

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-412.10 of the Code of Virginia, relating to the issuance of foreign*
3 *subpoenas; clerk of court.*

4 [H 1023]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-412.10 of the Code of Virginia is amended and reenacted as follows:**8 **§ 8.01-412.10. Issuance of subpoena.**

9 A. To request the issuance of a subpoena under this article, a party shall submit to the clerk of court
10 in the circuit in which discovery is sought to be conducted in the Commonwealth (i) a foreign subpoena
11 and (ii) a written statement that the law of the foreign jurisdiction grants reciprocal privileges to citizens
12 of the Commonwealth for taking discovery in the jurisdiction that issued the foreign subpoena.

13 B. When a party submits a foreign subpoena to a clerk of court in the Commonwealth, the clerk, in
14 accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to
15 which the foreign subpoena is directed.

16 C. A subpoena under subsection B shall:

17 1. Incorporate the terms used in the foreign subpoena; and

18 2. Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of
19 record in the proceeding to which the subpoena relates and of any party not represented by counsel.

20 D. A request for the issuance of a subpoena under this article does not constitute an appearance in
21 the courts of the Commonwealth, and no civil action need be filed in the circuit court of the
22 Commonwealth.

23 E. The provisions of this article shall be in addition to other procedures authorized in the Code of
24 Virginia and the rules of court for obtaining discovery, *except that no subpoena issued in the*
25 *Commonwealth pursuant to this article may be issued by any person other than the applicable circuit*
26 *court clerk of court in the Commonwealth, in accordance with subsections A and B.*

ENROLLED

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