

Index

ABUSE OF SUBPOENA PROCESS

Generally, § 11:5
Criminal proceedings, § 12:9
Disobedience penalties, § 11:5
Grand juries, § 13:4
Interference with service, criminal penalties for, § 11:5
Quashal Motions (this index)
Rogue subpoenas, §§ 11:5; 12:9
Service errors, attorney liabilities for, § 11:4
Sheriff, advantages of service by, § 11:4

ADMINISTRATIVE SUBPOENA AND SUMMONS PRACTICE

Attorney discipline proceedings, § 6:2
Authority to compel testimony, § 2:1
CCP §§ 1985.3 and 1985.4
 applicability
 generally, § 6:2
Right to Privacy Act conflicts, § 8:1
 telephone company consumer records, § 9:4
CCP § 1985.6 applicability, § 6:2
CMIA release authorizations, § 7:4
Compelling testimony, arbitrators' authority, § 2:1
Consumer record privacy protections, § 6:2
Digital Millennium Copyright Act (DMCA), § 6:5
Extraterritorial effect of subpoena or summons, § 8:5
Extraterritorial summonses, § 8:5
Immunity (this index)
Jurisdiction, § 3:4
Medical practice investigations, § 7:1
Medical Records (this index)
Noticed Production (this index)

ADMINISTRATIVE SUBPOENA AND SUMMONS PRACTICE

—Cont'd
Out-of-state service of subpoena or summons, § 8:5
Parties and party status, § 1:1
Peace Officer Personnel Records (this index)
Privacy protections for consumer record, § 6:2
Private Financial Records (this index)
Right to Financial Privacy Act (this index)
State bar proceedings, § 6:2
Stranger to action defined, § 1:3
Summons, § 8:5
Surrogates for parties, § 1:2
Telephone Records (this index)
Third party medical records, privacy protections, § 7:1
Workers' compensation proceedings, § 6:2

ADULT EMPLOYEE

Checklist, method of service, § 1:13

AFFIDAVITS

CCP § 1985 affidavits, § 11:2
Close-to-the-vest affidavits, § 11:2
Criminal law subpoenas, affidavits supporting, § 12:3
Drafting suggestions, § 11:2
Good cause assertions, § 1:11
Service affidavits, § 11:4
Subpoenas duces tecum applications, § 11:2

AGENTS

See also **Surrogates, Party** (this index)
Records of, Right to Privacy Act authorizations, § 8:5

AGENTS—Cont'd

Service of process on out-of-state entities, **§ 3:9**

AGE REQUIREMENTS

See **Minors** (this index)

AGREEMENT TO APPEAR

Generally, **§ 11:4**

Criminal proceedings, **§ 12:6**

AIR TRAVEL

Mileage calculations, **§ 1:6**

Witness fees, **§ 5:2**

AMENABILITY TO SERVICE

Immunity (this index)

Jurisdiction, Subpoena (this index)

Service of Subpoenas (this index)

APEX DISCOVERY

Notice vs service of process, **§ 1:2**

APPEARANCE OR PRESENCE

See also **Noticed Production** (this index)

Arbitration subpoena practice, failure to appear, **§ 11:9**

Checklist, nonparty deponent, **§ 1:15**

Continued presence rule, **§ 2:1**

Foreign subpoenas, **§ 3:10**

Nonparty deponent, **§ 1:15**

Small claims subpoenas, **§ 11:6**

Trial and deposition appearances distinguished, **§ 1:2**

ARBITRATION SUBPOENA PRACTICE

Application, **§ 11:7**

Complaint against witness for disobedience, **§ 11:12**

Concealment of witness to avoid service, declaration of, **§ 11:10**

Disobedience

complaint against witness for, **§ 11:12**

penalties for, **§ 11:5**

Duces tecum subpoena, **§ 11:8**

Expenses, notice of motion for, **§ 11:9**

Form of subpoena, **§ 11:2**

ARBITRATION SUBPOENA

PRACTICE—Cont'd

Forms

application, **§ 11:7**

complaint against witness for disobedience, **§ 11:12**

concealment of witness to avoid service, declaration of, **§ 11:10**

duces tecum subpoena, **§ 11:8**

failure to appear or serve subpoena, **§ 11:9**

notice of motion for expenses, **§ 11:9**

Immunity (this index)

Issuance of subpoena, **§ 11:2**

Medical Records (this index)

Noticed production, **§ 11:1**

Parties and party status, **§ 1:1**

Public employee witness fees, **§ 5:4**

Request for statement of witnesses and evidence for limited civil cases, **§ 11:12**

Stranger to action defined, **§ 1:3**

Surrogates for parties, **§ 1:2**

When subpoena necessary, **§ 11:1**

ARRESTS-MADE RECORDS

Generally, **§ 10:5**

ATTENDANCE

Notice to attorney, **§ 2:4**

Witness in, **§ 2:1**

ATTORNEY-CLIENT PRIVILEGE

Discovery of electronically stored information, waiver of attorney-client privilege, **§ 11:3**

ATTORNEYS AT LAW

Discipline proceedings, administrative subpoena practice, **§ 6:2**

Discovery of electronically stored information, waiver of attorney-client privilege, **§ 11:3**

Fee awards

Public Records Act, **§ 10:4**

quashal motions, **§ 11:5**

Financial records of attorneys, Right to Privacy Act authorizations, **§ 8:5**

INDEX

ATTORNEYS AT LAW—Cont'd
Foreign subpoenas, local counsel, § 3:10
Notice for attendance at trial and production of documents, § 2:4
Privilege logs, § 11:2
Records in possession of, § 2:1
Right to Counsel (this index)
Right to Privacy Act enforcement, fee awards, § 8:9
Service errors, attorney liabilities for, § 11:4
Service of subpoenas by, § 11:4

AUTHORITY
See **Surrogates, Party** (this index)

AUTOMOBILE DEALERSHIPS
Records, Right to Privacy Act authorizations, § 8:5

AUTOPSY RECORDS
Generally, § 7:2
CMIA protections, § 7:4

BANK RECORDS
Private Financial Records (this index)
Right to Financial Privacy Act (this index)

BELIEF
See **Information and Belief** (this index)

BROADSIDE SUBPOENAS
Generally, § 11:2

BROKERS
Financial records, Right to Privacy Act authorizations, § 8:5

BURDEN OF PROOF
Right to discovery, § 1:2

BURDENSONEMESS
Good cause applications, required showing, § 1:2

BUSINESS RECORDS
Additional payments to witnesses, § 5:9
Business defined, § 1:8
CCP § 998 awards, § 5:8

BUSINESS RECORDS—Cont'd
Checklist, § 1:14
Computerized records, costs of retrieving information from, § 5:3
Cost awards
generally, § 5:1
bad faith fee charges, § 5:3
Evidence C § 1563, § 5:1
Criminal law subpoena practice, § 12:3
Custodians of Records (this index)
Definition, § 5:3
Evidence C § 1563 cost awards, § 5:1
Evidence C § 1560-1565 rules, § 5:3
Excessive fee charges, § 5:3
Fees. Cost awards, above
Form of subpoenas, § 11:2
Hotels
identifying record sources, § 9:5
telephone company definition, inclusion in, § 9:1
Identifying record sources, § 9:5
Information or information possessor as subject of subpoena, § 5:3
Nonresidents, § 3:9
Out-of-state situs, § 3:9
Party vs nonparty business records, § 5:3
Stranger businesses, costs, § 5:3
Telephone companies
defined, § 9:1
identifying record sources, § 9:5
Time for service of subpoena, § 11:4
Waivers of custodian appearances, § 5:3
When fees payable, § 5:3

BYSTANDERS
See also **Strangers** (this index)
Records of, § 2:1
Witness in attendance defined, § 2:1

CALLER ID RECORDS
Generally, § 9:1

CHECKLISTS
Adult employee, method of service, § 1:13

CHECKLISTS—Cont'd

Business records, subpoena for, § 1:14
Employee records, subpoena for, § 1:13
Location of deposition, §§ 1:14; 1:15
Method of service, § 1:12 to 1:15
Minor employee, method of service, § 1:13
Motion to quash or modify, § 1:13
Nonparty deponent, § 1:15
Objection to production, § 1:13
Payment of fees and costs, §§ 1:14; 1:15
Personal appearance, § 1:15
Production, § 1:15
Responses, § 1:13 to 1:15
Time of service, §§ 1:12; 1:13

CHECK SELLERS AND CASHERS

Trust fund records, Right to Privacy Act authorizations, § 8:5

CHILD-ABUSE

Reporting requirements vs medical records privacy, § 7:3

CHILDREN

See **Minors** (this index)

CIVIL DISCOVERY ACT OF 1986

Discovery of electronically stored information, § 11:3
Noticed discovery, § 2:3

CLASS ACTIONS

Burdensomeness of discovery, good cause showings, § 1:2
Deposition notices, § 1:2
Necessity of discovery, good cause showings, § 1:2
Parties, § 1:2
Purpose of discovery, good cause showings, § 1:2
Surrogates, party, § 1:2
Unnamed members, party status, § 1:2

COMMUNITY PROPERTY

Spouses, party status, § 1:2

COMPUTERIZED RECORDS

Costs of retrieving information from, § 5:3
Telephone records, § 9:2

CONCEALED WITNESSES

Service of subpoenas, §§ 11:4; 11:10

CONFERENCE SUBPOENAS

Generally, § 3:6

CONFIDENTIALITY

See **Privacy Rights** (this index)

CONFIDENTIALITY OF MEDICAL INFORMATION ACT (CMIA)

Generally, § 7:4
See also **Medical Records** (this index)

CONSENT

See **Agreement to Appear** (this index)

Release of records, §§ 6:10; 6:22

CONSOLIDATED ACTIONS

Parties and party status, § 1:1

CONSTRUCTIVE SERVICE

Substituted service, § 11:4

CONSUMER RECORDS

Generally, §§ 6:1; 6:2
Advocacy considerations, § 6:1
Agents' records, § 8:5
Automobile dealership records, § 8:5
Brokers' financial records, § 8:5
CCP §§ 1985.3 and 1985.4 protections of private records generally, § 6:2
Right to Privacy Act conflicts, § 8:1
telephone company consumer records, § 9:4
CCP § 1985.6 applicability, § 6:2
CCP § 1985.3 notices under Right to Privacy Act, § 8:5
Check sellers' and cashers' trust fund records, § 8:5
Consent to release of records, § 6:10
Consumer defined, § 9:2
Cost award applications, § 6:2

INDEX

CONSUMER RECORDS—Cont'd

Credit information, telephone company, **§ 9:2**
Credit union escrow account records, **§ 8:5**
Custodians of Records (this index)
Customer defined, **§ 8:2**
Declaration in support of motion to quash, **§ 6:13**
Definition, **§ 9:2**
Definition of consumer, **§ 6:2**
Deposition, notice of taking, **§ 6:8**
Discovery, stored electronic media, **§ 6:6**
E-mail, **§ 6:6**
Forms
 consent to release of records, **§ 6:10**
 declaration of issuance, subpoena duces tecum, **§ 6:19**
 deposition, notice of taking, **§ 6:8**
 enforcement against nonparty, subpoena duces tecum, **§§ 6:18; 6:20**
 notice to consumer, **§ 6:8**
 proof of service, **§ 6:9**
 quash or modify, subpoena duces tecum, **§§ 6:11; 6:18**
 social media, **§ 6:7**
 written objection, subpoena duces tecum, **§ 6:19**
Franchise sales records, **§ 8:5**
Government agencies, subpoenas issued by, **§ 6:2**
Government agency records, **§ 6:2**
Health care service plan records, **§ 8:5**
Insurance brokers records, **§ 8:5**
Internet service providers, **§ 6:5**
Investment advisers' financial records, **§ 8:5**
Lawyers' financial records, **§ 8:5**
Local agencies, subpoenas issued by, **§ 6:2**
Media, stored electronic, **§ 6:6**
Memorandum of points in opposition to motion for order quashing, **§ 6:14**

