

45.1 Subpoenas to Nonparties.

- (a) **Notice to Adverse Party.** No subpoenas for production or inspection may be issued for service on a nonparty without giving the adverse party notice stating the name and address of the nonparty being subpoenaed, the documents or items to be produced or inspected, the time and place for production or inspection, and the date on which the subpoena will issue.
- (b) **Objections.** After receipt of the notice, the adverse party has 7 days to serve written objections to the subpoena on the noticing party. The adverse party must specifically identify the grounds for the objections. The objections must be filed as "objections" and not as a "motion." No subpoena may be issued for documents or premises whose inspection or production is contested under this rule until the parties resolve the objections. Nothing in this rule affects the availability of objections described in Federal Rule of Civil Procedure 45(c) and (d).
- (c) **Hearing.** The noticing party may request a hearing on unresolved objections. After a hearing, the court may order that the subpoena be issued or not issued, or that discovery proceed in a different manner or subject to a protective order. The court may also award expenses.
- (d) **Effect of Failure to Object.** Failure to object to issuance of a subpoena to a nonparty does not preclude an adverse party from moving for a protective order under Federal Rule of Civil Procedure 26(c).