



Supreme Court

STATE OF ARIZONA

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CLERK OF THE COURT

402 ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007-3231

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June 9, 2005

RE: RULES 45(a)(3) & 45(b), RULES OF CIVIL PROCEDURE
Arizona Supreme Court No. R-04-0004

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on June 1, 2005, in regard to the above-referenced cause:

ORDERED: Petition for Change in Rules 45(a)(3) and 45(b), Arizona Rules of Civil Procedure, To Allow Attorneys to Issue and Sign Subpoenas = REJECTED as to amending Rule 45(a)(3) and GRANTED as to amending Rules 45(b)(2) and (3), effective December 1, 2005.

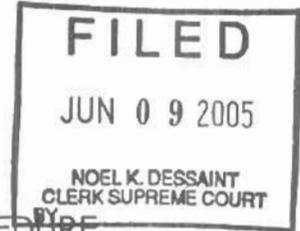
Noel K Dessaint, Clerk

TO:

Robert B Van Wyck, Chief Counsel, State Bar of Arizona
Michael K Jeanes, Clerk, Maricopa County Superior Court
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IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-04-0004



ORDER AMENDING RULE 45(b), RULES OF CIVIL PROCEDURE

IT IS ORDERED amending Rule 45(b), Rules of Civil Procedure, as set forth in the attachment hereto,* effective on December 1, 2005.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 9th day of , 2005.

For the Court:

A handwritten signature in cursive script, reading "Ruth V. McGregor", written over a horizontal line.

Ruth V. McGregor
Vice Chief Justice

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

Rule 45(b), *Arizona Rules of Civil Procedure*

Rule 45. Subpoena

(a) [No change]

(b) Service

(1) A subpoena may be served by any person who is not a party and is not less than eighteen years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and if the person's attendance is commanded, by tendering to that person the fees for one day's attendance and the mileage allowed by law.

(2) When the subpoena commands the appearance of a party at a trial or hearing, or is issued on behalf of the state or an officer or agency thereof, fees and mileage need not be tendered.

~~(3) Prior notice of any commanded production of documents and things or inspection of premises before trial shall be served on each party in the manner prescribed by Rule 5(e)~~ Copies of all subpoenas shall be served on each party.

~~(24)~~ A subpoena may be served anywhere within the state.

~~(35)~~ Proof of service when necessary shall be made by filing with the clerk of the court of the county in which the case is pending a statement of the date and manner of service and of the names of the persons served, certified by the person who made service.

(c) – (g) [No Change]