CONSUMER RECORDS—Cont'd

Notice requirements generally, **§ 6:4**
CCP §§ 1985.3 and 1985.4 protections of private records, **§ 6:2**
Right to Privacy Act, **§ 8:5**
Notice to consumer and notice of taking deposition, **§ 6:8**
Objections to service, **§ 6:2**
Personal property broker records, **§ 8:5**
Personal records defined, **§ 6:2**
Private Financial Records (this index)
Proof of service, **§ 6:9**
Real estate brokers' financial records, **§ 8:5**
Release of records, consent to, **§ 6:10**
Right to Privacy Act
 generally, **§ 6:1**
 notice protections, **§ 8:7**
Securities sellers' financial records, **§ 8:5**
Social media, subpoena duces tecum, **§ 6:7**
State agencies, subpoenas issued by, **§ 6:2**
Staying deposition, notice of motion for order, **§ 6:12**
Stored electronic media, **§ 6:6**
Subpoena as directed to information possessor rather than to information, **§ 5:3**
Subpoena duces tecum
 declaration of issuance, **§ 6:19**
 enforce against nonparty, motion to, **§§ 6:18; 6:20**
 quash or modify, **§§ 6:11; 6:18**
 social media, **§ 6:7**
 written objection to, **§ 6:19**
Telephone Records (this index)
Time for service of subpoena, **§ 11:4**
Unemployment insurance claims, employers' records relevant to, **§ 8:5**
Witness defined, **§ 6:2**

CONTINUED PRESENCE RULE

CCP § 2064, **§ 2:1**

CONVENIENCE

Presumed convenience, **§ 1:6**

COORDINATED ACTIONS

Parties and party status, **§ 1:1**
Trial court designations, **§ 1:7**

COPYRIGHTS

Digital Millennium Copyright Act (DMCA), **§ 6:5**

CORPORATIONS

See also **Entities** (this index); **Parties and Party Status** (this index)

Controlling persons, party status, **§ 1:2**

Dominant persons, party status, **§ 1:2**

Foreign subpoenas, **§ 3:10**

Managing agents, surrogate status, **§ 1:2**

Out-of-state vs foreign (non-US) entities, **§§ 1:9; 3:9**

Party surrogates, corporations as, **§ 1:2**

Person status, **§ 1:8**

Sole stockholder, party status, **§ 1:2**

Subpoena vs noticed depositions, **§ 1:2**

COST AWARDS

Generally, **§ 5:1 et seq.**

See also **Witness Fees** (this index)

Appeals, consideration of cost disputes on, **§ 5:1**

Business records custodians generally, **§ 5:1**
CCP § 998 awards, **§ 5:8**

CCP § 998, **§ 5:8**

CCP § 1033.5, **§ 5:8**

Consumer record applications, **§ 6:2**

Court-appointed experts, **§§ 5:5; 5:8**

Evid C § 1563, **§ 5:1**

Expert witness fees, **§§ 5:5; 5:8**

Forma pauperis litigants, **§ 5:8**

Interpreters

fees and cost awards, **§ 5:6**

indigents, appointments for, **§ 5:7**

Local rules, **§ 5:1**

Mileage and miles distinguished, **§ 1:6**

COST AWARDS—Cont'd

Paternity experts, **§§ 5:5; 5:8**

Public Employee Witness Fees (this index)

Settlement offers, **§ 5:5**

Translators

generally, **§ 5:6**

indigents, appointments for, **§ 5:7**

COSTS

Discovery of electronically stored information, **§ 11:3**

How much. See **Witness Fees** (this index)

Who pays. See **Cost Awards** (this index)

COUNSEL

Attorneys at Law (this index)

Right to Counsel (this index)

COUNTIES

See also **Local Agencies** (this index)

Subpoena jurisdiction limitations, **§ 3:1**

Wemyss rule, **§ 3:6**

COURT-APPOINTED EXPERTS

Fees, taxing of, **§§ 5:5; 5:8**

COURT-ORDERED MEDICAL EXAMINATIONS

Physician-patient privilege exception, **§ 7:2**

Psychotherapist-patient privilege exception, **§ 7:3**

CREDIT CARD RECORDS

Subpoenas duces tecum, **§ 9:3**

CREDIT UNIONS

Escrow account records, Right to Privacy Act authorizations, **§ 8:5**

CRIMINAL LAW SUBPOENA PRACTICE

Generally, **§ 12:1 et seq.**

Affidavits, supporting, **§ 12:3**

Arrests-made records, **§ 10:5**

Bad check prosecutions, **§ 8:5**

Business record production, **§ 12:3**

INDEX

CRIMINAL LAW SUBPOENA PRACTICE—Cont'd

- CCP §§ 1985.3 and 1985.4
 - applicability
 - generally, § 6:2
 - Right to Privacy Act conflicts, § 8:1
 - telephone company consumer records, § 9:4
- Civil and criminal jurisdiction distinguished, § 3:4
- CMIA release authorizations, § 7:4
- Compulsory process, Sixth Amendment rights to, § 9:4
- Consumer record privacy protections, § 6:2
- Contact vs residence jurisdiction, § 2:1
- County limitations on subpoena jurisdiction, § 1:6
- Fees to witnesses, § 5:1
- Foreign (non-US) witnesses, subpoena jurisdiction, § 3:3
- Forms, U.S. District Court
 - generally, § 12:10 to 12:15
 - complaint records, production, § 12:14
 - deposition, testimony, § 12:13
 - documents, production, § 12:12
 - grand jury testimony, § 12:15
 - motion to quash subpoena, § 12:17
 - objects, production, § 12:12
 - state law enforcement personnel, production, § 12:14
 - testimony, §§ 12:11; 12:13; 12:15
- Habeas Corpus ad Testificandum** (this index)
- Immunities, § 4:5
- Issuance of subpoenas, § 12:3
- Jurisdiction, § 12:2
- Law Enforcement Records** (this index)
- Magistrates, issuance of subpoenas by, § 3:6
- Mail service, §§ 3:3; 12:2
- Medical Records** (this index)
- Mileage fees, § 5:1
- Mileage limits on personal appearance subpoenas, § 3:6

CRIMINAL LAW SUBPOENA PRACTICE—Cont'd

- Nonresidents, noticed discovery from, § 2:1
- Noticed production, § 12:1
- Notice requirements of Right to Privacy Act, § 8:5
- 150 mile limit, §§ 12:4; 13:4
- Out-of-state service, § 12:2
- Parties and party status, § 1:1
- Penal C § 476a prosecutions, § 8:5
- Penal Code jurisdictional limitations, § 3:4
- Physician-patient privilege, § 7:2
- Piggyback search warrants, § 13:4
- Prisoner witnesses, § 2:2
- Privacy protections, consumer records, § 6:2
- Private Financial Records** (this index)
- Psychiatric records of victim, duces tecum subpoena, § 12:18
- PUC § 2891 limitations on telephone record production, § 9:4
- Quash, motion to, § 12:16
- Right to Financial Privacy Act** (this index)
- Service
 - generally, § 12:5
 - mail, § 3:3
- Sixth Amendment rights, § 9:4
- Stranger to action defined, § 1:3
- Subpoena jurisdiction
 - generally, § 3:4
 - foreign (non-US) witnesses, § 3:3
 - mail service, § 3:3
 - territorial limits, § 3:3
 - Uniform Act, §§ 3:3; 12:2
- Telephone Records** (this index)
- Territorial limits of subpoena jurisdiction, § 3:3
- Trial court defined, § 1:7
- Trial courts designated to issue and enforce subpoenas, § 3:6
- Uniform Act to Secure Attendance of Witnesses immunities, § 4:5
- subpoena jurisdiction, §§ 3:3; 12:2

**CRIMINAL LAW SUBPOENA
PRACTICE—Cont'd**

- U.S. District Court. Forms, U.S. District Court, above
- Victim's psychiatric records, duces tecum subpoena, **§ 12:18**
- Who must be subpoenaed, **§ 12:1**
- Witness fees
 - generally, §§ **5:1; 12:8**
 - civil vs criminal matter determinations, **§ 1:6**

CUSTODIANS OF RECORDS

- Appearance, when required, **§ 5:3**
- Diligent search testimony, **§ 10:3**
- Foundation questioning, **§ 10:3**
- Nonresident, **§ 3:9**
- Peace officer record custodians, production of records through, **§ 10:3**
- Standing to challenge subpoenas, **§ 9:3**
- Subpoena directed to information possessor rather than to information, **§ 5:3**
- Waivers of custodian appearances, **§ 5:3**
- Witness fees, **§ 5:3**

DANGEROUS PATIENTS

- Reporting requirements vs medical records privacy, **§ 7:3**

DECLARATIONS
See **Affidavits** (this index)

DEFINITIONS

- Access number, **§ 9:2**
- Agent, **§ 1:2**
- Appearance, **§ 1:2**
- Business, **§ 1:8**
- Business record, **§ 5:3**
- Calling records, **§ 9:2**
- CCP § 1989 jurisdiction, **§ 1:4**
- Consumer, §§ **6:2; 9:2**
- Credit information, **§ 9:2**
- Customer, **§ 8:2**
- Deposition appearance, **§ 1:2**
- Distance, **§ 1:6**
- Entity, §§ **1:2; 1:8**

DEFINITIONS—Cont'd

- Expert witness, **§ 5:5**
- Financial institution, **§ 8:2**
- Firefighter, **§ 5:4**
- Foreign entity, §§ **1:10; 3:9**
- Good cause, **§ 1:11**
- Immunity, **§ 4:1**
- Investigation, **§ 8:3**
- Judicial officer, **§ 2:1**
- Jurisdiction, subpoena, **§ 1:4**
- Legal immunity, **§ 4:1**
- Local agency, **§ 10:2**
- Mileage and miles, **§ 1:6**
- Negative definitions, statutory, **§ 1:5**
- Nonresidence, **§ 1:5**
- Ordinary deposition, **§ 2:1**
- Out-of-state entity, §§ **1:9; 3:9**
- Party, **§ 1:1**
- Patient, §§ **7:2; 7:3**
- Peace officer, §§ **5:4; 10:2**
- Pen register, **§ 9:2**
- Person, **§ 1:8**
- Personal service, **§ 11:4**
- PHI, **§ 7:5**
- Presumed convenience, **§ 1:6**
- Public employee witness fees, **§ 5:4**
- Quasi-immunity, **§ 4:1**
- Residence, **§ 1:5**
- Sojourning, **§ 1:5**
- State agency, **§ 10:2**
- Stranger, **§ 1:3**
- Subpoena immunity, **§ 4:1**
- Surrogate, **§ 1:2**
- Telephone records, **§ 9:2**
- Trap, telephone, **§ 9:2**
- Trial appearance, **§ 1:2**
- Trial court, **§ 1:7**
- Writing, **§ 10:2**

DEMAND PRODUCTION
See **Noticed Production** (this index)

DEPOSITION NOTICES

- Class actions, **§ 1:2**
- Hughes litigation, **§ 1:2**
- Surrogate vs stranger status, §§ **1:2; 1:3**

INDEX

DEPOSITION SUBPOENAS

Generally, **§ 3:8**
See also **Trial Subpoenas** (this index)
Appearances, trial and deposition
 appearances distinguished, **§ 1:2**
CCP § 2025(b)(2) hold, **§ 11:2**
CCP § 2025(e), **§ 3:6**
CCP § 1985.5 enhancements, **§ 11:2**
CCP § 2020 rules, **§ 2:3**
Clerk, issuance by, **§ 11:2**
Consumer records, deposition, notice of taking, **§ 6:8**
Distance limitations on, **§ 1:5**
Foreign subpoenas, **§ 3:10**
Form, **§ 11:2**
Form, U.S. District Court, **§ 12:13**
Hardship and distance limitations, **§ 1:5**
Hughes litigation, **§ 1:2**
Immunity (this index)
Interstate and International Deposits and Discovery Act, **§ 3:10**
Issuance, **§ 11:2**
Jurisdiction, Subpoena (this index)
Jurisdiction to issue, **§ 3:6**
Legislative immunity, **§ 4:4**
Managing agents, surrogate status, **§ 1:2**
Mandatory form, **§ 11:2**
Nonparty discovery, **§§ 2:3; 11:2**
Notice of taking, consumer records, **§ 6:8**
Physical evidence production demands, **§ 3:9**
Records-and-testimony subpoenas, **§ 11:5**
Stranger organizations, **§ 3:8**
Time for service, **§ 11:4**
Travel expenses, **§ 5:2**
Unnamed members of classes, **§ 1:2**
U.S. District Court form, **§ 12:13**
Wemyss rule, **§ 3:6**

DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA)

Subpoena power, **§ 6:5**

DIPLOMATIC IMMUNITY

Generally, **§ 4:2**

DIRECTORS, CORPORATE

Surrogates, status as, **§ 1:2**

DISCOVERY

CCP § 1985.8, **§ 11:3**
CCP § 2031.285, **§ 11:3**
CCP § 1985.8(f), **§ 11:3**
CCP § 1985.8(l), **§ 11:3**
Civil Discovery Act, **§ 11:3**
Consumer Records (this index)
Criminal proceedings, **§ 12:7**
Deposition, notice of taking, **§ 6:8**
Electronic Discovery Act, **§ 11:3**
Electronic media, stored, **§§ 6:6; 11:3**
E-mail, **§ 6:6**
Employment Records (this index)
Financial Records (this index)
Foreign subpoenas, **§ 3:10**
FRCP Rule 45, **§ 11:3**
FRE Rule 502, **§ 11:3**
Interparty discovery (Evid C
 §§ 1043-1047)
 generally, **§ 10:3**
 elements of motion, **§ 10:3**
 relevancy determinations, **§ 10:3**
 subpoena practice compared,
 § 10:1
 supporting declarations, **§ 10:3**
 written notice to agency, **§ 10:3**
Interstate and International Deposits and Discovery Act, **§ 3:10**
Media, stored electronic, **§ 6:6**
Medical Records (this index)
Nonsubpoenaed. See **Noticed Production** (this index)
Noticed Production (this index)
Peace Officer Personnel Records
 (this index)
Special Education Division
 subpoena to give videoconference
 testimony under oath, information sheet, **§ App D**
 subpoena to produce records,
 information sheet, **§ App D**
Stored electronic media, **§ 6:6**
Subpoena practice compared, **§ 10:1**

DISCOVERY—Cont'd

Third party discovery in criminal proceedings, § 12:7

DISOBEDIENCE OF SUBPOENA

Generally, § 11:5

Arbitration subpoenas, §§ 11:5; 11:11

Criminal proceedings, § 12:9

Grand jury subpoenas, § 13:4

DISSOLUTION PROCEEDINGS

Residence, § 1:5

DISTANCE

See also **Mileage** (this index)

Definitions of, § 1:6

Mileage and miles distinguished, § 1:6

150 mile limit, §§ 12:4; 13:4

Strangers, distance limitations, § 1:5

DOING BUSINESS

Subpoena jurisdiction over out-of-state entities, § 3:9

DOMICILE

See also **Residents and Residence** (this index)

Residence and, § 1:5

DUCES TECUM SUBPOENAS

Affidavits, supporting, § 11:2

Arbitration, § 11:8

Broadside subpoenas, § 11:2

Business record subpoenas, § 11:2

Calcor Space Facility decision, § 11:2

CCP § 1985 affidavits, § 11:2

CCP §§ 1985.3 and 1985.4 protections of private records generally, §§ 6:2; 8:1

telephone company consumer records, § 9:4

CCP § 1985.6 applications, § 6:3

CCP § 1985.3 service requirements, § 6:2

Civil proceeding evidence rules, § 9:3

CMIA release authorizations, § 7:4

Consumer records demands, standing to challenge, § 9:3

DUCES TECUM SUBPOENAS

—Cont'd

Court returns, § 8:5

Credit card records, § 9:3

Criminal discovery, § 12:7

Custodians, challenges by, § 9:3

Declaration of issuance, § 6:19

Deposition subpoena, use to obtain physical evidence, § 3:9

Drafting suggestions, § 11:2

Employment records

generally, § 6:3

declaration of order to enforce, nonparty employee, § 6:25

motion to enforce, nonparty employee, § 6:24

written objection by nonparty employee, § 6:23

Enforcement against nonparty, §§ 6:18; 6:20

Entity-owned evidence, § 3:9

Evidence in custody of nonresident, § 3:9

Form, § 11:8

Grand jury authority to issue, §§ 13:4; 13:5

Grand jury investigations, § 8:6

Habeas Corpus ad Testificandum (this index)

HIPAA restrictions, § 7:5

Immunity (this index)

Jurisdiction, Subpoena (this index)

Lawful process, issuance as, § 9:3

Ministerial issuance, § 9:3

Motion for order prohibiting notification of service

Grand jury subpoena practice, § 13:8

Motion to quash

Attorney's affidavit

Medical records, § 7:9

Medical records, § 7:7

Nonjudicial issuance, § 9:3

Nonparty employee, employment records

declaration of order to enforce, § 6:25

motion to enforce, § 6:24

written objection by, § 6:23

INDEX

DUCES TECUM SUBPOENAS
—Cont’d
Nonresidents’ records, § 3:9
Notice requirements of Right to Privacy Act, § 8:5
Out-of-state evidence of California entity, § 3:9
Personnel records, § 6:3
Physical evidence in custody of non-resident, § 3:9
Prior judicial determination, issuance as, § 9:3
Private Financial Records (this index)
Privilege logs, § 11:2
Proposition 8, § 9:3
Psychiatric records of victim, § 12:18
Purpose limitations, § 3:9
Quash, motion to, § 12:16
Quash or modify, §§ 6:11; 6:18
Records-only subpoenas, § 11:5
Returns
 generally, § 8:5
 nonjudicial issuance, § 9:3
Secret court orders, § 8:5
Shock value, § 2:3
Social media, § 6:7
Standing to challenge, § 9:3
Subpoena jurisdiction generally, § 3:9
Telephone Records (this index)
Time for service, § 11:4
Trial, production at, § 11:2
Truth in evidence constitutional provision, § 9:3
Victim’s psychiatric records, § 12:18
When required, § 2:1
Workers’ Compensation Appeal Board, § App D
Written objection to, §§ 6:19; 6:23

DUE DILIGENCE
Service of subpoenas, § 12:5

DUE PROCESS
Minimum Contacts (this index)

ELECTRONIC DISCOVERY ACT
Generally, § 11:3

ELECTRONIC MEDIA
Discovery, §§ 6:6; 11:3

E-MAIL
Discovery, stored electronic media, § 6:6

EMPLOYMENT RECORDS
Generally, § 6:3
CCP § 1985.6 applications, § 6:3
Checklist, § 1:13
Consent to release, § 6:22
Definition, § 10:2
Fees, § 6:28
Forms, § 6:20 to 6:28
Motion to enforce subpoena duces tecum against nonparty employee, § 6:24
Nonparty employee
 agreement to allow production of, § 6:27
 declaration of order to enforce subpoena duces tecum against, § 6:25
 motion to enforce subpoena duces tecum against, § 6:24
 written objection by, § 6:23
Notice to employee and notice of taking, § 6:20
Order quashing, modifying, or directing compliance with subpoena, § 6:28

Peace Officer Personnel Records (this index)
Personnel records defined, § 10:2
Proof of service, § 6:21
Release records, consent to, § 6:22
Relevancy determinations, § 10:3
Right to Privacy Act authorizations, § 8:5
Social media, subpoena duces tecum, § 6:7
Subpoena as directed to information possessor rather than to information, § 5:3
Time of service, § 1:13
Unemployment insurance claims, access to employers’ records relevant to, § 8:5

EMPLOYMENT RECORDS

—Cont’d

Written objection by nonparty employee, § 6:23

ENFORCEMENT OF SUBPOENAS

CCP § 1985.5 enhancements, § 11:2

CCP § 2020(g) enforcement mechanisms, § 11:2

Consumer records, §§ 6:18; 6:20

Disobedience of subpoena penalties generally, § 11:5

arbitration subpoenas, § 11:5

criminal proceedings, § 12:9

grand jury subpoenas, § 13:4

Subpoena duces tecum against, employment records

declaration for order enforcing, § 6:25

motion to enforce, § 6:24

ENTITIES

See also **Parties and Party Status** (this index)

Corporations (this index)

Foreign subpoenas, § 3:10

Out-of-state, §§ 1:9; 3:9

Person status, § 1:8

Surrogates, Party (this index)

EVIDENCE

See also **Records** (this index)

Exclusionary rule, § 9:3

Location as affecting subpoena jurisdiction, § 3:1

Physical Evidence (this index)

Proposition 8, § 9:3

Truth in evidence constitutional provision, § 9:3

EXPERT WITNESSES

Bias and fees, cross examination on, § 5:9

CCP § 1033.5(a)(8) awards, § 5:8

Court-appointed experts, §§ 5:5; 5:8

Criminal proceedings, § 12:9

Deposition costs, §§ 5:5; 5:8

Fees, § 5:5

Involuntary experts, § 12:9

Negotiated fees, § 5:9

EXPERT WITNESSES—Cont’d

Overpaid experts, jury inferences, § 5:9

Paternity experts, §§ 5:5; 5:8

Public employee experts, §§ 5:5; 5:8

Treating physicians, § 5:5

FEDERAL COMMUNICATIONS COMMISSION

Telephone records, § 9:1

FEDERAL ENCLAVES

Subpoena jurisdiction, §§ 3:1; 3:3

FEDERALISM

Grand jury subpoena practice, § 13:3

Jurisdictional limitations on state courts, § 3:1

FEDERAL LONG ARM STATUTE

Generally, § 3:3

FEDERAL OFFICERS

Subpoena jurisdiction, § 3:5

FEDERAL PRISONERS

Noticed discovery, § 2:2

Walter De Shirland, trial, § App A

FEDERAL RECORDS

Subpoena jurisdiction, § 3:5

FEES

Checklist, §§ 1:14; 1:15

Employment records, order quashing, modifying, or directing compliance with subpoena, § 6:28

How much. See **Witness Fees** (this index)

Who pays. See **Cost Awards** (this index)

FIFTH AMENDMENT

Grand jury subpoena practice, § 13:5

FINANCIAL RECORDS

Business Records (this index)

Consumer Records (this index)

Grand jury subpoenas, § 13:4

Private Financial Records (this index)

Right to Financial Privacy Act (this index)

INDEX

FINANCIAL RECORDS—Cont'd
Subpoena as directed to information possessor rather than to information, **§ 5:3**
Trust records, **§ 5:3**

FIREFIGHTERS
Definition, **§ 5:4**

FOREIGN DIPLOMATIC PERSONNEL
Immunities, personal and subpoena, **§ 4:2**

FOREIGN (NON-US) ENTITIES
Out-of-state entities distinguished, **§§ 1:9; 1:10; 3:9**

FOREIGN (NON-US) WITNESSES
Subpoena jurisdiction, **§ 3:3**

FOREIGN SUBPOENAS
Appearances, **§ 3:10**
Fees, **§ 3:10**
Form and content, **§ 3:10**
Interstate and International Deposits and Discovery Act, **§ 3:10**
Local counsel, **§ 3:10**

FORMA PAUPERIS FEES
Taxation of, **§ 5:8**

FORMS
Generally, **§ App D**
Arbitration Subpoena Practice (this index)
Consumer records, **§ 6:7 et seq.**
Employment records, **§ 6:20 to 6:28**
U.S. District Court. **Criminal Law Subpoena Practice** (this index)

FORMS OF SUBPOENAS
Generally, **§ 11:2**
Arbitrations, **§ 11:2**
Business record production, **§ 11:2**
Criminal law practice, **§ 12:3**
Deposition subpoenas, **§ 11:2**
Foreign subpoenas, **§ 3:10**
Judicial Council adopted and approved forms, **§ 11:2**
Trial subpoenas, **§ 11:2**

