



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

ROBERT J. COLOMBO, JR.
CHIEF JUDGE

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

(313) 224-5430

DOCKET DIRECTIVE 2018 – 09

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: OUT-OF-STATE SUBPOENA

This docket directive rescinds and replaces Docket Directive 2014-12.

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: July 3, 2018

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:

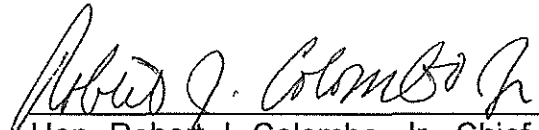
1. Continue to accept without charge petitions that seek, pursuant to MCR 2.305(F) and MCL 600.2203, the issuance of a discovery subpoena to testify or provide discovery in an out-of-state proceeding.
2. Annually initiate an "out-of-state subpoena" (SP) (In re :) case which constitutes a separate group 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. No motion fee shall be paid if the out-of-state subpoena is for a criminal case. 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.

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 of Michigan

DATE: July 3, 2018