

RCW 5.51.020 Issuance of subpoena. (1) (a) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of Washington state.

(b) A request for issuance of any subpoena pursuant to this section must include an attestation, made under penalty of perjury, stating whether the subpoena seeks documents, information, or testimony related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services as defined in RCW 7.115.010 that are lawful in the state of Washington. If a court finds that a false attestation was intentionally submitted and the subpoena did seek documents, information, or testimony related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services as defined in RCW 7.115.010 that are lawful in the state of Washington, a statutory penalty of \$10,000 per violation will apply. Submission of such attestation subjects the attester to the jurisdiction of the courts of Washington state for any suit, penalty, or damages arising out of a false attestation under this section.

(2) Except as provided in subsection (4) of this section, when a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(3) A subpoena under subsection (2) of this section must:

(a) Incorporate the terms used in the foreign subpoena; and

(b) Contain or be accompanied by the names, 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.

(4) If a party submits a foreign subpoena to a clerk of court in this state that seeks documents, information, or testimony that relate to protected health care services, as defined in RCW 7.115.010, the clerk shall not issue a subpoena for service and shall present the request to the court for action. The court shall review the foreign subpoena and shall not issue a subpoena for service and shall quash any existing subpoena issued by the court if the subpoena is for documents, information, or testimony that relates to protected health care services as defined in RCW 7.115.010, unless the subpoena seeks documents, information, or testimony related to:

(a) An out-of-state action that is founded in tort, contract, or statute, for which a similar claim would exist under the laws of this state, that is brought by a person or the person's authorized legal representative, for damages suffered by the person or damages derived from an individual's loss of consortium of the person; or

(b) An out-of-state action that is founded in contract, and for which a similar claim would exist under the laws of this state, that is brought or sought to be enforced by a party with a contractual relationship with the person that is the subject of the subpoena.

[2023 c 193 s 3; 2012 c 95 s 3.]

Effective date—2023 c 193: See note following RCW 7.115.020.