FRANCHISES
Sales records, Right to Privacy Act authorizations, **§ 8:5**

GOOD CAUSE
Generally, **§ 1:11**
Affidavit, proof by, **§ 1:11**
Burden of proof, **§ 1:2**
Burdensomeness, required showing, **§ 1:2**
Class actions, unnamed members, **§ 1:2**
Information and belief affidavits, **§ 1:11**
Local rule, **§ 1:11**
Necessity, required showing, **§ 1:2**
Purpose of discovery, required showing, **§ 1:2**
Required showing, **§ 1:2**
Unnamed members of classes, **§ 1:2**

GOVERNMENT AGENCIES
See also **Administrative Subpoena and Summons Practice** (this index)
Consumer record protections, **§ 6:2**
Local Agencies (this index)
Right to Financial Privacy Act (this index)
State Agencies (this index)

GOVERNMENT WITNESSES
See **Public Employee Witness Fees** (this index)

GRAND JURY SUBPOENA PRACTICE
Generally, **§§ 8:6; 13:1 et seq.**
Abuse of subpoena process, **§ 13:4**
Authority for issuance, **§ 13:4**
Civil vs criminal investigations, **§ 8:6**
Consumer Records (this index)
Contact jurisdiction, **§ 13:3**
County records, noticed production, **§ 13:2**
Custodians of Records (this index)
Disobedience, **§ 13:4**
District Court, federal, **§ 12:15**
Duces tecum subpoenas, **§§ 13:4; 13:5**

**GRAND JURY SUBPOENA
PRACTICE—Cont'd**

Enforcement, § 13:4
Federal and California grand jury procedures compared, § 13:1
Federal supremacy limits, § 13:3
Fifth amendment right against self-incrimination, § 13:5
Financial records, § 13:4
Forms
 Affidavit of compliance regarding subpoenaed documents, § 13:7
 Completed by agent, § 13:6
 Motion for order prohibiting notification of service, duces tecum subpoena, § 13:8
Hawkins decision, § 13:1
Howell decision, § 13:4
Immunity (this index)
Investigatory authority generally, § 8:6
Jurisdiction
 generally, § 13:3
 challenges to grand juries, § 13:1
Magistrates, issuance of subpoenas by, § 3:6
Medical Records (this index)
Mileage limits on personal appearance subpoenas, § 3:6
Morton Salt decision, § 13:1
Noticed production, § 13:2
Notice requirements of Right to Privacy Act, § 8:5
Peace Officer Personnel Records (this index)
Penal Code jurisdictional limitations, § 3:4
Piggyback search warrants, § 13:4
Powers of grand juries generally, § 13:1
Preliminary hearing rights of criminal defendants, § 13:1
Prisoner witnesses, § 2:2
Private Financial Records (this index)
Proposition 115, § 13:1
PUC § 2891 limitations on telephone record production, § 9:4

**GRAND JURY SUBPOENA
PRACTICE—Cont'd**

Quashal motions, § 13:4
Raven decision, § 13:1
Reform of grand jury system, proposals for, § 13:1
Right to Financial Privacy Act (this index)
Search warrant authority, § 13:4
Service, § 13:4
Subpoena jurisdiction generally, § 3:4
Subpoenas duces tecum, §§ 13:4; 13:5
Telephone Records (this index)
Territorial limits on jurisdiction, § 13:3
Trial courts designated to issue and enforce subpoenas, § 3:6
Witness fees, § 13:4

**HABEAS CORPUS AD
TESTIFICANDUM**

Bagwell decision, § 2:2
Govt C § 68093 witness fees, § 5:2
Noticed discovery, § 2:2
Walter De Shirland, trial, §§ 2:2; App A
Witness fee entitlement, § 5:2

**HAGUE DISCOVERY
CONVENTION**

Burden of proof as to application, § 3:2

HARDSHIP

Distance limitations on deposition subpoenas, § 1:5
Mileage determinations and, § 1:6
Presumed convenience, § 1:6

HEALTH

See also **Medical Records** (this index)
Protected health information (PHI), § 7:5

HEALTH CARE SERVICE PLANS

Records, Right to Privacy Act authorizations, § 8:5

INDEX

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)
Generally, § 7:5

HIGHWAY PATROL (CHP) OFFICERS
Service on
generally, § 11:2
criminal matters, § 12:5
time for, § 11:4

HOMELESS PERSONS
Residence determinations, § 1:5

IMMUNITY
Article III jurisdictional immunity, § 4:2
Fifth amendment right against self-incrimination, § 13:5
Foreign diplomatic personnel, § 4:2
Jurisdictional immunities, § 4:2
Legislators, § 4:4
Production, § 13:5
Subpoena immunity
generally, § 4:1 *et seq.*
criminal cases witnesses, § 4:5
definition, § 4:1
foreign diplomatic personnel, § 4:2
jurisdictional immunities, § 4:2
jurisdiction and immunity,
concepts compared, § 4:1
legislators
generally, § 4:4
quasi-immunity, § 4:1
treaty immunity, § 4:2
Uniform Act to Secure Attendance of Witnesses in Criminal Cases, § 4:5
Vienna Conventions, §§ 4:3; App B, C
waivers by diplomatic personnel, § 4:3
Treaty immunity, § 4:2
Vienna Conventions, §§ 4:3; App B, C
Waivers by diplomatic personnel, § 4:3

IN COURT
See also **Noticed Production** (this index)
Out-of-court and in-court depositions distinguished, § 2:1

INDIGENTS
Forma pauperis fees, taxation of, § 5:8
Interpreters and translators, appointments for, § 5:7

INFORMATION AND BELIEF
Good cause affidavits, § 1:11
Reasonable belief, § 1:11

IN PERSONAM JURISDICTION
Generally, §§ 3:8; 3:9
See also **Jurisdiction** (this index)
Contact vs residence jurisdiction, § 2:1
Defects in, effect on subpoena jurisdiction, § 3:7
Doing business and jurisdiction over out-of-state entities, § 3:9
Foreign (non-US) vs out-of-state exercises, § 3:2
Minimum contacts limitations, § 3:2
Reasonableness of exercise, § 3:2
Registration and jurisdiction over out-of-state entities, § 3:9
Residence and, § 1:5
Subpoena jurisdiction distinguished generally, § 3:2
see also **Jurisdiction, Subpoena** (this index)

IN REM JURISDICTION
Generally, § 3:2
See also **Jurisdiction** (this index)

INSURANCE
Brokers' records, Right to Privacy Act authorizations, § 8:5
Examinations, § 7:2
Residence, policy designations, § 1:6

INTERFERENCE WITH SERVICE
Criminal penalties, § 11:5

INTERNATIONAL DISCOVERY

Hague Convention, burden of proof as to application, **§ 3:2**

INTERNET

Consumer records, service providers, **§ 6:5**
Social media, subpoena duces tecum, **§ 6:7**

INTERPRETERS

Fees and cost awards, **§ 5:6**
Indigents, appointments for, **§ 5:7**

**INTERSTATE AND
INTERNATIONAL
DEPOSITIONS AND
DISCOVERY ACT**

Jurisdiction, subpoena, **§ 3:10**

INVASION OF PRIVACY

See **Privacy Rights** (this index)

INVESTIGATIONS

See also **Right to Financial Privacy Act** (this index)

Definition, **§ 8:3**

Files, investigatory, **§ 10:4**

Financial institutions, crimes against, **§ 8:4**

Financial institutions, crimes by, **§ 8:4**

Fraud investigations, **§ 8:4**

Grand jury investigations, **§ 8:6**

INVESTMENT ADVISERS

Financial records, Right to Privacy Act authorizations, **§ 8:5**

ISSUANCE OF SUBPOENAS

Generally, **§ 11:2**

Arbitrations, **§ 11:2**

CCP § 2020(g) enforcement mechanisms, **§ 11:2**

Clerk, issuance by, **§ 11:2**

Criminal law practice, **§ 12:3**

Deposition subpoenas, **§ 11:2**

150 mile limit, **§§ 12:4; 13:4**

Trial subpoenas, **§ 11:2**

Who may issue

generally, **§ 11:2**

criminal subpoenas, **§ 12:3**

ISSUANCE OF SUBPOENAS

—Cont'd

Who may issue—Cont'd
150 mile limit, **§§ 12:4; 13:4**

JUDICIAL COUNCIL FORMS

Adopted and approved forms, **§ 11:2**

JUDICIAL OFFICERS

Definition, **§ 2:1**

JUDICIAL SUBPOENAS

Right to Privacy Act, **§ 8:5**

JURISDICTION

Generally, **§ 3:1**

Article III jurisdictional immunity, **§ 4:2**

Borrowed jurisdiction, **§ 13:3**

CCP § 1989 jurisdiction, **§ 1:4**

Choice of law threshold, **§ 3:7**

Defects in, effect on subpoena jurisdiction, **§ 3:7**

Deposition and trial court subpoenas distinguished, **§ 3:6**

Diplomatic immunity, **§ 4:2**

Extraterritorial powers of state courts, **§ 3:1**

Federalism conflicts, **§ 3:1**

Federal long arm statute, **§ 3:3**

Foreign diplomatic personnel, **§ 4:2**

Grand juries, **§ 13:3**

Immunity and jurisdiction, concepts compared, **§ 4:1**

In Personam Jurisdiction (this index)

In Rem Jurisdiction (this index)

Jurisdiction to determine, **§ 3:7**

Noticed Production (this index)

Plenary jurisdiction

generally, **§ 3:1**

federal rule, **§ 3:7**

Subpoena jurisdiction distinguished generally, **§ 3:1**

see also **Jurisdiction, Subpoena** (this index)

JURISDICTION, SUBPOENA

Generally, **§ 3:1 et seq.**

See also **Jurisdiction** (this index)

INDEX

JURISDICTION, SUBPOENA

—Cont'd

Administrative subpoenas and summonses
generally, § 3:4
extraterritorial effect, § 8:5
Advantages of noticed discovery, § 2:3
Arbitrators, authority of, § 2:1
Area concept of mileage determinations, § 1:6
Borrowed jurisdiction, § 13:3
CCP § 1989 limitations, § 3:4
Choice of law threshold, § 3:7
Civil matters, who is subject to service, § 3:4
Contact jurisdiction, § 13:3
Contact test, § 3:4
Contact vs residence jurisdiction, § 2:1
Continued presence rule, § 2:1
Corporations, service on, § 1:8
County limitations, §§ 1:6; 3:1
County of trial court and mileage determinations, § 1:6
Criminal law practice, §§ 3:4; 12:2
Criminal subpoenas, § 3:3
Definition, §§ 1:4; 3:1
Deposition and trial court subpoenas distinguished, § 3:6
Depositions, §§ 3:6; 3:8
Distance limitations, § 1:5
Duces tecum subpoenas, § 3:9
Entities, service on, § 1:8
Evidence, physical, location of, § 3:1
Extraterritorial effect of administrative subpoenas and summonses, § 8:5
Federal enclaves, §§ 3:1; 3:3
Federalism conflicts, § 3:1
Federal long arm statute, § 3:3
Federal officers, § 3:5
Federal records, § 3:5
Foreign (non-US) vs out-of-state exercises, § 3:2
Foreign (non-US) witnesses, § 3:3
Foreign subpoenas, § 3:10

JURISDICTION, SUBPOENA

—Cont'd

Grand juries
generally, § 3:4
contact jurisdiction, § 13:3
territorial limits, § 13:3
Habeas corpus ad testificandum, § 2:2
Immunity (this index)
Information or information possessor as subject of, § 5:3
Injunctions by out-of-state courts, § 3:8
In personam jurisdiction distinguished, § 3:2
International discovery, § 3:2
Interstate and International Depository and Discovery Act, § 3:10
Jurisdiction and, § 3:1
Jurisdiction to determine, § 3:7
Legislative immunity, § 4:4
Magistrates, § 3:6
Mail service, § 3:3
Mileage calculations, § 1:6
Minimum contacts limitations, § 3:2
Nonresidents, §§ 2:1; 3:2
Noticed discovery strategies compared, § 2:3
Noticed Production (this index)
Organizations, service on, § 1:8
Out-of-county subpoenas, § 1:6
Out-of-state courts, injunctions by, § 3:8
Out-of-state service
generally, § 3:3
administrative subpoenas, § 8:5
foreign subpoenas, § 3:10
Persons, subpoenas to testify or do other personal acts, § 3:8
Physical evidence
generally, § 3:9
location of, § 3:1
Plenary jurisdiction distinguished, § 3:1
Prisoners, § 2:2
Quashal motions, § 2:3
Registration of out-of-state entities, § 3:9

