

The Superior Court of California

COUNTY OF SAN DIEGO

EXECUTIVE OFFICE OF THE COURT

MICHAEL M. RODDY
Executive Officer and Clerk
Jury Commissioner

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October 11, 2011

VIA EMAIL & MAIL

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Judicial Conference of the United States
Administrative Office of the United States Courts
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, NE
Washington, DC 20544
rules_comments@ao.uscourts.gov

Re: Federal Rules Published for Comment by October 12, 2011

Dear Secretary McCabe:

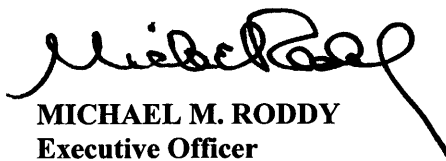
The Superior Court of California, County of San Diego ("Superior Court"), wishes to comment on the proposed amendments to Federal Rule of Civil Procedure 45(c). The proposed amendments would direct that the court where an action is pending is the "issuing court," and would introduce limited authority for a court in which a subpoenaed party is located to transfer a subpoena-related motion to the court that issued the subpoena.

The Superior Court receives hundreds of subpoenas, from attorneys and/or litigants in actions to which this Court is not a party, seeking copies of its records. The Superior Court, through its in-house attorney(s), sends simple objections in response, explaining that any member of the public may obtain copies of the public portion of court records, simply by paying this Court its statutory fees.

If the Superior Court was required to respond to subpoena-related motions in cases pending across the United States, the California judicial branch would incur substantial increased litigation costs for attorney fees around the nation. The California courts are experiencing unprecedented budget cuts, and the taxpayers of this state should not be asked to shoulder this added burden.

The Superior Court respectfully requests that Rule 45 be modified to exempt state courts expressly, based on principles of sovereign immunity, comity, and a court's inherent power to control its own records.

Sincerely,



MICHAEL M. RODDY
Executive Officer