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Representing: Respondent

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

In the matter of:

LAURA OWENS
Petitioner
vs.
CLAYTON ECHARD
Respondent

Case No.: FC2023-052114

SUBPOENA IN A FAMILY CASE

TO: MICHAEL MARACCINI
c/o Randy Sue Pollock, Attorney at Law

[REDACTED]
[REDACTED]

For Attendance of Witness at Hearing or Trial:

YOU ARE ORDERED TO APPEAR in the Superior Court of Arizona in Maricopa County at the place, date, and time specified below to testify at a trial in the above-named case, before:

Judicial Officer: The Honorable Julie Mata

Place: Northeast Regional Center
18380 N 40th St
Phoenix, AZ 85032
Room: 102

Date: 06/10/2024

Time: 8:45 AM Arizona Time

Your Duties In Responding To This Subpoena

ATTENDANCE AT A TRIAL: If this subpoena commands your attendance at a deposition, hearing, or trial, you must appear at the place, date and time designated in the subpoena unless you object (see below, procedures for objecting). Unless a court orders otherwise, you are required to travel to any part of the state to attend and give testimony at a trial.

ATTENDANCE AT A HEARING OR DEPOSITION: If this subpoena commands you to appear at a hearing or deposition, you must appear at the place, date and time designated in this subpoena unless either:

- (1) you timely object (see below, the procedures for objecting); or
- (2) you are not a party or a party's officer and this subpoena commands you to travel to a place other than:
 - (1) the county where you reside or you transact business in person; or
 - (2) the county in which you were served with the subpoena or within forty (40) miles from the place of service; or
 - (3) such other convenient place fixed by a court order.

PRODUCTION OF DOCUMENTARY EVIDENCE: If this subpoena commands you to produce and permit inspection, copying, testing or sampling of designated documents, electronically stored information, or tangible things, you must make the items available at the place, date and time designated in this subpoena, and in the case of electronically stored information, in the form or forms requested, unless you provide a good faith written objection to the party or attorney who served the subpoena. You may timely object to the production of documentary evidence (see below, the procedures for objecting).

You may object to the production of electronically stored information from sources that you identify as not reasonably accessible because of undue burden or expense, including sources that are unduly burdensome or expensive to access because of the past good-faith operation of an electronic information system or good faith or consistent application of a document retention policy.

If this subpoena does not specify a form for producing electronically stored information, you may produce it in native form or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person, but you need not produce the same electronically stored information in more than one form.

If the subpoena commands you to produce documents, you have the duty to produce the designated documents as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in the subpoena.

INSPECTION OF PREMISES: If this subpoena commands you to make certain premises available for inspection, you must make the designated premises available for inspection on the date and time designated in this subpoena unless you provide a timely, good faith written objection to the party or attorney who served the subpoena.

COMBINED SUBPOENA: You should note that a command to produce certain designated materials, or to permit the inspection of premises, may be combined with a command to appear at a trial, hearing or deposition.

You do not, however, need to appear in person at the place of production or inspection unless the subpoena also states that you must appear for and give testimony at a hearing, trial, or deposition.

Your Right To Object To This Subpoena

I. If you have concerns or questions about this subpoena, you should first contact the party or attorney who served the subpoena. The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached.

- You may object to this subpoena if you feel that you should not be required to respond. You must make any objection within 14 days after the subpoena is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the subpoena. *
- If you object to the subpoena in writing, you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. *

Unless otherwise ordered by the Court for good cause, the party seeking discovery from you must pay your reasonable expenses incurred in responding to a subpoena seeking the production of documents, electronically stored information, tangible things, or an inspection of premises.

