

DEPARTMENT OF HOMELAND SECURITY
U.S. COAST GUARD

SUBPOENA IN AN ADMINISTRATIVE PROCEEDING

| | |
|-----------------|--------------------------|
| Complainant: | Docket Number: |
| Respondent: | |
| SUBPOENA | Coast Guard Case Number: |

TO: _____

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the above case.

| | |
|------------------|----------------------------|
| PLACE OF HEARING | Date: _____ Time: _____ |
|------------------|----------------------------|

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

| | |
|---------------------|----------------------------|
| PLACE OF DEPOSITION | Date: _____ Time: _____ |
|---------------------|----------------------------|

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

| | |
|-------|----------------------------|
| PLACE | Date: _____ Time: _____ |
|-------|----------------------------|

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

| | |
|----------|----------------------------|
| PREMISES | Date: _____ Time: _____ |
|----------|----------------------------|

Any organization not a party to this administrative proceedings that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify.

| | |
|-------------------------------------|------|
| ISSUING OFFICER SIGNATURE AND TITLE | DATE |
|-------------------------------------|------|

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER



PROOF OF SERVICE

| | |
|------------------------|-------------------|
| DATE | PLACE |
| SERVED | |
| SERVER ON (PRINT NAME) | MANNER OF SERVICE |
| SERVED BY (PRINT NAME) | TITLE |

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

33 CFR PART 20

Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard

§ 20.608 Subpoenas.

(a) Any party may request the ALJ to issue a subpoena for the attendance of a person, the giving of testimony, or the production of books, papers, documents, or any other relevant evidence during discovery or for any hearing. Any party seeking a subpoena from the ALJ shall request its issuance by motion.

(b) An ALJ may, for good cause shown, apply to the United States District Court for the issuance of an order compelling the appearance and testimony of a witness or the production of evidence.

(c) A person serving a subpoena shall prepare a written statement setting forth either the date, time, and manner of service or the reason for failure of service. He or she shall swear to or affirm the statement, attach it to a copy of the subpoena, and return it to the ALJ who issued the subpoena.

§ 20.609 Motions to quash or modify.

(a) A person to whom a subpoena is directed may, by motion with notice to the party requesting the subpoena, ask the ALJ to quash or modify the subpoena.

(b) Except when made at a hearing, the motion must be filed (1) 10 days or less after service of a subpoena compelling the appearance and testimony of a witness or the production of evidence or (2) at or before the time specified in the subpoena for compliance, whichever is earlier.

(c) If the subpoena is served at a hearing, the person to whom it is directed may, in person at the hearing or in writing within a reasonable time fixed by the ALJ, ask the ALJ to quash or modify it.

(d) The ALJ may quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue.