JURISDICTION, SUBPOENA

—Cont’d

- Residence requirements, § 1:5
- Settlement conferences, § 3:6
- Shock value of subpoena, § 2:3
- Stranger organizations, § 3:8
- Strategic considerations for avoiding subpoenaed discovery, § 2:3
- Subject matter jurisdictional defects, § 3:7
- Superior Court, § 3:6
- Temporarily present nonresidents, § 3:2
- Territorial limits
 - generally, § 3:3
 - grand juries, § 13:3
- Trial courts designated to issue and enforce subpoenas, § 3:6
- Twin Lock decision, § 3:4
- Two methods of witness production, § 2:3
- Uniform Act to Secure Attendance of Witnesses, §§ 3:3; 12:2
- Void subpoenas, § 1:5
- Wemyss rule, § 3:6
- Who is subject to, § 3:4

LAW ENFORCEMENT RECORDS

- Generally, § 10:1 *et seq.*
- Arrests-made records, § 10:5
- Complaints against officers, records of, § 10:3
- Currently-within-the-system limitation, § 10:4
- Form, U.S. District Court, § 12:14
- Investigatory files, § 10:4
- Juvenile litigation, § 10:3
- Personnel records. See **Peace Officer Personnel Records** (this index)
- Public Records Act
 - generally, § 10:4
 - attorneys' fees, § 10:4
 - currently-within-the-system limitation, § 10:4
 - disclosure of records through, § 10:1
 - enforcement, § 10:4
 - exemptions, § 10:4
 - fast track proceedings, § 10:4

LAW ENFORCEMENT RECORDS

—Cont’d

- Public Records Act—Cont’d
 - investigatory file exception, § 10:4
 - overview, § 10:1
 - reproduction costs, § 10:4
- Records retention policies, § 10:3
- U.S. District Court, form, § 12:14

LAWYERS

- See **Attorneys at Law** (this index)

LEGISLATIVE SUBPOENAS

- Right to Privacy Act protections, § 8:2

LEGISLATORS

- Immunities, § 4:4

LICENSED PRIVATE INVESTIGATORS

- Service of subpoenas by, § 11:4

LOCAL AGENCIES

- Administrative Subpoena and Summons Practice** (this index)
- County records, noticed production, § 13:2
 - Definition, § 10:2
 - Noticed production of county records, § 13:2
 - Records retention policies, § 10:3
- Right to Financial Privacy Act** (this index)
- Subpoenas issued by, § 6:2

LOCAL RULES

- Cost awards, § 5:1
- Good cause determinations, § 1:11
- Preemption by state law, § 1:11

LOCATION OF DEPOSITION

- Checklist, §§ 1:14; 1:15

LODGING EXPENSES

- Witness fees, § 5:2

LONG ARM STATUTES

- See also **In Personam Jurisdiction** (this index)
- Federal long arm statute, § 3:3

INDEX

MAGISTRATES
Subpoena jurisdiction, § 3:6

MANAGING AGENTS
Surrogates, status as, § 1:2

MEAL EXPENSES
Witness fees, § 5:2

MEASUREMENT
Mileage and miles distinguished, § 1:6

MEDICAL RECORDS
Generally, § 7:1 *et seq.*
Authorized releases
 CMIA provisions, § 7:4
 HIPAA provisions, § 7:5
Autopsy records
 generally, § 7:2
 CMIA protections, § 7:4
Child-abuse reporting requirements, § 7:3
Confidential communications
 physicians, § 7:2
 psychotherapists, § 7:3
Confidentiality of Medical Information Act (CMIA), § 7:4
Constitutional privacy rights, § 7:1
Coroner investigation exception to CMIA protections, § 7:4
Court-ordered medical examinations
 physician-patient privilege exception, § 7:2
 psychotherapist-patient privilege exception, § 7:3
Dangerous-patient exception to psychotherapist-patient privilege, § 7:3
Diagnosis exception to CMIA protections, § 7:4
Federal and state protections
 generally, § 7:1
 Confidentiality of Medical Information Act (CMIA), § 7:4
 federal preemption, § 7:5
Health Insurance Portability and Accountability Act (HIPAA), § 7:5

MEDICAL RECORDS—Cont'd
Forms
 duces tecum subpeona, attorney's affidavit in support of, state, motion to quash, § 7:9
 duces tecum subpeona, federal, motion to quash, § 7:7
Subpeona, personal injury protection, medical pay insurer, motion to quash, § 7:8
Health Insurance Portability and Accountability Act (HIPAA), § 7:5
Hospital records, § 7:2
Insurance examinations, § 7:2
Law decision, § 7:5
Names of patients
 physician-patient privilege, § 7:2
 psychotherapist-patient privilege, § 7:3
Nonresident custodians, § 3:9
Patient defined, §§ 7:2; 7:3
Patients' rights, physicians' standing to assert, § 7:1
Payment collection exception to CMIA protections, § 7:4
Peace officer personnel records, § 10:3
Peer review exception to CMIA protections, § 7:4
Physician-patient privilege, § 7:2
Protected health information (PHI), § 7:5
Psychotherapist-patient privilege, § 7:3
Quality assurance exception to CMIA protections, § 7:4
Redacted records, § 7:2
Release authorizations, § 7:4
Reproductive Rights Law Enforcement Act, § 7:6
Sperm donors, § 11:2
Standing to assert privacy rights, § 7:1
Statutory privileges
 physician-patient privilege, § 7:2
 privacy rights compared, § 7:1
 psychotherapist-patient privilege, § 7:3

MEDICAL RECORDS—Cont'd

Statutory privileges—Cont'd
waiver, § 7:1
Subpoena as directed to information
possessor rather than to information,
§ 5:3
Third party medical records,
discovery of, § 7:1
Tort claimants, court-ordered medical
examinations
physician-patient privilege exception,
§ 7:2
psychotherapist-patient privilege
exception, § 7:3
Treatment exception to CMIA protec-
tions, § 7:4
Waivers
CMIA protections, § 7:4
construction, § 7:1
privacy rights, § 7:1
release authorizations, § 7:4
statutory privileges, § 7:1

MILEAGE

Air miles, § 1:6
Area concept, § 1:6
CCP § 2025(e), § 3:6
Costs, calculating. See **Witness Fees**
(this index)
Costs, who pays. See **Cost Awards**
(this index)
County of trial court and mileage
determinations, § 1:6
Criminal law subpoena practice,
§ 3:6
Crow-fly miles, § 1:6
Definition, § 1:6
Generous vs stiff-arm calculation
practices, § 1:6
Govt C § 68093 calculations, § 1:6
Grand jury subpoena practice, § 3:6
Hardship determinations based on,
§ 1:6
Mileage and miles distinguished,
§ 1:6
150 mile limit, §§ 12:4; 13:4
Payments, how much. See **Witness
Fees** (this index)

MILEAGE—Cont'd

Payments, who responsible. See **Cost
Awards** (this index)
Presumed convenience, § 1:6
Reasonableness of route chosen,
§ 1:6
Reimbursements. See **Witness Fees**
(this index)
Sojourning and mileage calculations,
§ 1:5
Subpoena jurisdiction calculations,
§ 1:6
Travel expenses. See **Witness Fees**
(this index)
Wemyss rule, § 3:6
Witness Fees (this index)

MINIMUM CONTACTS

Jurisdiction, restrictions on exercise
of, § 3:2
Subpoena jurisdiction, contact and
residence distinguished, § 3:4

MINORS

Checklist, method of service, § 1:13
Law enforcement records, § 10:4
Minor employee, § 1:13
Service of subpoenas on
generally, § 11:4
checklist, § 1:13
criminal subpoenas, § 12:5

MODIFICATION

Checklist, motion to modification,
§ 1:13
Employment records, motion to
modify, § 6:28

MOTION PRACTICE

See **Quashal Motions** (this index)

MULTIPLE RESIDENCES

Definitions, § 1:5

MUNICIPAL WITNESSES

See **Public Employee Witness Fees**
(this index)

**NECESSARY AND PROPER
CLAUSE**

Generally, § 3:5

INDEX

NECESSITY FOR DISCOVERY

Good cause applications, required showing, **§ 1:2**

NONPARTIES

See **Strangers** (this index)

NONRESIDENTS

See also **Residents and Residence** (this index)

Business records, **§ 3:9**

Definition, **§ 1:5**

duces tecum subpoenas, **§ 3:9**

Noticed discovery, **§ 2:1**

Private records, **§ 3:9**

Records of, **§ 2:1**

Stranger organizations, **§ 3:8**

Subpoena jurisdiction, **§§ 2:1; 3:2**

Temporary presence, **§ 3:2**

NONSUBPOENA DISCOVERY

See **Noticed Production** (this index)

NOTICE AND NOTICE REQUIREMENTS

See also **Noticed Production** (this index)

CCP §§ 1985.3 and 1985.4 protections of private records, **§ 6:2**

CCP §§ 1985.3 requirements, **§ 6:2**

Consumer, notice to, **§ 6:8**

Consumer record protections, **§ 6:2**

Deposition, notice of taking, **§ 6:8**

Notice to employee and notice of taking, **§ 6:20**

Quash or modify, duces tecum subpoenas, **§ 6:11**

NOTICED PRODUCTION

Generally, **§ 2:1 et seq.**

Advantages of, **§ 2:3**

Arbitrations, **§§ 2:1; 11:1**

Bystanders, requiring testimony of, **§ 2:1**

CCP §§ 1985.3 and 1985.4 protections of private records, **§ 6:4**

CCP § 1990 orders, **§ 2:1**

Civil Discovery Act of 1986, **§ 2:3**

Civil matters generally, **§ 11:1**

Consumer record protections, **§ 6:4**

NOTICED PRODUCTION—Cont'd

Court presence, compelled testimony from person in, **§ 2:1**

Criminal law practice, **§ 12:1**

Criminal proceedings, **§ 2:1**

Deposition notices

class actions, **§ 1:2**

surrogate vs stranger status, **§§ 1:2; 1:3**

Economy of vs subpoena jurisdiction, **§ 2:3**

Federal prisoners, **§ 2:2**

Grand jury practice, **§ 13:2**

Habeas corpus ad testificandum, **§ 2:2**

Internet service providers, **§ 6:5**

Nonresidents, **§ 2:1**

Noticed depositions

Hughes litigation, **§ 1:2**

surrogates, **§ 1:2**

Prisoners

generally, **§ 2:2**

civil proceedings, **§ 11:1**

criminal proceedings, **§ 12:1**

grand jury proceedings, **§ 13:2**

Records, when required, **§ 2:1**

Residence status, **§ 2:1**

Strategic considerations for avoiding subpoenaed discovery, **§ 2:3**

Subpoena jurisdiction strategies compared, **§ 2:3**

Surrogates, party, **§§ 2:2; 2:3**

Temporarily present nonresidents, **§ 3:2**

Two methods of witness production, **§ 2:3**

Witness fees, subpoenaed vs noticed attendance, **§ 5:2**

Witness in attendance rule, **§ 2:1**

OBJECTIONS TO SERVICE

See also **Quashal Motions** (this index)

Employee records request, **§ 6:2**

Witness objections, **§ 6:2**

OBJECTION TO PRODUCTION

Checklist, **§ 1:13**

OFFICERS, CORPORATE
Surrogates, status as, **§ 1:2**

ORDINARY DEPOSITION
Definition, **§ 2:1**

ORGANIZATIONS
Person status, **§ 1:8**

OUT-OF-COURT DEPOSITIONS
In-court depositions distinguished, **§ 2:1**

OUT-OF-STATE ENTITIES
Agent for service of process, **§ 3:9**
Definition, **§§ 1:9; 3:9**
Doing business vs. registration, significance of, **§ 3:9**
Foreign (non-US) entities distinguished, **§§ 1:9; 1:10; 3:9**
Registration, significance of, **§ 3:9**
Secretary of State, service on, **§ 11:4**

