

IN THE _____ COURT OF _____ COUNTY,

_____ ,

Plaintiff,

v.

Case No. _____

_____ ,

Defendant.

MOTION TO QUASH SUBPOENA

COMES NOW, _____, a non-party witness (hereinafter "Movant"), by and through undersigned counsel, and hereby moves this Honorable Court for an Order quashing the Subpoena to Testify at a Deposition and Produce Documents, served upon Movant on _____, and in support thereof states as follows:

I. PROCEDURAL POSTURE

1. Movant is a non-party witness in the above-captioned matter.
2. On or about _____, Movant was served with a Subpoena to Testify at a Deposition and Produce Documents (hereinafter "the Subpoena") by _____ (hereinafter "Issuing Party"). A copy of the Subpoena is

attached hereto as Exhibit A.

3. The Subpoena commands Movant to appear for a deposition on _____, at _____, and to produce documents by _____.

II. GROUNDS FOR MOTION TO QUASH

4. Movant seeks to quash the Subpoena on the following grounds:

- Improper Service
- Lack of Jurisdiction
- Undue Burden
- Requires disclosure of privileged or other protected matter and no exception or waiver

applies

Requires disclosure of a trade secret or other confidential research, development, or commercial information

Requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party

The Subpoena fails to allow a reasonable time for compliance.

The Subpoena requires Movant to travel more than _____ miles from Movant's residence or place of business.

The Subpoena seeks information that is not relevant to any party's claim or defense and is not proportional to the needs of the case.

Other: _____

III. FACTUAL BACKGROUND

5. Movant is _____.

6. The Subpoena seeks _____.

7. Compliance with the Subpoena would impose _____.

IV. ARGUMENT

8. The Subpoena should be quashed because _____ .
9. Specifically, _____ .
10. The information sought by the Subpoena _____ .
11. The burden and expense of compliance with the Subpoena outweigh any likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the discovery in resolving the issues.

V. PRAYER FOR RELIEF

WHEREFORE, Movant respectfully requests that this Honorable Court enter an Order:

- a. Quashing the Subpoena to Testify at a Deposition and Produce Documents served upon Movant;
- b. Awarding Movant the costs and reasonable attorney's fees incurred in bringing this Motion; and
- c. Granting such other and further relief as the Court deems just and proper.

Dated this _____ day of _____, 20_____ .

Respectfully submitted,

Signature

Printed Name: _____

Bar No.: _____

Attorney for Movant/Movant Pro Se

Street Address: _____

Unit Number (if applicable): _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Email: _____

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____, a true and correct copy of the foregoing MOTION TO QUASH SUBPOENA was served upon the following parties via:

- U.S. Mail, First Class
- Hand Delivery
- Facsimile
- Email
- Electronic Filing System

Recipient Role: Counsel for Plaintiff:

Recipient Name / Address: _____

Service Address / Email: _____

Recipient Role: Counsel for Defendant:

Recipient Name / Address: _____

Service Address / Email: _____

Signature