

Anna Young, Chair  
On behalf of the Committee on Juvenile Courts  
Administrative Office of the Courts  
1501 W. Washington, Suite 411  
Phoenix, AZ 85007-3327

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the matter of:	)	
	)	
PETITION TO ADOPT R. PRO.	)	Supreme Court No. R-25-0053
JV. CT. 326.1	)	
	)	<b>COMMENT OF THE</b>
	)	<b>COMMITTEE ON JUVENILE</b>
	)	<b>COURTS</b>
	)	
	)	
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Pursuant to Rule 28(c), Rules of the Supreme Court of Arizona and this Court’s order dated January 22, 2026, the Committee on Juvenile Courts (COJC) hereby submits this Comment regarding Rule Petition No. R-25-0053 (“Petition”), a joint petition filed by the Directors of the Maricopa County Indigent Defense Agencies. The Petition proposes adoption of a new Rule 326.1 of the Rules of Procedure for the Juvenile Court to establish subpoena procedures in dependency, guardianship, and termination of parental rights proceedings.

Following discussion of this Petition at the April 23 2026, COJC meeting, a motion was made and seconded for the COJC to file this Comment supporting the proposed rule amendments generally, but proposing technical and clarifying changes

to those amendments. The motion passed unanimously. This Comment is a result of that formal Committee action and is intended to reflect the COJC's discussion and recommendations concerning the amendments requested in the Petition.

## **I. Discussion**

Before the 2022 restyling of the Juvenile Rules, parties seeking a subpoena in guardianship, dependency, and termination of parental rights proceedings relied on Rule 45 of the Rules of Civil Procedure. Juvenile Rule 103(d), however, now prevents the application of Civil Rule 45 in these matters because Civil Rule 45 is not incorporated by reference in the Juvenile Rules. As a result, the Juvenile Rules currently provide no mechanism for a party to request a subpoena in these proceedings.

To address the gap, the Petition proposes a lengthy new rule rather than incorporating Civil Rule 45 by reference. The proposed rule largely tracks Civil Rule 45 but removes provisions concerning electronically stored information (ESI), production of tangible things, inspection of premises, and attendance at depositions<sup>1</sup>. Although the COJC recognizes that these provisions may not apply to subpoenas in guardianship, dependency, and termination matters, the COJC considered whether incorporation of Civil Rule 45 by reference might nevertheless be more efficient.

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<sup>1</sup> The differences between Civil Rule and Petitioners' proposed Rule 326.1 are shown in Appendix B to this Comment.

Attempting to incorporate Civil Rule 45 while applying juvenile-specific provisions, however, results in a confusing and unwieldy rule. Accordingly, a separate, independent rule governing subpoenas in these cases is the clearer and more workable solution.

Some of the provisions of the proposed rule, however, are inconsistent, unclear, or not aligned with current rule styling conventions. If this Court is inclined to adopt procedures for subpoenas requiring production of documents and attendance at trials and hearings in guardianship, dependency, and termination cases, the COJC recommends revisions to Petitioner's proposed Rule 326.1 as set forth in Appendix A.

## **II. Concerns with Proposed Amendments**

### **A. Proposed Rule 326.1(b)(2) – Separate Subpoenas**

Proposed Rule 326.1(b)(2) states, “A subpoena to produce documents must be set out in a separate subpoena.” This language is incomplete because it does not specify what the document-production subpoena must be separate from. The COJC therefore recommends revising proposed Rule 326.1(b)(2) to state: “A command to produce documents must be set out in a subpoena separate from a subpoena commanding attendance at a hearing or trial.” The proposed revisions are shown in Appendix A.

### **B. Proposed Rule 326.1(c)(2) – Appearance Not Required**

Proposed Rule 326.1(c)(2) states that a person need not appear in person at the place of production or inspection unless the subpoena also commands attendance at a hearing or trial. But proposed Rule 326.1(b) expressly provides that a subpoena for document production must be separate from a subpoena commanding attendance at a hearing or trial. It is therefore unclear when the referenced scenario could occur. The COJC therefore believes that the text “unless the subpoena also commands attendance at a hearing or trial” should be stricken. The proposed revisions are shown in Appendix A.

#### **C. Proposed Rule 326.1(d)(1)(B) – Service on a Corporate Entity**

Proposed Rule 326.1(d)(1)(B) states that service on a corporate entity is complete after delivery to the “corporate entity’s agent or email or fax number so designated by the corporate entity.” The meaning of “if so designated by the corporate entity” is unclear. Assuming Petitioners intend to permit service by email or fax when the entity has designated such contact information for service, the COJC recommends revising the text to: “Service is complete after delivering a copy of the subpoena to the corporate entity’s agent or email address or fax number designated by the corporate entity for that purpose.” The proposed revisions are shown in Appendix A.