OUT-OF-STATE PROCEEDING
Interstate and International Depositions and Discovery Act, **§ 3:10**

PARTIES AND PARTY STATUS
Generally, **§ 1:1**
See also **Standing** (this index)
Agents of parties, **§ 1:2**
Bystanders, requiring testimony of, **§ 2:1**
Class actions, **§ 1:2**
Consolidated actions, **§ 1:1**
Coordinated actions, **§ 1:1**
Corporation officers, managing agents, and dominant persons, **§ 1:2**
Discovery, interparty, access to records by, **§ 10:1**
In personam and subpoena jurisdiction distinguished, **§ 3:2**
Nonparties. See **Strangers** (this index)
Officers of parties, **§ 1:2**
Prisoners as party litigants, **§ 2:2**
Severed actions, **§ 1:1**
Sole stockholder of corporation, **§ 1:2**
Spouses of parties, **§ 1:2**

PARTIES AND PARTY STATUS
—Cont'd
Stranger to action, **§ 1:3**
Surrogates distinguished, **§ 1:2**
Unnamed members of classes, **§ 1:2**

PATERNITY EXPERTS
Cost awards, **§§ 5:5; 5:8**

PAYMENT OF FEES AND COSTS
Checklist, **§§ 1:14; 1:15**

PEACE OFFICER PERSONNEL RECORDS
Generally, **§ 10:1 et seq.**
Administrative litigation, **§ 10:3**
Categories of peace officers, **§§ 5:4; 10:2**
CCP §§ 1985.3 and 1985.4 applicability generally, **§ 6:2**
Right to Privacy Act conflicts, **§ 8:1**
telephone company consumer records, **§ 9:4**
Civil litigation, **§ 10:3**
Complaints against officers, records of, **§ 10:3**
Confidentiality protections, **§ 10:3**
Criminal proceedings, **§ 10:3**
Custodians, production of records through, **§ 10:3**
Definitions, **§§ 5:4; 10:2**
Discovery, interparty, production of records by, **§ 10:1**
Evid C §§ 1043-1047 generally, **§ 10:3**
complaints against officers, records of, **§ 10:3**
confidentiality protections, **§ 10:3**
elements of motion, **§ 10:3**
subpoena practice compared, **§ 10:1**
supporting declarations, **§ 10:3**
written notice to agency, **§ 10:3**
Exempt information
Evid C §§ 1043-1047 applications, **§ 10:3**
Public Records Act, **§ 10:4**

INDEX

PEACE OFFICER PERSONNEL RECORDS—Cont'd
Gov C § 6250 applications generally, § 10:4
Public Records Act, below
Local agency defined, § 10:2
Medical records, § 10:3
Personnel records defined, § 10:2
Privacy protections, § 10:3
Protective orders, § 10:3
Psychological records, § 10:3
Public safety employee defined, § 10:2
Records retention policies, § 10:3
Relevancy determinations, § 10:3
Reproduction costs, § 10:4
State agency defined, § 10:2
Subpoena as directed to information possessor rather than to information, § 5:3
Subpoenas duces tecum to custodian, § 10:3
Written notice to agency, § 10:3

PEACE OFFICERS
Definitions, §§ 5:4; 10:2
Employment records of. See **Peace Officer Personnel Records** (this index)
Highway Patrol (CHP) Officers (this index)
Investigations by. See **Law Enforcement Records** (this index)
Service on generally, § 12:5
shock value, § 2:3

PEN REGISTERS
Generally, § 9:2

PERSON
Definition, § 1:8

PERSONAL PROPERTY BROKERS
Records, Right to Privacy Act authorization, § 8:5

PERSONAL SERVICE
See **Service of Subpoenas** (this index)

PERSONNEL RECORDS
Definition, § 6:2
Employment Records (this index)
Peace Officer Personnel Records (this index)

PHYSICAL EVIDENCE
See also **Records** (this index)
Entity-owned, territorial limitations on subpoena duces tecum, § 3:9
Medical Records (this index)
Nonresident custodians, § 3:9
Out-of-state situs, § 3:9
Subpoena jurisdiction generally, § 3:9

PHYSICIAN-PATIENT PRIVILEGE
Generally, § 7:2
Burden of establishing, § 7:2
Child-abuse reporting requirements, § 7:3
Commitment proceedings, § 7:2
Confidentiality of Medical Information Act (CMIA), § 7:4
Criminal proceedings, § 7:2
HIPAA restrictions, § 7:5
Names of patients, § 7:2
Psychotherapist-patient privilege distinguished, § 7:3
Redacted medical records, § 7:2
Waiver, § 7:1
Workers' compensation claims, § 7:2

PHYSICIANS
Treating physician witness fees, § 5:5

PRELIMINARY HEARINGS
Generally, § 13:1

PRESENCE, APPEARANCE AND
See **Noticed Production** (this index)

PRESUMED CONVENIENCE
Definition, § 1:6

PRETRIAL CONFERENCE
SUBPOENAS
Generally, § 3:6

PRISONERS
See also **Habeas Corpus ad Testificandum** (this index)

PRISONERS—Cont'd

CCP § 1997 rules, § 2:2
Civil vs criminal proceeding
testimony rules, § 2:2
Counsel rights of pro per litigants,
§ 2:2
Custodial officers, peace officer
status, § 5:4
Federal prisoners, § 2:2
Govt C § 68093 witness fees, § 5:2
Noticed discovery
generally, § 2:2
civil proceedings, § 11:1
criminal proceedings, § 12:1
grand jury proceedings, § 13:2
Party litigants, prisoners as, § 2:2
Penal C rules, § 2:2

PRIVACY RIGHTS

Generally, § 7:1
See also **Right to Financial Privacy Act** (this index)
Autopsy records
generally, § 7:2
CMIA protections, § 7:4
Backdoor inquiries, § 9:3
Caller ID information, § 9:1
CCP §§ 1985.3 and 1985.4 protec-
tions of private records
generally, § 6:2
Right to Privacy Act conflicts,
§ 8:1
telephone company consumer
records, § 9:4
CCP § 1985.6 protections of employ-
ment records, §§ 6:2; 6:3
Child-abuse reporting requirements,
§ 7:3
Confidential communications
Discovery of electronically stored
information, § 11:3
physicians, § 7:2
psychotherapists, § 7:3
Constitutional protections, § 6:2
Constitutional rights, § 7:1
Credit card records, § 9:3
Dangerous-patient exception to
psychotherapist-patient privi-
lege, § 7:3

PRIVACY RIGHTS—Cont'd

Discovery of electronically stored
information, confidentiality,
§ 11:3
Duces tecum subpoenas, § 9:3
Health information, § 7:5
Insurance examinations, § 7:2
Medical Records (this index)
Nonjudicial subpoenas duces tecum,
§ 9:3
Patients' rights, physicians' standing
to assert, § 7:1
Peace officers, as to personnel
records, § 10:3
Physician-patient privilege, § 7:2
Protected health information (PHI),
§ 7:5
Psychotherapist-patient privilege,
§ 7:3
Reasonable expectation of privacy,
§ 9:3
Relevancy determinations as to
personnel records, § 10:3
Sperm donors, § 11:2
Standing to assert, § 7:1
Standing to challenge subpoenas,
§ 9:3
Telephone records, § 9:3
Tort claimants, court-ordered medical
examinations
physician-patient privilege excep-
tion, § 7:2
psychotherapist-patient privilege
exception, § 7:3
Unlisted telephone numbers, § 9:2
Waiver, § 7:1

PRIVATE FINANCIAL RECORDS

Generally, § 8:1 *et seq.*
See also **Consumer Records** (this
index)
Agents, § 8:5
Backdoor inquiries, § 9:3
Brokers, § 8:5
CCP §§ 1985.3 and 1985.4 protec-
tions
generally, § 6:2
Right to Privacy Act conflicts,
§ 8:1

INDEX

PRIVATE FINANCIAL RECORDS

—Cont'd

CCP §§ 1985.3 and 1985.4 protections—Cont'd
telephone company consumer records, § 9:4
Check sellers and cashers, § 8:5
Credit card records, § 9:3
Credit information, telephone company, § 9:2
Credit unions, § 8:5
Customer defined, § 8:2
Employers' records relevant to unemployment insurance claims, § 8:5
Financial institution defined, § 8:2
Franchise sales, § 8:5
Grand jury investigations, § 8:6
Health care service plans, § 8:5
Insurance brokers, § 8:5
Investigations
 definition, § 8:3
 Right to Privacy Act restrictions, § 8:4
Investment advisers, § 8:5
Lawyers' records, § 8:5
Passive receipt of financial information by state agent, § 8:3
Personal property brokers, § 8:5
Real estate brokers, § 8:5
Reasonable expectation of privacy, § 9:3
Search warrants
 generally, § 8:5
 restrictions on, § 8:4
Secret court orders under Right to Privacy Act, § 8:5
Securities sellers, § 8:5
Subpoenas duces tecum, restrictions on, § 8:4
Telephone Records (this index)
Title insurance records, § 8:2
Unemployment insurance claims, employers' records relevant to, § 8:5

PRIVATE INVESTIGATORS

Service of subpoenas by, § 11:4

PRIVATE RECORDS

Nonresidents, § 3:9

PRIVILEGE

Discovery of electronically stored information, § 11:3
Medical Records (this index)
Physician-Patient Privilege (this index)
Privilege logs, § 11:2
Psychotherapist-Patient Privilege (this index)

PRIVILEGE LOGS

Generally, § 11:2

PROBATE PROCEEDINGS

Residence, § 1:5

PROCESS

See **Service of Subpoenas** (this index)

PRODUCTION IMMUNITY

Fifth amendment right against self-incrimination, § 13:5

PRODUCTION ON NOTICE AND DEMAND

See **Noticed Production** (this index)

PRO PER LITIGANTS

Prisoners, counsel rights, § 2:2

PROTECTED HEALTH INFORMATION (PHI)

HIPAA provisions, § 7:5

PROTECTIVE ORDERS

Foreign subpoenas, § 3:10
Peace officer personnel records, § 10:3

PSYCHOLOGICAL RECORDS

See also **Medical Records** (this index)

Peace officer personnel records, § 10:3

Victim's psychiatric records, duces tecum subpoena, § 12:18

PSYCHOTHERAPIST-PATIENT PRIVILEGE

Generally, § 7:3

PSYCHOTHERAPIST-PATIENT PRIVILEGE—Cont'd
Child-abuse reporting requirements, § 7:3
Confidentiality of Medical Information Act (CMIA), § 7:4
Court-ordered medical examinations, § 7:3
Dangerous-patient exception, § 7:3
HIPAA restrictions, § 7:5
Names of patients, § 7:3
Physician-patient privilege distinguished, § 7:3
Psychologists, § 7:3
Waiver, § 7:1

PUBLIC EMPLOYEES
Public Employee Witness Fees (this index)
Public safety employee defined, § 10:2
Time for service of subpoena, § 11:4

PUBLIC EMPLOYEE WITNESS FEES
Generally, § 5:4
Additional payments to witnesses, § 5:9
Arbitration proceedings, § 5:4
Continuance expenses, § 5:4
Cost awards, § 5:8
Cross examination, continuances for, § 5:4
Custodial officers, § 5:4
Deposition costs, § 5:4
Entitlements, § 5:4
Ethical considerations and voluntary payments, § 5:9
Expert witness fees, §§ 5:5; 5:8
Extra day expenses, § 5:4
Firefighters, § 5:4
Govt C § 68096.1 mileage calculations, § 1:6
Multiple appearances, payment for, § 5:4
Peace officers, § 5:4
Salary compensation, § 5:4
Service of subpoenas, § 11:4
Taxing as costs, § 5:8
Travel expenses, § 5:4

PUBLIC EMPLOYEE WITNESS FEES—Cont'd
Voluntary payments, § 5:9

PUBLIC OFFICERS
Peace Officers (this index)
Right to Financial Privacy Act (this index)

