



University Executive Directive #11-01	Issue Date: October 20, 2011
Subject: Subpoenas and Lawsuits	Revision Date:
Approved: <i>Levy M. Moishe</i> President	
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Background:

These procedures were developed in accordance with the Records Access Manual of the California State University, Office of General Counsel, revised October 2011.

Service of a Subpoena:

A subpoena commands a person or entity to attend a hearing, trial or deposition at a particular time and place to testify as a witness and/or to produce documents or other tangible objects in a legal proceeding. It is the equivalent to a direct order from a court.

“Appearance” Subpoena

An “appearance” subpoena requires the personal attendance of a witness. In most instances, a subpoena must be personally served on the witness required to appear. If the individual named in the subpoena is away from his or her work location when service is attempted, the process server should be advised to return at another time. Personal information about the employee should never be provided.

“Records Only” Subpoena

A “records only” subpoena requires the production of documents. A subpoena for CSUEB business records must be served on the “Custodian of Records.” At CSUEB, the custodian of all business records, for the purposes of this directive, is the Office of the Vice President, Administration & Finance. This office will request documents subject to subpoena from other departments as necessary and will respond to the subpoena on behalf of the University. Process servers attempting to serve a subpoena or other orders of a court should be directed to this office.

Office of the Vice President, Administration & Finance, CFO
25800 Carlos Bee Blvd.
SA 4707
Hayward, CA 94542



Service of a Lawsuit:

Summons and Complaint

A civil lawsuit is commenced by the service of a summons and complaint on the parties named as defendants in the lawsuit. The summons is the formal notice that the response to the lawsuit must be filed with the court within 30 days. The complaint sets forth the details of the plaintiff's claims.

Service of Process

If the lawsuit names the California State University, the Board of Trustees, or CSUEB, process servers should be directed to serve the Office of General Counsel (OGC). They may also be directed to the OGC website at http://www.calstate.edu/gc/service_of_process_subpoenas.shtml, which contains information on proper legal service on the California State University. Personnel on CSU campuses lack authority to accept service of a lawsuit.

Individually named defendants in a lawsuit may be served at their work location. If an individually named defendant is away from his or her work location when service is attempted, the process server should be advised to return at another time. Personal information about an employee should never be provided.

This information is a guide for the appropriate response to process servers. Questions about individual situations involving the service of subpoenas and lawsuits should be directed to the Office of the Vice President, Administration and Finance, CFO.