

Rule 17. Foreign Subpoenas.

(a) Application. This Rule applies to any request for subpoena pursuant to the Uniform Interstate Depositions and Discovery Act (735 ILCS 35/1 *et seq.*) The definitions contained in the Uniform Interstate Depositions and Discovery Act shall apply in this Rule.

(b) Issuance of Subpoena. To request issuance of a subpoena pursuant to the Uniform Interstate Depositions and Discovery Act, a person shall submit to a clerk of the circuit court in the county in which discovery is sought to be conducted the following:

(1) a foreign subpoena;

(2) an attestation form fully completed under penalty of perjury in the form authorized by the Supreme Court and found in the Article I Forms Appendix;

(3) any other documentation required by local circuit court rule; and

(4) any other document required by the Uniform Interstate Depositions and Discovery Act.

Upon receipt of all required documentation and in accordance with the circuit court's procedure, the clerk of the circuit court shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed unless prohibited under paragraph (c) of this rule. The clerk of the circuit court shall maintain records as required by the Manual on Recordkeeping.

(c) The clerk of the circuit court shall not issue a subpoena if the person requesting the subpoena fails to submit all documents as required by paragraph (b) of this rule. The clerk of the circuit court shall not issue a subpoena if the request for issuance is not in compliance with section 3.5 of the Uniform Interstate Depositions and Discovery Act (735 ILCS 35/3.5).

(d) A subpoena under paragraph (b) shall:

(1) incorporate the terms used in the foreign subpoena;

(2) contain or be accompanied by the names, addresses, e-mail addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel;

(3) comply with all local circuit court rules; and

(4) comply with all requirements of the Uniform Interstate Depositions and Discovery Act.

(e) **Service.** A person serving a subpoena issued pursuant to the Uniform Interstate Depositions and Discovery Act shall file a certificate of service with the clerk of the circuit court and serve the recipient of the subpoena with the certificate of service, subpoena issued by the clerk of the circuit court, and a copy of all documents submitted to the clerk of the circuit court. Service shall be made in compliance with Rules 204 and 237 and section 2-1101 of the Code of Civil Procedure.

Committee Comment

Rule 17 and its corresponding authorized attestation form were created in response to the amendments to the Uniform Interstate Depositions and Discovery Act (735 ILCS 35/1 *et seq.*) contained in Public Act 102-1117 (eff. Jan. 13, 2023).

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