PUBLIC RECORDS
Local Agencies (this index)
State Agencies (this index)
Statutory disclosure requirements, § 10:1

PUBLIC RECORDS ACT (PRA)
Generally, §§ 10:1; 10:4
Attorneys' fees, § 10:4
Currently-within-the-system limitation, § 10:4
Disclosure of records through, § 10:1
Enforcement, § 10:4
Fast track proceedings, § 10:4
Investigatory file exception, § 10:4

PUBLIC UTILITIES COMMISSION
Telephone records generally, § 9:1
CCP § 1985.3 protections, § 9:4
PUC § 2891 limitations, § 9:4

PURPOSE OF DISCOVERY
Good cause applications, required showing, § 1:2

QUASHAL MOTIONS
Generally, §§ 2:3; 11:5
Attorneys' fees, § 11:5
Burdensomeness of discovery, § 1:2
Checklist, motion to quash, § 1:13
Criminal proceedings, § 12:9
Duces tecum subpoena, § 12:16
Medical records, § 7:7, 7:9
Employment records, § 6:28
Form, § 12:17
Grand jury proceedings, § 13:4
Subpoena
Personal injury protection, medical pay insurer
Medical records, § 7:8

INDEX

REAL ESTATE BROKERS
Financial records, Right to Privacy Act, § 8:5

REASONABLE DILIGENCE
Walton decision, § 12:5

RECORDS
Autopsy Records (this index)
Business Records (this index)
Bystanders, records of, § 2:1
Consumer Records (this index)
Custodians of Records (this index)
Employment Records (this index)
Financial Records (this index)
Law Enforcement Records (this index)
Medical Records (this index)
Nonparty records demanded of party, § 2:1
Nonresidents, records of, § 2:1
Peace Officer Personnel Records (this index)
Private Financial Records (this index)
Public Records Act (this index)
Retention policies, peace officer personnel records, § 10:3
Subpoena directed to information possessor rather than to information, § 5:3
Telephone Records (this index)

RECORDS-ONLY SUBPOENAS
Generally, § 11:5

REGISTERED PROCESS SERVERS
Generally, § 11:4

REPRODUCTION COSTS
Public Records Act, § 10:4

REPRODUCTIVE RIGHTS LAW ENFORCEMENT ACT
Medical records, § 7:6

RESIDENTS AND RESIDENCE
Definitions, § 1:5
Dissolution proceedings, § 1:5
Distance limitations on deposition subpoenas, § 1:5

RESIDENTS AND RESIDENCE
—Cont'd
Domicile and, § 1:5
Homeless persons, § 1:5
In personam jurisdiction, § 1:5
Insurance policy designations, § 1:6
Mileage fee determinations, § 1:5
Multiple residences, § 1:5
Noticed discovery and residence status, § 2:1
Presumed convenience, § 1:6
Probate proceedings, § 1:5
Simultaneous multiple residences, § 1:5
Sojourning, § 1:5
Time of service as fixing, § 1:5
Vehicle license requirements, § 1:5

RESPONSES
Checklist, § 1:13 to 1:15

RIGHT TO COUNSEL
Prisoner litigants, § 2:2

RIGHT TO FINANCIAL PRIVACY ACT
Generally, § 8:1 et seq.
See also **Private Financial Records** (this index)
Administrative subpoenas or summonses, § 8:5
Admissibility of evidence obtained in violation of act, § 8:9
Agencies subject to act, § 8:3
Agents' records, § 8:5
Attorneys' fee awards, § 8:9
Attorneys' financial records, § 8:5
Authorizations, § 8:5
Automobile dealership records, § 8:5
Backdoor inquiries, § 9:3
Bad check prosecutions, § 8:5
Brokers' financial records, § 8:5
CCP §§ 1985.3 and 1985.4 applicability, § 6:2
CCP §§ 1985.3 and 1985.4 conflicts, § 8:1
CCP § 1985.3 notices, § 8:5
Check sellers' and cashers' trust fund records, § 8:5

RIGHT TO FINANCIAL PRIVACY**ACT—Cont'd**

- Civil vs criminal grand jury investigations, § 8:6
- Connecticut Indemnity Co. decision, § 8:2
- Consumer protection supervisory function exclusions, § 8:8
- Contractors, Registrar of, supervisory function exclusions, § 8:8
- Controller, State, supervisory function exclusions, § 8:8
- Course-of-business disclosures, § 8:4
- Courts, application to, § 8:3
- Credit union escrow account records, § 8:5
- Criminal law subpoenas, § 8:5
- Criminal remedies, § 8:9
- Customer defined, § 8:2
- Customers' rights, § 8:7
- Damages actions, § 8:9
- Descriptions of financial records, § 8:5
- Duces tecum subpoenas
 - nonjudicial issuance, § 9:3
 - restrictions on, § 8:4
- Employees subject to act, § 8:3
- Employer records relevant to unemployment insurance claims, § 8:5
- Employment Development Department, supervisory function exclusions, § 8:8
- Enforcement, § 8:9
- Equalization, Board of, supervisory function exclusions, § 8:8
- Evidence obtained in violation of act, admissibility of, § 8:9
- Exclusions, supervisory, § 8:8
- Financial institutions
 - account information inquiries, § 8:4
 - course-of-business disclosures, § 8:4
 - crimes against, investigations of, § 8:4
 - definition, § 8:2
 - Gov C § 7471(d) defense, § 8:9
 - investigations initiated by, § 8:4

RIGHT TO FINANCIAL PRIVACY**ACT—Cont'd**

- Financial institutions—Cont'd
 - law violation reports by, § 8:4
 - liabilities, § 8:9
 - limitations on, § 8:4
 - records of disclosures, maintenance of, § 8:7
 - remedies for violations, § 8:9
 - violation of law reports by, § 8:4
- Financial records
 - descriptions, § 8:5
 - grand jury investigations, § 8:6
 - search warrants for, § 8:5
- Franchise sales records, § 8:5
- Franchise Tax Board, supervisory function exclusions, § 8:8
- Fraud investigations, § 8:4
- Govt C § 7473 authorizations, § 8:5
- Govt C § 7471(d) defense, § 8:9
- Grand juries, restrictions on, § 8:3
- Grand jury investigations, § 8:6
- Grand jury subpoenas, § 8:5
- Health care service plan records, § 8:5
- Houston decision, § 8:4
- Information protected, § 8:2
- Insurance brokers' records, § 8:5
- Insurance Department, supervisory function exclusions, § 8:8
- Investigations
 - definition, § 8:3
 - financial institution crimes, investigations of, § 8:4
 - financial institutions, investigations initiated by, § 8:4
 - fraud investigations, § 8:4
 - notices to customers, § 8:5
 - restrictions, § 8:4
- Investment advisers' financial records, § 8:5
- Judicial bodies, application to, § 8:3
- Judicial subpoenas, § 8:5
- Law violation reports by financial institutions, § 8:4
- Lawyers' financial records, § 8:5
- Legislative subpoenas, § 8:2

INDEX

RIGHT TO FINANCIAL PRIVACY

ACT—Cont'd

 Limitations on financial institutions, § 8:4

 Local Agency Security Administrator, supervisory function exclusions, § 8:8

 No-direct involvement defense, § 8:9

 Notice rights of customers, § 8:7

 Notices to customers of investigations, § 8:5

 Officers subject to act, § 8:3

 Passive receipt of financial information by state agent, § 8:3

 Penal C § 476a prosecutions, § 8:5

 Personal property broker records, § 8:5

 Persons protected, § 8:2

 Preemption of conflicting statutes, § 8:1

 Public policy, § 8:9

 Real estate brokers' financial records, § 8:5

 Real Estate Department, supervisory function exclusions, § 8:8

 Records of disclosures, maintenance of, § 8:7

 Records protected, § 8:2

 Remedies, § 8:9

 Scope of act, §§ 8:2; 8:3

 Search warrants

 applications, § 8:5

 financial record demands, § 8:5

 restrictions on, § 8:4

 Secret court orders, § 8:5

 Securities sellers' financial records, § 8:5

 Self help rights of customers, § 8:7

 Statute of limitations, § 8:9

 Subpoenas duces tecum applications, §§ 8:4; 8:5

 Summons, administrative, § 8:5

 Supervisory function exclusions, § 8:8

 Title insurance records, § 8:2

 Unemployment insurance claims, employers' records relevant to, § 8:5

 Vicarious liability, § 8:9

RIGHT TO FINANCIAL PRIVACY

ACT—Cont'd

 Violation of law reports by financial institutions, § 8:4

 Waivers of authorization requirements, § 8:5

ROGUE SUBPOENAS

 Generally, § 11:5

 Criminal proceedings, § 12:9

SAFETY EMPLOYEES

 Public safety employee defined, § 10:2

SCHEDULING

 Checklist, § 1:12 to 1:15

SEARCH WARRANTS

 Financial records, § 8:5

 Grand jury authority to issue, § 13:4

 Howell decision, § 13:4

 Piggyback search warrants, § 13:4

 Right to Privacy Act restrictions, §§ 8:4; 8:5

 Truth in evidence constitutional provision, § 9:3

 Wire taps, § 9:2

SECURITIES REGULATION

 Right to Privacy Act authorizations, § 8:5

SERVICE OF SUBPOENAS

 Generally, § 11:4

 Affidavits of service, § 11:4

 Agent designated for service of process, § 3:9

 Agreement to appear in lieu of service generally, § 11:4

 criminal proceedings, § 12:6

 Attorneys, service by, § 11:4

 CCP § 1989 limitations, § 3:4

 CCP § 1985.3 requirements, § 6:2

 Checklists, § 1:12 to 1:15

 Concealed witnesses, § 11:4

 Corporations, service on, § 1:8

 Criminal law subpoena practice, § 12:5

SERVICE OF SUBPOENAS

—Cont’d

Disobedience of subpoena penalties generally, § 11:5
arbitration subpoenas, § 11:5
criminal proceedings, § 12:9
grand jury subpoenas, § 13:4
Due diligence, § 12:5
Entities, service on, § 1:8
Fee demands
 generally, §§ 1:5; 5:2
 validity challenges, § 11:4
Fees for service by sheriff, § 11:4
Foreign (non-US) witnesses, § 3:3
Foreign subpoenas, § 3:10
Grand jury subpoenas, § 13:4
Highway patrol (CHP) officers, service of trial subpoenas on
 generally, § 11:2
 criminal matters, § 12:5
 time for service, § 11:4
Interference with service, criminal penalties for, § 11:5
Jurisdiction, § 1:4
Mail service
 generally, § 3:3
 criminal matters, § 12:2
Minors, service on
 generally, § 11:4
 criminal subpoenas, § 12:5
Organizations, service on, § 1:8
Out-of-state service
 generally, §§ 1:4; 3:3
 criminal matters, § 12:2
 foreign subpoenas, § 3:10
 of administrative subpoenas and summonses, § 8:5
Peace officers, service on, § 12:5
Personal service defined, § 11:4
Prepaid witness fee demands. Fee demands, above
Proof
 consumer records, § 6:9
 employment records, § 6:21
Public employee witness fee requirements, § 11:4
Reasonable diligence showings, § 12:5

SERVICE OF SUBPOENAS

—Cont’d

Registered process servers, § 11:4
Sheriff, service by, § 11:4
Substituted service, § 11:4
Telegraphic service, § 12:5
Territorial limits, § 3:3
Time for service
 generally, § 11:4
 criminal matters, § 12:5
Walton decision, § 12:5
When service required. See **Noticed Production** (this index)
Who can be served, § 3:4
Who can serve, § 11:4
Witness fee demands. Fee demands, above

SETTLEMENT OF LITIGATION

Conference subpoenas, § 3:6
Cost awards after settlement offers, § 5:5

SEVERED ACTIONS

Parties and party status, § 1:1

SMALL CLAIMS SUBPOENAS

Generally, § 11:6

SOCIAL MEDIA

Duces tecum subpoena, § 6:7

SOJOURNING

See also **Residents and Residence** (this index)
Definition, § 1:5

SPOUSES

Party status, § 1:2

STANDING

See also **Parties and Party Status** (this index)
Custodians of records, subpoena challenges by, § 9:3
Subpoenas duces tecum challenges, § 9:3

