

# Small Claims Subpoena

A Subpoena is a court order that says your witness has to come to court. It can also say that certain papers must be brought to court at time of your hearing, or, copies must be provided before your hearing date.

## You need to subpoena someone when:

- Your witness won't come to court, or,
- Someone won't give you the documents you need to prove your case.

## Where Can I Get a Subpoena?

You must get your Subpoena from the Small Claims clerks. The Clerks place a court seal on the Subpoena. The clerks will not put the seal on a Subpoena that is filled out.

Use the attached samples as a guide to fill out your subpoena. Keep the original Subpoena and serve a copy on the party you sending the Subpoena to.

## Service

**Anyone can serve the Subpoena, even you. Serve a copy of the Subpoena – not the stamped original.** The Subpoena can be served either in person, or, by mail. Whoever serves the Subpoena must fill out, sign, and, date the Proof of Service. Keep the original stamped subpoena and the completed Proof of Service.

If your witness does not appear at court, or, does not send the documents you requested you will need these documents to pursue action against the party who did not comply with subpoena.

## Witness Fees

Witnesses can ask for \$35.00 a day and \$0.20 a mile (each way) at the time you serve the subpoena. Be prepared to pay the witness fee, if requested. If the witness requests witness fees before the hearing date, you must pay the fees. If you do not pay the fees, the witness does not have to show up to court.

## Note:

- You do not have to pay anything if your witness does not ask for money. Be prepared, your witness can request witness fees on the date of your hearing and you will need to pay.
- Reasonable copying fees for documents can also be requested.