

Plaintiff or Filing Attorney Information:

Name _____

NJ Attorney ID Number _____

Address _____

Telephone Number _____

Superior Court of New Jersey

Division _____ County

Part

Docket No: _____

I/M/O Application for the Issuance of
a Subpoena to

Civil Action

***Ex-Parte* Petition for Issuance of Subpoena
Pursuant to Court Rule 4:11-4**

Petitioner _____, applying for the authority to issue a

Rule 4:11-4 subpoena, hereby certifies and says:

1. I have been retained as local counsel by the firm of _____, in their capacity as attorney for _____ in an action in the State of _____, captioned _____, plaintiff(s), v. _____ defendant(s), bearing docket number _____.

2. A Commission was issued out of the _____ Court of the State of _____, authorizing the [deposition on oral testimony] [deposition on written interrogatory] [a subpoena duces tecum for the production of things or documents] of _____, who lives, works or does business at _____, in the City/Township/Borough of _____, County of _____, and State of New Jersey. A copy of the Commission [Letters Rogatory] is attached to this petition as Exhibit A.

FORM A

3. I submit this petition in support of my application for an Order pursuant to *Rule 4:11-4* authorizing that a subpoena be issued to _____ at the aforementioned address requiring that he/she/it [*give his/her/its deposition on written interrogatory*] [*appear at _____ o'clock in the _____ noon on _____ (date) at the office of _____ located at _____, New Jersey for taking his/her/its deposition on oral testimony*] [*requiring that he/she/it produce the following things or documents*] _____. The deposition on oral testimony shall continue from day to day until completed.

4. _____ [*out-of-state attorney*] has advised me of the following relevant facts:

a. On or about _____ a motion was made in the aforementioned litigation in the State of _____ for the appointment of a Commissioner in the State of New Jersey to cause service of a subpoena upon and [*for taking the deposition of _____ on oral testimony*] [*for taking the deposition of _____ by written interrogatory*] [*for the production of things or documents in the possession of _____*].

b. On _____ the Honorable _____, Judge of the _____ Court, signed an Order directing the undersigned be appointed Commissioner of the above stated purpose. A copy of the Order is attached as Exhibit B.

c. The [*deposition on oral testimony*] [*deposition on written interrogatory*] [*the production of the thing or documents by*] of this witness is essential to this case because _____.

d. No previous application has been made for the relief herein requested.

FORM A

WHEREFORE, the petitioner respectfully requests that an Order be entered:

- a. authorizing the issuance of a subpoena, in aid of foreign litigation, directing _____ *[to appear and give oral testimony] [give answers under oath to written interrogatories] [produce (here describe the things or documents)]* pursuant to the Commission issued by the State of _____; and
- b. authorizing the petitioner the right to *[adjourn, recess or reschedule the deposition on oral testimony] [extend the time for answering written interrogatories] [extend the time to produce things or documents]* by consent without any further application to this court.
- c. for such other relief as is just and proper.

Dated: _____

Signature

VERIFICATION

- 1. I am the petitioner in the within matter.
- 2. I have read the foregoing petition and on my own personal knowledge, except those facts related to me by out-of-state counsel, I know that the facts therein are true.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: _____

Signature

BEFORE FILING, BE SURE TO REMOVE THIS SENTENCE FROM THE DOCUMENT AS WELL AS THE DESCRIPTIVE INSTRUCTIONS INCLUDED IN BRACKETS.

FORM B

Plaintiff or Filing Attorney Information:

Name _____

NJ Attorney ID Number _____

Address _____

Telephone Number _____

Superior Court of New Jersey

Division _____ County

Part

Docket No: _____

I/M/O Application for the Issuance of
a Subpoena to

Civil Action

Order Pursuant to Court Rule 4:11-4

This matter having come before the Court on the application of _____ for an Order authoring the issuance of a subpoena to _____, and it appearing that the _____ Court of the State of _____ has issued a Commission [Letters Rogatory] in a pending case captioned _____, plaintiff(s), v. _____, defendant(s), docket/case number _____, authorizing _____ to *[take the deposition on oral testimony] [take the deposition on written interrogatory] [issue a subpoena duces tecum for the production of things or documents]* of _____ who lives, resides or does business in the City/Township/Borough of _____, New Jersey, and it further appearing that good cause exists.

IT IS on this _____ day of _____, 20____, ORDERED that a subpoena may issue commanding _____ to appear before _____ on (date) _____, 20____, at _____ o'clock in the _____ noon at the office of _____, located at _____, to *[give oral testimony under oath] [provide answers under oath to written interrogatories] [produce things or documents]* in the above captioned matter; and it is further ORDERED that the petitioner may *[adjourn and reschedule the time, date and place of the deposition by oral testimony] [extend the time for answering written interrogatories] [extent the time to produce things or documents]* by consent without any further application to this court.

J.S.C.

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