STATE AGENCIES

See also **Administrative Subpoena and Summons Practice** (this index)

INDEX

STATE AGENCIES—Cont'd

- Definition, § 10:2
- Public Records Act access to peace officer personnel records, § 10:4
- Records retention policies, § 10:3
- Right to Financial Privacy Act** (this index)
- Subpoenas issued by, § 6:2

STRANGERS

- See also **Parties and Party Status** (this index)
- Business records of stranger businesses, costs, § 5:3
- CCP § 2020(c) subpoenas, § 3:8
- Checklist, personal appearance and production, § 1:15
- Criminal discovery from third parties, § 12:7
- Definition, § 1:3
- Deposition subpoenas
 - generally, § 11:2
 - witness fees, § 5:2
- Discovery from nonparties, § 11:2
- Distance limitations on deposition subpoenas, § 1:5
- Employment records
 - agreement to allow production of, § 6:27
 - declaration for order to enforce subpoena duces tecum against, § 6:25
 - motion to enforce subpoena duces tecum against, § 6:24
 - written objection by nonparty employee, § 6:23
- Enforcement of subpoena duces tecum, consumer records, §§ 6:18; 6:20
- Medical records of third parties, discovery of, § 7:1
- Motion to enforce subpoena duces tecum against, employment records, § 6:24
- Nonresident, § 3:8
- Redacted medical records, § 7:2
- Standing** (this index)
- Standing to assert privacy rights, § 7:1

STRANGERS—Cont'd

- Subpoena duces tecum against, employment records
- declaration for order enforcing, § 6:25
- motion to enforce, § 6:24
- Subpoenas to stranger organizations, § 3:8
- Third party medical records, discovery of, § 7:1
- Voluntary attendance witness fees, § 5:2
- Witness fees, § 5:2
- Written objection by nonparty employee, employment records, § 6:23

SUBSTITUTED SERVICE

- Generally, § 11:4

SUMMONSES, ADMINISTRATIVE

- Generally, § 8:5
- See also **Administrative Subpoena and Summons Practice** (this index)

SUPERIOR COURT

- Foreign subpoenas, § 3:10
- Subpoena jurisdiction, § 3:6

SUPREMACY CLAUSE

- Generally, § 3:5

SURROGATES, PARTY

- Generally, § 1:2
- Civil Discovery Act of 1986, § 2:3
- Class actions, § 1:2
- Corporations as, § 1:2
- Deposition attendance witness fees, § 5:2
- Managing agents of corporations, § 1:2
- Noticed depositions, § 1:2
- Noticed Production** (this index)
- Spouses of parties, § 1:2
- Strangers distinguished, § 1:3
- Trial vs deposition appearances, § 1:2
- Voluntary attendance witness fees, § 5:2
- Witness fees, § 5:2

TELEPHONE RECORDS

Generally, §§ 9:1 et seq.; 9:5
Access number defined, § 9:2
Advocacy considerations, § 9:5
Backdoor inquiries, § 9:3
Business records of telephone companies, § 9:1
Caller ID information, § 9:1
Calling records defined, § 9:2
CCP § 1985.3 protections of private records, § 9:4
Computerization of records, § 9:2
Consumer defined, § 9:2
Credit information defined, § 9:2
Criminal proceedings, production in, § 9:4
Custodians of Records (this index)
Definitions, § 9:2
Exclusionary rule, § 9:3
Federal and state statutes, § 9:1
Federal Communications Commission, § 9:1
Interstate and intrastate regulation, § 9:1
Listed party defined, § 9:2
Nonpublished service defined, § 9:2
Pen register defined, § 9:2
Privacy protections, § 9:3
Proposition 8, § 9:3
Public Utilities Commission generally, § 9:1
CCP § 1985.3 protections, § 9:4
PUC § 2891 limitations, § 9:4
Public utility defined, § 9:2
Pub Util C § 2891 limitations, § 9:4
Reasonable expectation of privacy, § 9:3
Search and seizure rule limitations, § 9:3
Service area defined, § 9:2
Subpoena as directed to information possessor rather than to information, § 5:3
Subpoenas duces tecum, § 9:3
Subscriber defined, § 9:2
Tariff defined, § 9:2
Trap defined, § 9:2

TELEPHONE RECORDS—Cont'd

Truth in evidence constitutional provision, § 9:3
Unauthorized releases of information, § 9:3
Unlisted telephone numbers, § 9:2
Wire taps, § 9:2

TIME OF SERVICE

Checklists, §§ 1:12; 1:13

TRANSLATORS

Fees and cost awards, § 5:6
Indigents, appointments for, § 5:7

TRAP, TELEPHONE

Definition, § 9:2

TRAVEL EXPENSES

See **Witness Fees** (this index)

TRAVEL RECORDS

See **Telephone Records** (this index)

TREATING PHYSICIANS

Witness fees, § 5:5

TREATY IMMUNITY

Generally, § 4:2

TRIAL COURT

Appearances, trial and deposition distinguished, § 1:2
Definition, §§ 1:7; 3:6
Deposition and trial court subpoenas distinguished, § 3:6
Judicial officer defined, § 2:1
Subpoena jurisdiction, § 3:6

TRIAL SUBPOENAS

See also **Deposition Subpoenas** (this index)
Agreement to appear in lieu of service generally, § 11:4
criminal proceedings, § 12:6
CCP § 1985.5 enhancements, § 11:2
CCP § 2020(g) enforcement mechanisms, § 11:2
Expert witnesses, § 12:9
Form, § 11:2

INDEX

TRIAL SUBPOENAS—Cont'd

Highway patrol (CHP) officers, service on generally, § 11:2
criminal matters, § 12:5
time for service, § 11:4

Immunity (this index)

Issuance, § 11:2

Jurisdiction, Subpoena (this index)

Legislative immunity, § 4:4

Physical evidence production demands, § 3:9

TRUST RECORDS

Finance C § 1582 discovery, § 5:3

UNEMPLOYMENT INSURANCE

Right to Privacy Act authorizations to inspect employers' records, § 8:5

VEHICLE LICENSES

Residence requirements, § 1:5

VIENNA CONVENTIONS

Consular Relations, §§ 4:3; App C

Diplomatic Relations, §§ 4:3; App B

VOID SUBPOENAS

Residence jurisdiction defects, § 1:5
Witness fee payment demands, § 11:4

WAIVER

Business records, waivers of custodian appearances, § 5:3
Discovery of electronically stored information, waiver of attorney-client privilege, § 11:3

Immunity, waivers by diplomatic personnel, § 4:3

Medical Records (this index)

Right to Financial Privacy Act, waivers of authorization requirements, § 8:5

WALTER DE SHIRLAND

Trial of, § App A

WHEN SUBPOENA NECESSARY

See **Noticed Production** (this index)

WITNESSES

See also **Witness Fees** (this index)

WITNESSES—Cont'd

Arbitration subpoena practice, request for statement of witnesses, § 11:12

CCP §§ 1985.3 witnesses, § 6:2

Concealed witnesses

avoidance of service, § 11:10
service problems, § 11:4

Consumer records, witness definition for purposes of, § 6:2

Federal prisoners, § 2:2

Immunity (this index)

In attendance witness defined, § 2:1

Indigents

forma pauperis fees, taxation of, § 5:8

interpreters and translators, appointments for, § 5:7

Information or information possessor as subject of subpoena, § 5:3

Interpreters

fees and cost awards, § 5:6
indigents, appointments for, § 5:7

Non-party. See **Strangers** (this index)

Public Employee Witness Fees (this index)

Translators

fees and cost awards, § 5:6
indigents, appointments for, § 5:7

Trial witnesses' fees, § 5:2

Voluntary attendance, § 5:2

WITNESS FEES

Generally, § 5:1 *et seq.*

See also **Cost Awards** (this index)

Additional payments to witnesses, § 5:9

Add-on fees, § 5:1

Advance payment, § 5:2

Air fare, § 5:2

Appeals, consideration of cost disputes on, § 5:1

Awards of costs, § 5:1

Bad faith fee charges, § 5:3

Business record fees and costs generally, § 5:3

CCP § 998 awards, § 5:8

Caps on fees, § 5:9

WITNESS FEES—Cont'd

Catchall fees, § 5:2
 Categories of, § 5:1
 CCP § 1033.5(a)(7) statutory fees, § 5:2
 CCP § 2020(f), § 1:5
 Choice of law, § 5:1
 Civil vs criminal matter determinations, § 1:6
 Cluster approach, § 5:1
 Computerized records, costs of retrieving information from, § 5:3
 Continuance expenses for public employee witnesses, § 5:4
 Cost bills, § 5:1
 Court-appointed experts, §§ 5:5; 5:8
 Courtroom attendance, § 5:2
 Criminal cases, § 5:1
 Criminal subpoenas, § 12:8
 Cross examination of experts, § 5:9
 Custodians of business records, appearance requirements, § 5:3
 Demand for advance payment, § 5:2
 Deposition attendance, § 5:2
 Deposition costs
 expert witnesses, § 5:5
 public employee witness fees, § 5:4
 Disputes, resolving
 business records, § 5:3
 public employee fees, § 5:4
 Enforcement, § 5:1
 Ethical considerations and voluntary payments, § 5:9
 Evidence C § 1563 awards, § 5:1
 Excessive fee charges, § 5:3
 Excess payments, § 5:9
 Expert witnesses, §§ 5:5; 5:8
 Extra day expenses for public employee witnesses, § 5:4
 Family C § 7557 statutory fees, § 5:2
 Forma pauperis fees, taxation of, § 5:8
 Govt C § 68093 fees, § 5:2
 Govt C § 68097 fees, § 5:2
 Grand jury subpoenas, § 13:4
 How payable, § 5:3

WITNESS FEES—Cont'd

Indigents
 forma pauperis fees, taxation of, § 5:8
 interpreters and translators, appointments for, § 5:7
 Interpreters
 fees and cost awards, § 5:6
 indigents, appointments for, § 5:7
 Local rules, § 5:1
 Lodging expenses, § 5:2
 Meals, § 5:2
 Mileage
 generally, § 5:2
 residence determinations, § 1:5
 Mileage and miles distinguished, § 1:6
 Multiple business records, fees and costs, § 5:3
 Negotiated payments, § 5:9
 Noticed attendance, § 5:2
 Offers to pay, § 5:2
 Ordinary civil witness fees, § 5:2
 Payment. See **Cost Awards** (this index)
 Per diem, § 5:2
 Prepayment demands, §§ 1:5; 5:1; 5:2
 Prisoners, § 5:2
 Process servers, demand for payment, § 5:2
 Public employees, § 5:4
Public Employee Witness Fees (this index)
 Residence determinations, § 1:5
 Significance of statutory witness fees, § 5:9
 Sojourning and mileage calculations, § 1:5
 Statutory exceptions to ordinary civil witness fees, § 5:2
 Strangers, § 5:2
 Subpoenaed vs noticed attendance, § 5:2
 Surrogates, § 5:2
 Timing of demand for payment, § 5:2
 Translators
 fees and cost awards, § 5:6

INDEX

WITNESS FEES—Cont'd
Translators—Cont'd
 indigents, appointments for, § 5:7
Travel expenses, § 5:2
Treating physicians, § 5:5
Trial witnesses, § 5:2
Voluntary attendance, § 5:2
Voluntary payments, § 5:9
When fees payable, § 5:3
Who is entitled, §§ 5:1; 5:2

WITNESS IN ATTENDANCE
Definition, § 2:1

WORKERS' COMPENSATION PROCEEDINGS
Physician-patient privilege, § 7:2
Subpoena practice, § 6:2

WORKERS' COMPENSATION PROCEEDINGS—Cont'd
Workers' Compensation Appeal Board, § App D

WORK PRODUCT
Discovery of electronically stored information, § 11:3
 Privilege logs, § 11:2

WRIT
Subpoena as, § 3:1

WRITING
Definition, § 10:2
Employment records, objection by nonparty employee, § 6:23
 Objection by nonparty employee, employment records, § 6:23