

SERVING A SUBPOENA UPON A PERSON NOT A PARTY
FOR PRODUCTION OF DOCUMENTS OR THINGS

There are several steps involved in serving a subpoena on a person not a party to an action in order to obtain documents or things from that person (“person” includes business entities).

1. Obtain the subpoena from the Prothonotary’s office. There is a \$5.00 fee (as of March 2021).
2. Complete the form.
3. Give written notice of your intent to serve the subpoena on all other parties to the action.
4. Twenty (20) days after service of the written Notice of Intent, if no objections have been filed, you may serve the subpoena.
5. File a Certificate Prerequisite to Service of a Subpoena.
6. Serve the subpoena.
7. File a Certificate of Service.

Detailed instructions and required forms are included in this self-help kit.

INSTRUCTIONS FOR COMPLETING THE SUBPOENA FORM

1. Complete the caption (names of parties and docket number) exactly as it appears in all the other filings in your case.
2. On the blank line after the word "TO", write the name of the person or business you are asking to give you documents or things.
3. On the three long blank lines following the words "the following documents or things:" write the documents or things you are asking for.
4. On the line after the word "at", write your address.
5. On the line after the words "Requested by", write your name.
6. Leave the "Attorney for" line blank.
7. Write your address and telephone number where indicated.
8. Leave the "Supreme Court #" line blank.
9. Make two copies of the form. One is for your records and the other is to attach to the Notice of Intent. You will serve the original on the person or business you are asking to give you documents or things.

INSTRUCTIONS FOR COMPLETING and SERVING THE
NOTICE OF INTENT TO SERVE SUBPOENA FORM

1. Complete the caption (names of parties and docket number) exactly as it appears in all the other filings in your case.

2. On the blank line in front of the word “(party)”, write your name.

3. Sign on the line above the word “Signature”. Put the date where indicated.

4. Attach a copy of the subpoena.

5. Make two copies of the Notice with the copy of the subpoena attached. One is for your records and the other is to attach to the Certificate Prerequisite to Service of Subpoena. You will send the original to the other party in the case. (Note – if there is more than one other party, make additional copies and send these to the additional parties.)

6. Mail (by regular mail) or deliver (by handing it to them) the original Notice of Intent (with the copy of the subpoena attached) to the other party.

	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	
	:	
Defendant	:	NO. _____

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

_____ (party) intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: _____

Signature

INSTRUCTIONS FOR COMPLETING and FILING THE
CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA FORM

YOU MUST WAIT TWENTY (20) DAYS AFTER SERVING THE NOTICE OF INTENT TO SERVE SUBPOENA BEFORE COMPLETING AND FILING THIS FORM AND SERVING THE SUBPOENA. If objections are filed, you cannot serve the subpoena and do not need to complete this form. (A hearing will be scheduled on the objections.) If no objections are filed, you may serve the subpoena and must complete and file this form.

1. Complete the caption (names of parties and docket number) exactly as it appears in all the other filings in your case.

2. On the blank line in front of the words “(Plaintiff/Defendant)”, write your name and then circle whether you are the Plaintiff or Defendant.

3. Sign on the line above the word “Signature”. Put the date where indicated.

4. Attach a copy of the Notice of Intent (with the copy of the subpoena attached) to the Certificate.

5. Make one copy. This is for your records. You will file the original.

6. File the original Certificate Prerequisite to Service of a Subpoena (with the copy of the Notice of Intent and a copy of the subpoena attached) in the Prothonotary’s office.

	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	
	:	
Defendant	:	NO. _____

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22**

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, _____(Plaintiff/Defendant) certifies that

- (1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,
- (2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) no objection to the subpoena has been received, and
- (4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Date: _____

Signature

INSTRUCTIONS FOR SERVING THE SUBPOENA

The subpoena may be served in one of three ways:

1. By handing a copy to the person being served; or by handing a copy
 - (i) at the residence of the person being served to an adult member of the family with whom he resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or
 - (ii) at the residence of the person being served to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which he resides; or
 - (iii) at any office or usual place of business of the person being served to his agent or to the person for the time being in charge thereof.

2. By any form of mail requiring a **return receipt, postage prepaid, restricted delivery**. The return receipt may be signed by the person subpoenaed or any of the persons listed in 1, above.

3. By ordinary mail. **You must also include two copies of a Notice and Acknowledgment and a self-addressed stamped envelope.** A form Notice and Acknowledgment can be found following the form for the Certificate of Service. (Note: A subpoena served by ordinary mail is not enforceable unless the witness acknowledges having received it.)

INSTRUCTIONS FOR COMPLETING AND FILING THE CERTIFICATE OF SERVICE

After you serve the subpoena, you must then file a Certificate of Service. Complete this form according to the method of service you chose.

1. Complete the caption (names of parties and docket number) exactly as it appears in all the other filings in your case.
2. On the line before the word “date”, write the date you served the subpoena.
3. On the line after the words “I served” write the name of the person or business you served.
4. Check the method of service you used.
5. Sign and date where indicated.
6. Attach the green card if you served the subpoena by certified mail or the Acknowledgment if you served the subpoena by ordinary mail.
7. Make a copy for your records and then file the original in the Prothonotary’s office.

_____ ,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	
_____ ,	:	
Defendant	:	NO. _____

CERTIFICATE OF SERVICE

On _____ (date) I served _____
with a Subpoena to Produce Documents or Things by

_____ (1) handing it to:

_____ that person

_____ an adult member of the household or adult person in charge of the residence

_____ the clerk or manager of the place of lodging at which he resides

_____ his agent or the person for the time being in charge of the office or usual place of business of the person being served

_____ (2) by certified mail, return receipt, restricted delivery. Proof of delivery is attached hereto.

_____ (3) by ordinary mail. The Acknowledgment prescribed by Rule 234.9 is attached hereto.

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____

Signature

INSTRUCTIONS FOR COMPLETING AND MAILING THE NOTICE AND ACKNOWLEDGMENT

1. Complete the caption (names of parties and docket number) exactly as it appears in all the other filings in your case.
2. On the blank line after the word "TO", write the name of the person or business you are asking to give you documents or things.
3. Write the date and sign where indicated. Do not write anything else on this form.
4. Make two copies. Keep one for your records. Put the original and the other copy in an envelope with the original subpoena. You must also include a stamped, self-addressed envelope so the Acknowledgment may be returned to you. Mail this by regular mail to the person or business you are asking to give you documents or things.

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	
_____	:	
Defendant	:	NO. _____

NOTICE

To _____:

The enclosed subpoena is served pursuant to Pennsylvania Rule of Civil Procedure 234.2(b)(3). Complete the acknowledgment part of this form and return the copy of the completed form to the sender in the enclosed self-addressed stamped envelope. Sign and date the acknowledgment. If you are served on behalf of a partnership, unincorporated association, corporation or similar entity, indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive the subpoena, indicate under your signature your authority.

Date Notice mailed: _____

Signature

ACKNOWLEDGMENT OF RECEIPT OF SUBPOENA

I acknowledge receipt of a copy of the subpoena in the above captioned matter.

Date: _____

Signature

Print Name

Relationship to entity or
authority to receive the subpoena