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Evidence obtained in a foreign country in response to a letter rogatory need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within the United States under these rules.

C Foreign depositions and subpoenas.

C(1) **Definitions.** For the purpose of this section:

C(1)(a) "Foreign subpoena" means a subpoena issued under authority of a court of record of any state other than Oregon.

C(1)(b) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United [States.] **States that has enacted the Uniform Interstate Depositions and Discovery Act.**

C(2) Issuance of subpoena.

C(2)(a) To request issuance of a subpoena under this section, a party or attorney [shall] **must** submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state.

C(2)(b) When a party or attorney submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with that court's procedure and requirements, [shall] **will** assign a case number and promptly issue a subpoena for service [upon] **on** the person to whom the foreign subpoena is directed. If a party to an out-of-state proceeding retains an attorney licensed to practice in this state, that attorney may assist the clerk in drafting the subpoena.

C(2)(c) A subpoena under this subsection [shall:] **must:**

C(2)(c)(i) Conform to the requirements of these Oregon Rules of Civil Procedure, including Rule 55, and conform substantially to the form provided in Rule 55 A(1) but may otherwise incorporate the terms used in the foreign subpoena as long as those terms conform to these rules; and

1 C(2)(c)(ii) Contain or be accompanied by the names, addresses, and telephone numbers
2 of all counsel of record in the proceeding to which the subpoena relates and of any party not
3 represented by counsel.

4 C(3) **Service of subpoena.** A subpoena issued by a clerk of court under subsection (2) of
5 this section [shall] must be served in compliance with Rule 55.

6 C(4) **Effects of request for subpoena.** A request for issuance of a subpoena under this
7 section does not constitute an appearance in the court. A request does allow the court to
8 impose sanctions for any action in connection with the subpoena that is a violation of
9 applicable law.

10 C(5) **Motions.** A motion to the court, or a response thereto, for a protective order or to
11 enforce, quash, or modify a subpoena issued by a clerk of court pursuant to this section is an
12 appearance before the court and [shall] must comply with the rules and statutes of this state.
13 The motion [shall] must be submitted to the court in the county in which discovery is to be
14 conducted.

15 C(6) **Uniformity of application and construction.** In applying and construing this section,
16 consideration [shall] will be given to the need to promote the uniformity of the law with
17 respect to its subject matter among states that enact it.