

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 07-0157

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IN THE MATTER OF A CORRECTION TO	)	
RULE 45 OF THE MONTANA RULES OF	)	O R D E R
CIVIL PROCEDURE	)	

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An error has been brought to the Court's attention in M. R. Civ. P. 45(a)(2), as adopted effective October 1, 2011.

IT IS ORDERED that M. R. Civ. P. 45(a)(2) is modified as shown below. Highlighted language is added to the rule; language stricken through is deleted from the rule:

(2) Except as provided in Rule 28(c)(2), a subpoena must issue from the court in which the action is pending. *Issued from Which Court.* ~~A subpoena must issue as follows:~~

~~(A) for attendance at a hearing or trial, from the court for the district where the hearing or trial is to be held;~~

~~(B) for attendance at a deposition, from the court for the district where the deposition is to be taken; and~~

~~(C) for the production or inspection, if separate from a subpoena commanding a person's attendance, from the court for the district where the production or inspection is to be made.~~

The above changes to M. R. Civ. P. 45(a)(2), which reflect the longstanding practice in cases filed in Montana district courts, shall take effect immediately.

The Clerk is directed to provide copies of this order to each Clerk of the District Court in the State of Montana; each District Judge for the State of Montana; Todd Everts and Kevin Hayes at the Montana Legislative Services Division; the Montana Attorney General; the Director of the Montana Trial Lawyers; the Director of the Montana Defense Trial Lawyers; the Clerk of the United States District Court for the District of Montana; the

President of the Montana Magistrates' Association; the Executive Director of the State Bar of Montana; the University of Montana School of Law; the State Law Librarian; Thomson Reuters; Montana attorney Randy Cox; James Goetz, former Chair of the Advisory Commission on Rules of Civil and Appellate Procedure; and the Honorable Deborah Kim Christopher of the Advisory Commission on Rules of Civil and Appellate Procedure.

DATED this 31<sup>st</sup> day of July, 2012.

/S/ MIKE McGRATH  
/S/ JIM RICE  
/S/ MICHAEL E WHEAT  
/S/ PATRICIA COTTER  
/S/ BETH BAKER  
/S/ BRIAN MORRIS