



Ohio Administrative Code Rule 3746-6-06 Discovery subpoenas.

Effective: August 15, 2011

(A) Issuance; form; notice

(1) Upon written request of any party, the commission may issue a subpoena for a witness to attend and give testimony at a deposition or a subpoena duces tecum to produce and permit inspection of documents, electronically stored information, or tangible things at a deposition. The executive director shall issue a subpoena, signed for the commission but otherwise in blank, to the requesting party, who shall fill it in before service. An attorney who has filed an appearance on behalf of a party in an action may also sign and issue a subpoena on behalf of the commission.

(2) The request for subpoena shall be filed with the commission at least fourteen days prior to the date specified in the subpoena.

(3) Every subpoena issued by the commission shall state the name of the commission, title of the action, case number, and shall command each person to whom it is directed to attend and give testimony or produce documents or electronically stored information at a time and place specified in the subpoena.

(4) A command to produce and permit inspection of documents, electronically stored information, or tangible things may be joined with a command to attend and give testimony, or may be issued separately. A subpoena may specify the form or forms in which electronically stored information is to be produced but may not require the production of the same information in more than one form.

(5) A subpoena may not be used to obtain the attendance of a party or the production of documents by a party in discovery. Rather, a party's attendance at a deposition may be obtained only by notice under rule 3746-6-02 of the Administrative Code and documents or electronically stored information may be obtained from a party in discovery only pursuant to rule 3746-6-04 of the Administrative Code.



(6) A party on whose behalf a subpoena is issued under paragraph (A)(1) of this rule shall serve prompt written notice, including a copy of the subpoena, on all other parties.

(B) Service

(1) A subpoena shall be served and returned in the same manner as allowed by the court of common pleas in criminal cases.

(2) The fees and mileage shall be the same as those allowed by the court of common pleas in criminal cases. The fee and mileage expenses of the witness being subpoenaed shall be paid in advance by the party requesting the subpoena.

(C) Contempt citations

In the case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter that the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the commission, may compel obedience by finding the person to whom the subpoena is directed in contempt.