

Proper Requests For “General Health Care” Related Records

(4) By Subpoena

- Three types of subpoenas
 - (1) *duces tecum* (for documents only)
 - (2) *ad testificandum* (for testimony only)
 - (3) Both (1) and (2)
- Must be personally served on you.
Cannot be simply mailed to you.

BARCLAY DAMON ^{LLP}

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(4) By Subpoena

KEY Question to Ask - Is it a court ordered subpoena or is it simply a subpoena signed by an attorney?

Court ordered subpoenas are actually **signed** by the Judge. CAREFUL : MOST SUBPOENAS WILL INCLUDE THE JUDGE’S NAME BUT NOT ALL WILL BE SIGNED BY THE JUDGE.

BARCLAY DAMON ^{LLP}

STATE OF NEW YORK
FAMILY COURT COUNTY OF ONONDAGA

BOB SMITH,

Plaintiff,

-vs-

MARY SMITH,

Defendants.

JUDICIAL SUBPOENA
DUCES TECUM

Family File No.: 11111

THE PEOPLE OF THE STATE OF NEW YORK

TO: ABC HEALTHCARE
1 Main Street, NY 11223

SO ORDERED:

WE COMMAND YOU, business and excuses being laid aside, you and each of you attend and appear before Onondaga County Family Court Attorney Referee, Mr. Salvatore Pavone, Family Court, at the Onondaga County Courthouse, 401 Montgomery Street, Syracuse, New York, on the 12th day of May, 2017 at 09:30 a.m. in the forenoon of that day, and at any recessed or adjourn dates, and that you bring with you and produce at the time and place aforesaid, pursuant to CPLR 2305 and CPLR 2306, CERTIFIED COPIES of ANY AND ALL RECORDS (Certification Form must be completed and attached to the certified records), now in your custody or control with reference to:

JOHN SMITH.

And it is,

ORDERED, that you deliver copies of all said RECORDS, on or before Friday, May 12, 2017; to:

Mr. Salvatore Pavone
Court Attorney Referee, Family Court

WITNESSETH, Mr. Salvatore Pavone, Court Attorney Referee of the Family Court,
Syracuse, New York, this _____ day of _____, 2017.

THIS SUBPOENA SHALL CONSTITUTE THE ORDER OF THE COURT

Mr. Salvatore Pavone
Court Attorney Referee
Family Court, Onondaga County

BARCLAY DAMON ^{LLP}

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(5) By Court Order

- This is essentially the same as the court ordered subpoena but in a different form. Look for the judge’s signature. It can be from family court, civil court, criminal court, etc.
- Assumption can be made that a court order is enough for the disclosure of “general health care” information. However, it is not always enough for other types of information (mental health, substance abuse, etc.).

BARCLAY DAMON ^{LLP}