

1 **1-045.1. Interstate subpoenas.**

2 A. **Definitions.** As used in this rule:

3 (1) “foreign jurisdiction” means a state other than this state;

4 (2) “foreign subpoena” means a subpoena issued under authority of a
5 court of record of a foreign jurisdiction;

6 (3) “person” means an individual, corporation, business trust, estate, trust,
7 partnership, limited liability company, association, joint venture, public corporation,
8 government, or governmental subdivision, agency or instrumentality, or any other legal or
9 commercial entity;

10 (4) “state” means a state of the United States, the District of Columbia,
11 Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any
12 territory or insular possession subject to the jurisdiction of the United States;

13 (5) “subpoena” means a document, however denominated, issued under
14 authority of a court of record requiring a person to:

15 (a) attend and give testimony at a deposition;

16 (b) produce and permit inspection and copying of designated
17 books, documents, records, electronically stored information, or tangible things in the
18 possession, custody, or control of the person, or

19 (c) permit inspection of premises under the control of the person.

20 B. **Issuance of subpoena.**

21 (1) To request issuance of a subpoena under this paragraph, a party must

1 submit a foreign subpoena to the clerk of the district court where the discovery is sought to
2 be conducted in New Mexico. A request for issuance of a subpoena under this rule does not
3 constitute an appearance in the courts of this state.

4 (2) When a party submits a foreign subpoena to a clerk of court in this
5 state, the clerk shall promptly issue a subpoena for service upon the person to which the
6 foreign subpoena is directed.

7 (3) A subpoena under Subparagraph (2) must:

8 (a) incorporate the terms used in the foreign subpoena; and

9 (b) contain or be accompanied by the names, addresses, and
10 telephone numbers of all counsel of record in the proceeding to which the subpoena relates
11 and of any party not represented by counsel.

12 C. **Service of subpoena.** A subpoena issued by a clerk under Paragraph B of
13 this rule must be served in compliance with Rule 1-045 NMRA.

14 D. **Deposition, production, and inspection.** Rule 1-045 NMRA applies to
15 subpoenas issued under Paragraph B of this rule.

16 E. **Application to court.** An application to the court for a protective order or
17 to enforce, quash, or modify a subpoena issued by a clerk of court under Paragraph B of this
18 rule must comply with the rules and statutes of this state and be submitted to the court in the
19 district in which discovery is to be conducted.

20 [Adopted by Supreme Court Order No. 09-8300-018, effective August 7, 2009.]

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- 1 **Committee commentary.** This rule was adapted from the Uniform Interstate Depositions
- 2 and Discovery Act. See the comment to the uniform act for additional information.
- 3 [Adopted by Supreme Court Order No. 09-8300-018, effective August 7, 2009.]