#### **D. Proposed Rule 326.1(d)(4) – Filing Proof of Service**

Proposed Rule 326.1(d)(4) states: “Proof of service should be filed with the court except in accordance with Rule 106.” This language is unclear because Rule 106 provides that subpoenas are not to be filed unless ordered by the court. If Petitioners intend to track the requirements of Civil Rule 45, which prohibits filing proof of service except as permitted by Civil Rule 5.1(c)(2)(A), the COJC recommends revising the provision to: “Proof of service may not be filed except as allowed by Rule 106.” The proposed revisions are shown in Appendix A.

**E. Proposed Rule 326.1(e)(1)(B) – Reference to ESI, Tangible Things, or Inspection of Premises**

The first sentence of proposed Rule 326.1(e)(1)(B), which addresses reimbursement of expenses incurred by the subpoenaed person, refers to a subpoena for the production of ESI, tangible things, or an inspection of premises—subjects Petitioners have intentionally excluded from the rule. The reference is therefore confusing. The COJC recommends revising the sentence to remove the reference to these items. The proposed revisions are shown in Appendix A.

**III. Conclusion**

The COJC supports Petitioners’ proposal to add a new rule to the Rules of Procedure for the Juvenile Court to establish subpoena procedures for guardianship, dependency, and termination of parental rights matters. If this Court is inclined to adopt the proposal, the COJC respectfully requests that this Court consider and incorporate the revisions set forth in Appendix A to this Comment.

Respectfully submitted this 23<sup>rd</sup> day of April, 2026.

/s/ Anna Young  
Anna Young, Chair  
On behalf of the Committee on Juvenile Courts

**Appendix A**  
**Petitioners' Proposed Amendments with COJC Suggested Revisions**  
*(COJC's suggested additions are shown in underline, suggested deletions are shown in strikethrough)*

**Rules of Procedure for the Juvenile Court**

**Rule 326.1. Subpoenas**

**(a) Generally.**

(1) Requirements--Generally. Every subpoena must:

(A) state the name of the Arizona court from which it issued;

(B) state the title of the action, the name of the court in which it is pending, and its case number;

(C) command each person to whom it is directed to do the following at a specified time and place:

(i) attend and testify at a hearing or trial; or

(ii) produce and permit inspection of designated documents in that person's possession, custody, or control; and

(D) be substantially in the form set forth in Civil Rule of Civil Procedure 84, Form 9.

(2) Issuance by Clerk. The clerk must issue a signed but otherwise blank subpoena to a party requesting it. That party must complete the subpoena before service.

**(b) Subpoena for Hearing or Trial; Duties; Objections.**

(1) *Issuing Court.* A subpoena commanding attendance at a hearing or trial must issue from the superior court in the county where the hearing or trial is to be held.

(2) *A Command to Produce Must Be Separate.* A command subpoena to produce documents must be set out in a separate subpoena separate from a subpoena commanding attendance at a hearing or trial.

(3) *Trial or Hearing Subpoena.* Subject to Rule 326.1(e)(2)(B), a subpoena commanding attendance at a trial or hearing may require the subpoenaed person to travel from anywhere within the state.

(4) *Objections; Appearance Required.* Objections to a subpoena commanding attendance at a hearing or trial, must be made by timely motion under Rule 326.1(e)(2). Unless excused from doing so by the party or attorney serving a subpoena, by a court order, or by any other provision of this Rule 326.1, a person who is properly served with a subpoena must attend and testify at the date, time, and place specified in the subpoena.

**(c) Subpoena to Produce Documents; Duties; Objections.**

(1) *Issuing Court.* A subpoena commanding a person to produce designated documents must issue from the superior court in the county where the production or inspection is to be made.

(2) *Appearance Not Required.* A person commanded to produce or permit inspection of documents ~~need~~ is not required to appear in person at the place of production or inspection ~~unless the subpoena also commands attendance at a hearing or trial.~~

(3) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the usual course of business or organize and label them to correspond with the categories in the demand.

(4) *Claiming Privilege or Protection.*

(A) If information produced in response to a subpoena is subject to a claim of privilege or of protection as work-product material, the person making the claim and the receiving parties must timely file an objection ~~pursuant to~~ under Rule 326.1(c)(5).

