

## SERVICE OF SUBPOENA IN A FOREIGN COUNTRY

Unlike subpoenas to be served in the United States, the clerk's office cannot routinely issue a subpoena to be served in a foreign country. The party seeking such a subpoena must move the court for an order directing the issuance of the subpoena pursuant to 28 U.S.C. § 1783.

Under the statute, the subpoena may only be issued to a national or resident of the United States who is in a foreign country and requires a finding that the particular testimony or production is necessary in the interest of justice and that it is not possible to obtain the testimony in admissible form without the witness's personal appearance or to obtain the production in any other manner.

The order should designate the time and place for the appearance or for the production of the document or other thing. It should also specify the amount which should be tendered for travel and attendance.

Service of the subpoena is in the same manner as service of process on a person in a foreign country under *Federal Rule of Civil Procedure* 4(f).