- If you seek payment of expenses other than routine clerical and per-page costs as allowed by A.R.S. §12-351, you must object on the grounds of undue burden to producing the materials without the subpoenaing party's payment, and send an advanced estimate of those expenses to the subpoenaing party before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier. *
- You need not comply with those parts of the subpoena that are the subject of the objection, unless the Court orders you to do so. The court may enter an order conditioning your response to the subpoena on payment of your additional expenses, including ordering payment of those expenses in advance. *

II. PROCEDURE FOR OBJECTING TO A SUBPOENA FOR ATTENDANCE AT A HEARING, TRIAL OR DEPOSITION:

A. Form and Time for Objection.

- (i) A person commanded to comply with a subpoena may object to the subpoena in writing on the basis that the information requested is not reasonably accessible or because complying with the subpoena would cause an undue burden or expense. The objection must state the basis for the objection, and must include the name, address, and telephone number of the person, or the person's attorney, serving the objection. The objection must be served on the party or attorney serving the subpoena before the time specified for compliance or within 14 days after the subpoena is served,

whichever is earlier.

- (i) A person served with a subpoena that combines a command to produce materials or to permit inspection, with a command to attend a deposition, hearing, or trial, may object to any part of the subpoena. A person objecting to the part of a combined subpoena that commands attendance at a deposition, hearing, or trial must attend and testify at the date, time, and place specified in the subpoena, unless excused from doing so by the party or attorney serving a subpoena, by a court order, or by any other provision of Rule 52.

B. Procedure After Objecting.

- (i) A person objecting to a subpoena to produce materials or to permit inspection need not comply with those parts of the subpoena that are the subject of the objection, unless ordered to do so by the issuing court.
- (i) The party serving the subpoena may move under Rule 65(a) to compel compliance with the subpoena. The motion must be served on the subpoenaed person and all other parties under Rule 43.
- (iii) Any court order to compel must protect a person who is neither a party nor a party's officer from undue burden or expense resulting from compliance.

C. Claiming Privilege or Protection.

- (i) A person withholding subpoenaed information under a claim that it is privileged or subject to protection as work-product material must promptly identify in writing the information, document, or electronically stored information withheld and describe it in a manner that, without revealing information that is privileged or protected, will enable other parties to assess the claim.
- (i) If information subject to a claim of privilege was accidentally produced in response to a subpoena, the party who accidentally produced the information may notify any other party that the information was privileged. After being notified of such a claim, a party who received the information has several obligations. They must promptly return, sequester, or destroy the information and any copies they have. They must not disclose the information until the claim is resolved, and if they have already disclosed it, they must take reasonable steps to retrieve the information. They must also present the information to the court under seal for a decision as to whether it is subject to privilege. The party who accidentally disclosed the information must preserve it until the privilege claim is resolved.

*See Arizona Rules of Family Law Procedure (A.R.F.L.P.) Rule 52, and the "Your Right to Object to this Subpoena" section.

III. COURT MODIFIES or VOIDS (quashes) CIVIL SUBPOENA

- A. The court must quash or modify a subpoena if . . .
- (1) the subpoena does not provide a reasonable time for compliance;
 - (2) unless the subpoena commands your attendance at a trial, if you are not a party or a party's officer and if the subpoena commands you to travel to a place other than:
 - a. the county in which you reside or transact business in person;
 - b. the county in which you were served with a subpoena, or within forty (40) miles from the place of service; or
 - c. such other convenient place fixed by a court order; or
 - (3) the subpoena requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (4) the subpoena subjects you to undue burden.
- B. The court may quash or modify a subpoena if . . .
- (1) the subpoena requires you to disclose a trade secret or other confidential research, development or commercial information;
 - (2) you are an unretained expert and the subpoena requires you to disclose your opinion or information resulting from your study that you have not been requested by any party to give on matters that are specific to the dispute;
 - (3) you are not a party or a party's officer and the subpoena would require you to incur substantial travel expense; or
 - (4) the court determines that justice requires the subpoena to be quashed or modified.

In these last four circumstances a court may instead of quashing or modifying a subpoena, order your appearance or order the production of material under specified conditions if:

- a. the party or attorney serving the subpoena shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship; and
- b. the person's travel expenses or the expenses resulting from the production are at issue, the party or attorney serving the subpoena assures that the subpoenaed person will be reasonably compensated for those expenses.

ADA Notification

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding.

Interpreter Notification

Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

SIGNED AND SEALED this 7th day of May, 2024

Jeff Fine, CLERK



By: The State Bar of Arizona on behalf of the clerk pursuant to ARCP 45(a)(2)