(B) There is no obligation to create a privilege log unless the superior court has authorized use of Civil Rule(s) 26(b)(6)(A) or 26(b)(6)(B) of the Rules of Civil Procedure pursuant to under Rule 315(e).

(5) *Objection Procedures; Duty to Confer.*

(A) Form and Time for Objection.

(i) A person commanded to produce or permit inspection of documents may serve a written objection to producing or permitting inspection of any or all of the materials. The objection must state the basis for the objection, and must include the name, address, and telephone number of the person, or the person's attorney, serving the objection.

(ii) The objection must be served on the party or attorney serving the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.

(B) Procedure After Objecting.

(i) A person objecting to a subpoena to produce or permit inspection of documents need not comply with those parts of the subpoena that are the subject of the objection, unless ordered to do so by the issuing court. The objecting person also may move for a protective order or to modify or quash the subpoena.

(ii) The party serving the subpoena may move under Civil Rule 37(a) of the Civil Rules of Procedure to compel compliance with the subpoena. The motion must comply with Civil Rule 37(a)(1) of the Civil Rules of Procedure, and must be served on the subpoenaed person and all other parties under Rule 106.

(iii) Any order to compel entered by the court must protect a person who is neither a party nor a party's officer from undue burden or expense resulting from compliance.

(C) Duty to Confer. Before bringing any motion to compel, motion to quash, or motion for protective order regarding compliance with a subpoena, the movant must attempt to resolve the dispute by good faith consultation with the opposing party or person.

**(d) Service**

(1) *General Requirements.* A subpoena may be served by any person who is not a party and is at least 18 years old.

(A) Named, individual person. Service is complete after delivering a copy of the subpoena to the named person, or that person's attorney, if they are represented by an attorney in these proceedings.

(B) Corporate Entity. Service is complete after delivering a copy of the subpoena to the corporate entity's agent or email address or fax number if so designated by the corporate entity for that purpose.

(2) *Notice to, and Service on Other Parties.* A copy of every subpoena and any proof of service must be served on every other party in accordance with Rule 106.

(3) *Service Within the State.* A subpoena may be served anywhere within the state.

(4) *Proof of Service.* Proof of service ~~should~~ may not be filed except ~~in accordance with~~ as allowed by Rule 106.

**(e) Motion to Quash or Modify**

(1) *Avoiding Undue Burden or Expense; Sanctions.*

(A) Generally. A party or an attorney responsible for serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. Absent good cause, a subpoena may not seek production of materials that have already been produced in the action or that are available from parties to the action.

(B) Subpoena to Produce or Permit Inspection of Documents. Unless otherwise ordered by the court for good cause, the party seeking discovery must pay the reasonable expenses incurred by the subpoenaed person in responding to a subpoena seeking the production or inspection of documents, ~~electronically stored information, tangible things, or an inspection of premises.~~ A subpoenaed person seeking payment of expenses other than routine clerical and per-page copying costs as allowed by statute must object on the grounds that the expenses will cause an undue burden without payment by the subpoenaing party, and must provide an advance estimate of those expenses. The

procedures in Rule 326.1(c)(5) govern any such objection. On any dispute, the court may quash or modify the subpoena or may, in the alternative, specify conditions that include the payment of such additional expenses by the subpoenaing party and the payment of expenses in advance.

(2) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court in the county where the case is pending or from which a subpoena was issued must quash or modify a subpoena if it:

- (i) fails to allow a reasonable time to comply;
- (ii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iii) subjects a person to undue burden or expense.

(B) When Permitted. On timely motion, the superior court in the county where the case is pending or from which a subpoena was issued may quash or modify a subpoena if:

- (i) it requires a person who is neither a party nor a party's officer to incur substantial travel expense; or
- (ii) justice so requires.

(C) Virtual Appearances. In the circumstances described in Rule 326.1(e)(2)(B), the court may permit virtual attendance at the hearing or trial pursuant to Rule 110.

(D) Time for Motion. A motion to quash or modify a subpoena must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.

(E) Service of Motion. Any motion to quash or modify a subpoena must be served on the party or the attorney serving the subpoena. The party or attorney who served the subpoena must serve a copy of any such motion on all other parties.

**(f) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**(g) Rule 315(e) Discovery Methods.** When a superior court has authorized the discovery methods of discovery through in Civil Rules of Civil Procedure 26 through 37, Civil Rule 45 of the Rules of Civil Procedure shall governs subpoenas issued for that purpose.

