_address.county}}**

Greeting, to any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under Rule 176.5 of Texas Rules of Civil Procedure: You are hereby commanded to subpoena and summon the following witness:

**{%p if subpoena.witness.person\_type==”business” %}**

**CUSTODIAN OF RECORDS**

**{%p endif %}**

{{subpoena.witness.name\_full()}}

{{subpoena.witness.mailing\_address.line\_one()}}

{{subpoena.witness.mailing\_address.line\_two()}}

to be and appear before a Notary Public at {{subpoena.witness.mailing\_address.on\_one\_line()}} on or after {{subpoena.due\_date}}, **at the office of the summoned witness**. There under oath to make answers of certain written questions to be propounded to the witness and to bring and produce for inspection and photocopying the documents described on EXHIBIT A, attached to this subpoena, from {{subpoena.beginning\_production\_date}}, through the date of the response. Then and there to give evidence at the instance of {{case.client.name\_full()}}, represented by {{case.attorney.name\_full()}} Texas Bar No. {{case.attorney.bar\_number}} Attorney of Record, in that Certain Cause No. {{case.id}}, pending on the docket of the {{case.court\_type}} of the {{case.court\_name}} of {{case.county}}, Texas and there remain from day to day and time to time until discharged according to law.

This Subpoena is issued under and by virtue of Rule 200 and Notice of Deposition Upon Written Questions on file with the above-named court, styled

*{{case.style}}*

**WITNESS MY HAND**, on {{subpoena.issue\_date}}.

{{case.attorney.name\_full()}}

Attorney at Law

Attorney for {{case.client.name\_full()}}

{{phone\_number\_formatted(case.attorney.telephone\_number)}} / {{case.attorney.email}}

**176.8 Enforcement of Subpoena. (a) *Contempt***. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in Which the subpoena is served, and may be punished by fine or confinement, or both. This subpoena falls under exception to confidentiality, Rule 509 (e) Texas rules of Civil Evidence.

**OFFICER'S RETURN**

Came to hand and executed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date), in the following manner: By delivering to the witness \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ a true copy hereof, with attached witness fees of $\_\_\_\_\_\_\_\_\_\_\_.

Returned on \_\_\_\_\_\_\_\_\_\_\_\_\_ (date).

PROCESS SERVER

**CASE ID: {{case.billing\_number}}**

**Duties of Person Served with Subpoena**

Under Texas Rule of Civil Procedure 176, a person served with a subpoena has certain rights and obligations. Rule 176.6 provides the following:

(a) **Compliance required**. Except as provided in this subdivision, a person served with a subpoena must comply with the command stated therein unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.

(b) **Organizations**. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.

(c) **Production of documents or tangible things**. A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the document for use against the nonparty to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.

(d) **Objections**. A person commanded to produce and permit inspection or copying of designated documents and things may serve on the party requesting issuance of the subpoena—before the time specified for compliance—written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by the court. The party requesting the subpoena may move for such an order at any time after an objection is made.

(e) **Protective orders**. A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things, and any other person affected by the subpoena, may move for a protective order under Rule 192.6(b)—before the time specified for compliance—either in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

(f) **Trial subpoenas**. A person commanded to attend and give testimony, or to produce documents or things, at a hearing or trial, may object or move for protective order before the court at the time and place specified for compliance, rather than under paragraphs (d) and (e).

**Contempt**. Failure by any person without adequate excuse to obey a subpoena served on that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served and may be punished by fine or confinement or both. Tex. R. Civ. P. 176.8(a).

**YOU MAY CONTACT {{case.attorney.name\_full()}}  
TO ARRANGE ANOTHER TIME, DATE AND PLACE.**

{{p include\_docx\_template(‘docassemble.UsTxFamilyLaw:dwq\_exhibit\_a.docx’)}}

{%p if subpoena.subpoena\_type==”sdt” %}

{{p include\_docx\_template(‘docassemble.UsTxFamilyLaw:dwq\_business\_records\_affidavit.docx’)}}

{%p endif %}

{%p if subpoena.subpoena\_type==”dwq” %}

{{p include\_docx\_template(‘docassemble.UsTxFamilyLaw:dwq\_deposition\_questions.docx’)}}

{%p endif %}