

**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

ROBERT J. COLOMBO, JR.
CHIEF JUDGE

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

(313) 224-5430

DOCKET DIRECTIVE 2014 - 12

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: OUT OF STATE SUBPOENA

This Docket Directive is issued pursuant to MCR 8.110; and is meant to provide direction to Court and County Clerk staff in the processing and recording of requests for a subpoena based on an out of state subpoena that is submitted to the Court pursuant to MCL 600.2201, *et seq*, and MCR 2.305(F).

IT IS ORDERED THAT:

Effective: Immediately

A. Wayne County Clerk's duties with respect to the initial request for an out of state subpoena:

The Wayne County Clerk, as the Clerk of the Court, shall:

1. Continue to accept without charge petitions that seek, pursuant to MCR 2.305(F) and MCL 600.2203, the issuance of a discovery subpoena to testify or provide discovery in an out-of-state proceeding.
2. Annually initiate an "out of state subpoena" (SP) (In re :) case which constitutes a separate group file for foreign subpoenas which shall be maintained in the manner established by the State Court Administrator's Office for group files.
3. Make a miscellaneous docketed event entry into the register of action-comments that reflects the name of the person who is being subpoenaed.


4. Issue a discovery subpoena for a case pending in another state when a petitioner submits to the Wayne County Clerk an original and two (2) copies of a Michigan Subpoena which:
 - a) incorporates the terms of the out-of-state subpoena,
 - b) contains the names, addresses and telephone numbers of all counsel of record and any party not represented by counsel, and
 - c) contains the name of the individual or records being subpoenaed.
5. Sign, date and seal all of the subpoenas submitted and retain one (1) copy for the group file.
6. Provide case labels to the requesting party and affix the case labels onto the original subpoena being issued.
7. Keep an original file in room 201.

B. Wayne County Clerk's duties with respect to the filing of challenges to out of state subpoenas.

1. Upon the filing of a motion requesting a protective order or an order to enforce, quash, or modify a subpoena issued under MCL 600.2203, a judge's copy of such motion, and the payment of the motion fee pursuant to MCL 600.2529 and MCR 2.119(G), the Wayne County Clerk shall relate or connect the motion to the original out of state subpoena. The petition at issue shall be removed from the group file, a civil case shall be established and the case shall be assigned to the docket of the Chief Judge.
2. The Wayne County Clerk staff shall direct the party filing a motion that challenges an out of state subpoena to take the judge's copy to the designated or assigned judge's courtroom.

C. Miscellaneous.

1. The Wayne County Clerk, the Third Circuit Court's Case Processing Department and the Third Circuit Court's Information Technology Systems Bureau are directed to take all steps necessary to implement this Directive.


Hon. Robert J. Colombo, Jr., Chief Judge
Third Judicial Circuit

DATE: May 7, 2014