**Appendix B**  
**Comparison of Proposed Rule 326.1 to Civil Rule 45**  
(New text shown in underline, deletions shown in ~~strikethrough~~)

**(a) Generally.**

(1) *Requirements--Generally.* Every subpoena must:

(A) state the name of the Arizona court from which it issued;

(B) state the title of the action, the name of the court in which it is pending, and its civil action case number;

(C) command each person to whom it is directed to do the following at a specified time and place:

(i) attend and testify at a ~~deposition,~~ hearing, or trial; or

(ii) produce and permit inspection, ~~copying, testing, or sampling~~ of designated documents, ~~electronically stored information, or tangible things~~ in that person's possession, custody, or control; ~~or~~ ~~(iii) permit the inspection of premises; and~~

(D) be substantially in the form set forth in Rule of Civil Procedure 84, Form 9.

(2) *Issuance by Clerk.* The clerk must issue a signed but otherwise blank subpoena to a party requesting it. That party must complete the subpoena before service. ~~The State Bar of Arizona may also issue signed subpoenas on behalf of the clerk through an online subpoena issuance service approved by the Supreme Court.~~

**(b) Subpoena for Deposition, Hearing, or Trial; Duties; Objections.**

(1) *Issuing Court.* A subpoena commanding attendance at a hearing or trial must issue from the superior court in the county where the hearing or trial is to be held. ~~Except as otherwise provided in Rule 45.1, a subpoena commanding attendance at a deposition must issue from the superior court in the county where the action is pending.~~

(2) ~~*Combining or Separating a Command to Produce or to Permit Inspection.*~~ A ~~command~~ subpoena to produce documents, ~~electronically stored information, or tangible things, or to permit the inspection of premises,~~ may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may must be set out in a separate subpoena.

(3) ~~*Place of Appearance.*~~

~~(A)~~ Trial or Hearing Subpoena. Subject to Rule ~~45~~326.1(e)(2)(B)(~~iii~~), a subpoena commanding attendance at a trial may require the subpoenaed person to travel from anywhere within the state.

~~(B) Deposition or Hearing Subpoena. A subpoena commanding a person who is neither a party nor a party's officer to attend a deposition~~

~~or hearing may not require the subpoenaed person to travel to a place other than:~~

~~(i) the county where the person resides or transacts business in person;~~

~~(ii) the county where the person is served with a subpoena, or within 40 miles from the place of service; or~~

~~(iii) such other convenient place fixed by a court order.~~

~~(4) Command to Attend a Deposition—Notice of Recording Method.—A subpoena commanding attendance at a deposition must state the method for recording the testimony.~~

~~(54) Objections;—: Appearance Required. Objections to a subpoena commanding attendance at a deposition, hearing, or trial, must be made by timely motion under Rule 45326.1(e)(2). Unless excused from doing so by the party or attorney serving a subpoena, by a court order, or by any other provision of this Rule 45326.1, a person who is properly served with a subpoena must attend and testify at the date, time, and place specified in the subpoena.~~

**(c) Subpoena to Produce Materials ~~or to Permit Inspection; Duties; Objections.~~**

~~(1) Issuing Court. If separate from a subpoena commanding attendance at a deposition, hearing, or trial, a subpoena commanding a person to produce designated documents, electronically stored information, or tangible things, or to permit the inspection of premises, must issue from the superior court in the county where the production or inspection is to be made.~~

~~(2) Electronically Stored Information.~~

~~(A) Specifying the Form for Electronically Stored Information.—A subpoena may specify the form or forms in which electronically stored information is to be produced.~~

~~(B) Form for Electronically Stored Information Not Specified.—If a subpoena does not specify a form for producing electronically stored information, the person responding may produce it in native form or in another reasonably usable form that will enable the receiving party to have the same ability to access, search, and display the information as the responding person.~~

~~(C) Electronically Stored Information Produced in Only One Form.—The person responding need not produce the same electronically stored information in more than one form.~~

~~(D) Inaccessible Electronically Stored Information.—The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or expense, including sources that are unduly burdensome or expensive to access because of the past good-faith operation of an electronic~~

~~information system or good faith and consistent application of a document retention policy. Any such objection must be made in the time and manner provided in Rule 45(c)(6). On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or expense. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(1) and (b)(2). The court may specify conditions for the discovery. Rule 26(e) applies to any motion to quash, motion for protective order, or motion to compel concerning an objection that electronically stored information is not reasonably accessible.~~

~~(32) Appearance Not Required.~~ A person commanded to produce documents, ~~electronically stored information, or tangible things, or to permit the inspection of premises,~~ need not appear in person at the place of production or inspection unless the subpoena also commands attendance at a ~~deposition,~~ hearing, or trial.

