

CIVIL COURT OF THE CITY OF NEW YORK
紐約民事院
INSTRUCTIONS FOR SERVICE OF SUBPOENA
派傳令摺

Subpoena available 可申領傳令

There are three kinds of Subpoena, 共有三種

I. *Subpoena To Testify. (Ad Testificandum)* 傳證令

Requires a **person** to come to the Court to testify as a witness.

指某人前來法庭證身信證

II. *Subpoena For Records. (Duces Tecum)* 緝錄令

Requires **documents, papers, writing, etc.** to be brought to the Court.

將文件 紙張 書寫等給庭

III. *Information Subpoena.* 資傳令

Requires the **information** be provided to the person requesting it.

將資料提供給要的人

Methods of Service 派送方法

A *Subpoena to Testify* or a *Subpoena for Records* is **generally** served on an individual* by personal (in hand) delivery. [*For service on a corporation or on a partnership, see the Clerk.]

傳證令或緝錄令 通常親自(親手) 派送個人 派送有限公司或譯外公司者 請書查詢

For service on an individual, under certain circumstances it may be appropriate to use an **alternate method** of service such as Substituted delivery or Conspicuous delivery.

派送給個人時 在某些情況下 例如 “代派送”方式或 “明顯派送”的備用方法較為適合

Substituted delivery is the personal service of the Subpoena on someone other than the person who is being subpoenaed (the witness) at the actual place of business or place of residence of the witness. The server must then mail a copy of the Subpoena to the witness by first class mail to the actual place of business or place of residence of the witness. Mark the envelope Personal and Confidential.

“代派送”乃傳令給派送證令之實際或住址的被告者(證)以外的其他人

派送時應將一份傳令給郵寄證令實際或住址 並註明 “私人信件”。

Conspicuous delivery is the service of the Subpoena by leaving it at the residence or place of business of the witness. Prior to leaving the Subpoena, the server must make at least two attempts. If no one is found on either attempt, on the third try the Subpoena may be affixed to the door with adhesive tape, and a copy must be mailed to the residence of the witness by first class mail. Mark the envelope Personal and Confidential.

“明顯派送”是將傳令留在證令的住址或辦公地點 在置傳令前, 派送人必須做最少兩次嘗試

兩次未能找到時 在第三次嘗試時 用膠帶將傳令貼於門上 然後必須以第一級郵寄

往證令住址 並註明 “私人信件”。

An *Information Subpoena* is **generally** served by Certified or Registered Mail, Return Receipt Requested, or it may **alternatively** be served by personal delivery or by using Substituted or Conspicuous delivery.

資傳令 通常經由證令掛牌郵件 索回簽字派送 或手派派送 代派送或明顯

派送方法的備用方式進行

Who May Serve a Subpoena 誰可派送傳令

Anyone NOT A PARTY to the action, who is over the age of 18, may serve the Subpoena.

任何案中的 非屬各方, 年齡在 18 歲以上均可派送傳令

Proof of Service 派送證明

The person who serves the *Subpoena to Testify* or the *Subpoena for Records* must fill out an Affidavit of Service and have it notarized. 負責送傳令或紀錄的人必須寫一份送書並予以證

Procedure 手續

The person who is going to serve the Subpoena must 將要送傳的人必須

- 1) Find the person to be served. 尋找被送的人
- 2) Show that person the *original* Subpoena. 向被送的人展示傳令正本
- 3) Give that person a *copy* of the Subpoena. 將傳令副本給與
- 4) Fill out the Affidavit of Service on back of the *original*. 於傳令背面填寫送書
- 5) Retain the Affidavit of Service for further procedures if the person fails to comply with the Subpoena. 要保留送書作為日後未有遵傳令之進步之用
- 6) **NOTE:** A copy of a Subpoena for Records (*Duces Tecum*) must also be served either in hand or by mail on each party who has appeared in the action so that it is received by them promptly after service on the witness. CPLR §2303.
請將一份紀錄傳令與手遞方式送給曾出現在案件中的各人, 以便他們於送給後儘快收到。CPLR §2303

For an *Information Subpoena* follow the above procedure, or 有關傳令請參見手續或

- 1) Place a copy of the Subpoena, together with an original and copy of the questions to be answered in an envelope addressed to the witness. 將傳令副本與原傳令及副本與需回答的問題裝於信封內
- 2) Include a self-addressed, stamped envelope for use by the witness returning the answered questions to you. 包括一個填自己地址貼郵票信封以便將答案退回之用
- 3) Mail the envelope to the witness by Certified or Registered Mail, Return Receipt Requested. 用認證或註冊回條的方式寄給被送的人

Fees for Service 派費用

When served with a *Subpoena to Testify* or a *Subpoena for Records*, the witness must be paid a witness fee of \$15.00 per day. If the witness is served outside the City of New York s/he shall also be paid 23 cents per mile to the place of attendance, from the place where s/he was served, and return. The fee must be paid a reasonable amount of time *before* the scheduled date. Nonpayment of the witness fee voids the duty to appear.

當送傳令或紀錄時, 必須給與每天15元的證費。如果送傳令是在紐約市外地區時, 證人應另獲由傳令送出的地點往出庭地每23分的來回費用。應獲的費用必須於指定日期前予以支付。未支付證費者將導致傳令無效。

Location 地點

A subpoena from the Civil Court of the City of New York may be served only within the City of New York or in Nassau County or Westchester County, Service anywhere else may only be done if permitted by a Judge.

由紐約民事法院發出的傳令只能在紐約市或該州西切斯特縣內派送。派送到其他地方必須經法官批准。

Restrictions 限制

General 一般情況

A Subpoena may not be served on a Sunday. 不得在星期日派傳令

A City or State agency or a public library may be subpoenaed only by order of the court.

只有法院命令下, 有市政或公立圖書館傳令

Time 時間

Any witness must be served a reasonable amount of time prior to the date of appearance. It is suggested that service be *at least 5 days before* the date of the hearing.

任何證人均應在合理的時間獲派送。建議在聽證的最少五天以前派送。

A City or State agency or a public library *must* be served *at least 24 hours prior* to the time of appearance. 市州政機構或圖書館必須於出庭前最少24小時前獲派送。

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