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12/02/2008 01:38 AM

To <Rules_Comments@ao.uscourts.gov>
cc
bcc
Subject Suggestions for Amendment to Rules of Civil Procedure

I have a suggestion for a new form/revision of a form.

1. Motion for an Order to Produce Documents before action. Basically, this form would allow individuals to ask the courts for an order to produce or retrieve information without the person having to actually start a civil action. The procedures for using this form would be the same as filing any motion. The moving party goes to the opposing party with a copy of the order. If the other party agrees to the order, the courts enters it. If the other party does not and requests a hearing, it goes to a hearing. This is a modification of the procedures for using the standard motion form. For example, in cases where the defendant's information and address is not known but can be obtained through a third party who actually requires a court order in order to release the information. A motion before the start of an actual court case allows the plaintiff to retrieve the information needed to serve the legal papers correctly.

2. Subpoena before Action. This form, which is just allowing the public to file a subpoena before actually starting a court case (commencement of a civil action). Normally, a subpoena can only be filed after a party starts a court case and serves it on the defendant. With a Subpoena before Action (Commencement of a Civil Case), the party is allowed to file for a subpoena without starting the case. The party wishing to file a subpoena just completes the form and submits it to the court clerk without having to file a summons/complaints or having to serve it on the defendant. Prior to filing this, the requesting party can serve a proposed subpoena on the defendant. If they agree to do it, then the court just enters it. If they do not, then the requesting party can ask for a subpoena and have the courts sign it. The opposing party can challenge it as a subpoena would normally be challenged.

3. Lastly, in the court rules, can you provide a section on how to ask to be excused from courts.

Lastly, can you check your correspondences and requests for new court forms to see if anyone submitted anything to your office about creating a form that would allow individuals to protect their intellectual property or patenting property using a court statement or affidavit method?

Thanks