

Rule Change #1997(25)

**The Colorado Rules of Civil Procedure
Chapter 5. Trials
Rule 45. Subpoena**

Rule 45. Subpoena

(a) through (b) * * * [NO CHANGE] * * *

(c) **Service.** Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to ~~him~~ SUCH PERSON the fees for one day's attendance and the mileage allowed by law. Service is also valid if the person named in the subpoena has signed a written admission or waiver of personal service. When the subpoena is issued on behalf of the state of Colorado, or an officer or agency thereof, fees and mileage need not be tendered. Proof of service shall be made as in Rule 4(H)(i). Unless otherwise ordered by the court for good cause shown, such subpoena shall be served no later than forty-eight hours before the time for appearance set out in said subpoena. THE PARTY ISSUING OR CAUSING THE ISSUANCE OF THE SUBPOENA PURSUANT TO THIS RULE, EXCEPT IN POST-JUDGMENT PROCEEDINGS, SHALL SERVE A COPY OF THE SUBPOENA (INCLUDING A COMPLETE LIST OF DOCUMENTS AND THINGS REQUESTED TO BE PROVIDED PURSUANT TO THE SUBPOENA) UPON ALL PARTIES OF RECORD, INCLUDING PRO SE PARTIES, IN THE MANNER PRESCRIBED BY C.R.C.P. 5(b). SERVICE ON THE OTHER PARTIES SHALL BE MADE PROMPTLY AFTER THE SERVICE OF THE SUBPOENA UPON THE PERSON NAMED THEREIN. ORIGINAL SUBPOENAS AND RETURNS OF SERVICE OF SUCH SUBPOENAS NEED NOT BE FILED WITH THE COURT.

(d) through (f) * * * [NO CHANGE] * * *

Amended and Adopted by the Court, En Banc, October 30, 1997, effective January 1, 1998.

BY THE COURT:

**Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court**

