

FOREIGN (INTERDISTRICT) SUBPOENAS (FRCP 45)

This documentation applies when the attendance or production is in a district other than the district in which the case is pending and should not be confused with [subpoenas to be served in a foreign country](#) which are governed by 28 U.S.C. § 1783.

A subpoena must issue from the court for the district where the case is pending, even if the deposition or production is to take place in another district. Accordingly, in a case pending in our court, if the subpoena is for a deposition to be taken in Nashville, the subpoena must issue from our court. Conversely, in a case pending in Nashville, if the subpoena is for a deposition to be taken within the Eastern District of Tennessee, the subpoena must be issued from the Middle District of Tennessee. The rules are the same for subpoenas for depositions, document production, and depositions with document production.

The subpoena can be issued by:

- the clerk's office of the issuing district court; or
- an attorney who is authorized to practice in the issuing district court.

A subpoena issued by our court may be served anywhere in the U.S.

If a dispute arises, the motion to quash or modify should be filed in the district court where performance is required as a miscellaneous case. Thus, a motion to quash or modify may be filed in our court related to a deposition or document production to take place in our district that arises from a case pending in another district. If a dispute arises over a subpoena issued from our court for performance in another district, the motion to quash or modify should be filed in the district court where performance is required (*i.e.*, the compliance court). The fee is that for filing any paper not in a case or proceeding.

In some circumstances, a subpoena-related motion may be transferred from the compliance court to the issuing court. If a subpoena-related motion is transferred to our court from another court, the lawyer for the nonparty witness is automatically admitted to our court for the purposes of filing papers and appearing on the motion. Thus, in this limited circumstance, an attorney would be permitted to appear before our court without moving for pro hac vice or other admission.