

1 Rule 11-512.(g) Respondent Ssubpoena petitions.

2 (a) Who may request a subpoena. Before the screening panel authorizes the OPC to
3 commence an Action against Respondent, ~~Any party~~ the Respondent ~~may~~ ~~or a screening~~
4 ~~panel~~, for good cause ~~shown~~, request that the Committee chair authorize service of a
5 subpoena on a third party to produce documents, electronically stored information, or
6 tangible things in the possession, custody, or control of that person or entity. ~~may~~
7 ~~petition under seal the district court for issuance of a subpoena,~~
8 ~~subpoena duces tecum, or any order allowing discovery prior to the filing of a formal~~
9 ~~complaint~~ Except where ~~for~~ good cause is shown, all petitions under this rule ~~shall~~
10 require a ~~seven~~ five-day written notice to the OPC ~~opposing party prior to the issuance~~
11 ~~of~~ before the Committee chair authorizes the ~~an appropriate order of~~ subpoena.

12 (b) Subpoena service. Subpoenas served under this rule must be served by the
13 Respondent in accordance with Rule 45 of the Utah Rules of Civil Procedure.

14 ~~(bcg)(1) Subpoena E~~ enforcement of subpoena. A district court in the district in which
15 ~~the~~ ~~the attendance or~~ production is required may, upon proper application, enforce the
16 ~~attendance and testimony of any witnesses and the~~ production of any documents
17 subpoenaed.

18 ~~(edg)(2) Quashing or enforcing subpoena.~~ The Committee chair or the district court
19 wherein the subpoena enforcement is being sought will hear and determine ~~A~~ any
20 attack on an issued subpoenas ~~the validity as provided for in Rule 45 of the Utah Rules~~
21 ~~of Civil Procedure.~~ ~~of a subpoena so issued shall be heard and determined by the~~
22 ~~Committee chair or by the court wherein enforcement of the subpoena is being sought.~~
23 Any resulting order by the district court is not appealable ~~prior to the~~ before entry of a
24 final order in the proceeding.

25 ~~(deg)(3) Witnesses and fees~~ Costs. ~~Subpoena fees, witness fees, and mileage~~ Costs shall
26 ~~bear~~ be reimbursed ~~in the amounts~~ by the Respondent as provided under Rule 45 of the
27 Utah Rules of Civil Procedure.