~~(43) Documents.~~ A person responding to a subpoena to produce documents must produce them as they are kept in the usual course of business, or organize and label them to correspond with the categories in the demand.

~~(54) Claiming Privilege or Protection.~~

~~(A) A person withholding subpoenaed information under a claim that it is privileged or subject to protection as work-product material must promptly comply with Rule 26(b)(6)(A), unless a timely objection is made under Rule 45(c)(6)(A) that providing the information required by Rule 26(b)(6)(A) would impose an undue burden or expense. If such an objection is made, the procedures in Rule 45(c)(6)(C) apply. On any such objection, unless the court orders otherwise for good cause, a subpoenaing party requesting a privilege log must pay the subpoenaed person's reasonable expenses in preparing the log.~~

~~(B)~~ (A) If information produced in response to a subpoena is subject to a claim of privilege or of protection as work-product material, the person making the claim and the receiving parties must ~~comply with Rule 26(b)(6)(A) or, if applicable, Rule 26(b)(6)(B)~~ timely file an objection pursuant to Rule 326.1(c)(5).

(B) There is no obligation to create a privilege log unless the superior court has authorized use of Rule(s) 26(b)(6)(A) or 26(b)(6)(B) of the Rules of Civil Procedure pursuant to Rule 315(e).

~~(65) Objection Procedures; Duty to Confer.~~

~~(A) Form and Time for Objection.~~

(i) A person commanded to produce ~~documents, electronically stored information, or tangible things,~~ or to permit inspection, of documents may serve a written objection to producing, ~~inspecting, copying, testing, or sampling~~ permitting inspection of any or all of the materials; ~~to inspecting the premises; or to producing electronically stored information in the form or forms requested or from sources that are not reasonably accessible because of undue burden or expense, including sources that are unduly burdensome or expensive to access because of the past good faith operation of an electronic information system or good faith and consistent application of a document retention policy.~~ The objection must state the basis for the objection, and must include the name, address, and telephone number of the person, or the person's attorney, serving the objection.

(ii) The objection must be served on the party or attorney serving the subpoena before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.

~~(iii) A person served with a subpoena that combines a command to produce materials or to permit inspection, with a command to attend a deposition, hearing, or trial, may object to any part of the subpoena. A person objecting to the part of a combined subpoena that commands attendance at a deposition, hearing, or trial must attend and testify at the date, time, and place specified in the subpoena, unless excused as provided in Rule 45(b)(5).~~

(B) Procedure After Objecting.

(i) A person objecting to a subpoena to produce ~~materials~~ or ~~to~~ permit inspection of documents need not comply with those parts of the subpoena that are the subject of the objection, unless ordered to do so by the issuing court. The objecting person also may move for a protective order or to modify or quash the subpoena.

(ii) The party serving the subpoena may move under Rule 37(a) of the Civil Rules of Procedure to compel compliance with the subpoena. The motion must comply with Rule 37(a)(1) of the Civil Rules of Procedure, and must be served on the subpoenaed person and all other parties under Rule ~~5(e)~~106.

(iii) Any order to compel entered by the court must protect a person who is neither a party nor a party's officer from undue burden or expense resulting from compliance.

(C) Duty to Confer. Before bringing any motion to compel, motion to quash, or motion for protective order regarding compliance with a subpoena, the movant must attempt to resolve the dispute by good faith consultation with the opposing party or person. ~~Any motion regarding compliance with a subpoena must be accompanied by a good faith consultation certificate under Rule 7.1(h). Absent agreement of the subpoenaed person, the expedited procedures in Rule 26(d) do not apply to motions under this rule.~~

~~(7) Production to Other Parties. Unless otherwise stipulated by the parties or ordered by the court, a party receiving documents, electronically stored information, or tangible things in response to a subpoena must promptly make such materials available to all other parties for inspection and copying, along with any other disclosures required by Rule 26.1.~~

**(d) Service.**

(1) *General Requirements; Tendering Fees.* A subpoena may be served by any person who is not a party and is at least 18 years old.

(A) Named, individual person. ~~Serving a subpoena requires~~ Service is complete after delivering a copy of the subpoena to the named person ~~and, or that person's attorney, if the subpoena requires that person's attendance, tendering to that person the fees for one day's attendance and the mileage allowed by law~~ they are represented by an attorney in these proceedings.

