

\_\_\_\_\_ COURT  
COUNTY OF \_\_\_\_\_

.....  
:  
:  
Plaintiff(s) :  
-against- :  
:  
Defendant(s) :  
.....

Index No.  
Calendar No.

**JUDICIAL SUBPOENA DUCES  
TECUM (RECORDS ONLY)**

THE PEOPLE OF THE STATE OF NEW YORK

TO:

GREETINGS:

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you (*check one box*):

make available, by the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and permit the party seeking discovery, or someone acting on his or her behalf, to inspect, copy, test or photograph the following: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

deliver to \_\_\_\_\_, by the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, complete and accurate copies of the following: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**All papers or other items delivered pursuant to this subpoena shall be accompanied by a copy of this subpoena.**

**IF THIS SUBPOENA IS ADDRESSED TO A NON-PARTY<sup>2</sup>:** The reason this disclosure is necessary is:<sup>3</sup>

\_\_\_\_\_  
\_\_\_\_\_

**IF THIS SUBPOENA IS ADDRESSED TO A NON-PARTY MEDICAL PROVIDER FOR PATIENT'S RECORDS:** Written authorization from the patient is attached. **(Records shall not be provided unless this subpoena is accompanied by a written authorization by the patient.)**<sup>4</sup>

<sup>1</sup> Per CPLR §3120, parties must be given no less than 20 days after the service of this subpoena.

<sup>2</sup> Per CPLR §3122(d), "Unless the subpoena duces tecum directs the production of original documents for inspection and copying at the place where such items are usually maintained, it shall be sufficient for the custodian or other qualified person to deliver complete and accurate copies of the items to be produced. The reasonable production expenses of a non-party witness shall be defrayed by the party seeking discovery."

<sup>3</sup> Stated per CPLR §3101(a)(4).

<sup>4</sup> Per CPLR §3122(a): "Any subpoena served upon a medical provider requesting the medical records of a patient shall state in conspicuous bold faced type that the records shall not be provided unless the subpoena is accompanied by a written authorization by the patient."

Your failure to comply with this subpoena is punishable as a contempt of court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty (50) dollars and all damages sustained by reason of your failure to comply.

Witness, Honorable \_\_\_\_\_, one of the Justices of the  
Court in \_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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(Attorney must sign above and type name below)

Attorney(s) for

Office and P.O. Address

Telephone No.