(B) Corporate Entity. Service is complete after delivering a copy of the subpoena to corporate entity's agent or email or fax number so designated by the corporate entity.

~~(2) Exceptions to Tendering Fees. Fees and mileage need not be tendered when the subpoena commands attendance of a party at a trial or hearing or is issued on behalf of the State of Arizona or any of its officers or agencies.~~

~~(32) Notice to, and Service on Other Parties.~~ A copy of every subpoena and any proof of service must be served on every other party in accordance with Rule ~~5(e)~~106. ~~If the subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party at least 2 days before it is served on the person to whom it is directed.~~

~~(43) Service Within the State.~~ A subpoena may be served anywhere within the state.

~~(54) Proof of Service.~~ Proof of service ~~may not~~should be filed except ~~as allowed by~~in accordance with Rule ~~5.1(e)(2)(A)~~106. ~~Any such filing must be with the court clerk for the county where the action is pending and must~~

~~include the server's certificate stating the date and manner of service and the names of the persons served.~~

**(e) ~~Protecting a Person Subject to a Subpoena;~~ Motion to Quash or Modify.**

*(1) Avoiding Undue Burden or Expense; Sanctions.*

(A) Generally. A party or an attorney responsible for serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. Absent good cause, a subpoena may not seek production of materials that have already been produced in the action or that are available from parties to the action.

(B) Subpoena to Produce ~~Materials~~ or to Permit Inspection Premises of Documents. Unless otherwise ordered by the court for good cause, the party seeking discovery must pay the reasonable expenses incurred by the subpoenaed person in responding to a subpoena seeking the production of documents, electronically stored information, tangible things, or an inspection of premises. A subpoenaed person seeking payment of expenses other than routine clerical and per-page copying costs as allowed by statute must object on the grounds that the expenses will cause an undue burden without payment by the subpoenaing party, and must provide an advance estimate of those expenses. The procedures in Rule ~~45326.1(c)(65)~~ govern any such objection. On any dispute, the court may quash or modify the subpoena or may, in the alternative, specify conditions that include the payment of such additional expenses by the subpoenaing party and the payment of expenses in advance. ~~The issuing court must impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party, attorney, or person who fails to comply with Rule 45(e)(1)(A) or (B).~~

*(2) Quashing or Modifying a Subpoena.*

(A) When Required. On timely motion, the court in the county where the case is pending or from which a subpoena was issued must quash or modify a subpoena if it:

(i) fails to allow a reasonable time to comply;

~~(ii) requires a person who is neither a party nor a party's officer to travel to a location other than the places specified in Rule 45(b)(3)(B);~~

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

~~(iv)~~iii subjects a person to undue burden or expense.

(B) When Permitted. On timely motion, the superior court in the county where the case is pending or from which a subpoena was issued may quash or modify a subpoena if:

~~(i) it requires disclosing a trade secret or other confidential research, development, or commercial information;~~

~~(ii) it requires disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party;~~

~~(iii) it requires a person who is neither a party nor a party's officer to incur substantial travel expense; or~~

~~(iv) justice so requires.~~

(C) ~~Specifying Conditions as an Alternative~~ Virtual Appearances. In the circumstances described in Rule ~~45~~326.1(e)(2)(B), the court may permit virtual attendance at the hearing or trial pursuant to Rule 110, ~~instead of quashing or modifying a subpoena, order appearance or production under specified conditions, including any conditions and limits set forth in Rule 26(e), as the court deems appropriate:~~

~~(i) if the party or attorney serving the subpoena shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship; and~~

~~(ii) if the person's travel expenses or the expenses resulting from the production are at issue, the party or attorney serving the subpoena assures that the subpoenaed person will be reasonably compensated for those expenses.~~

(D) Time for Motion. A motion to quash or modify a subpoena must be filed before the time specified for compliance or within 14 days after the subpoena is served, whichever is earlier.

(E) Service of Motion. Any motion to quash or modify a subpoena must be served on the party or the attorney serving the subpoena. The party or attorney who served the subpoena must serve a copy of any such motion on all other parties.

**(f) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it. ~~A failure to obey must be excused if the subpoena purports to require a person who is neither a party nor a party's officer to attend or produce at a location other than the places specified in Rule 45(b)(3)(B).~~

(g) Rule 315(e) Discovery Methods. When a superior court has authorized methods of discovery through Rules of Civil Procedure 26 through 37, Rule 45 of the Rules of Civil Procedure shall govern subpoenas.