

**CIVIL COURT OF THE CITY OF NEW YORK**

**Legal/Statutory Memorandum**

Subject: Subpoena

Class: LSM -161

Category: GP-10

Eff. Date: November 22, 2006

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Effective August 25, 2006 chapter 257 of the Laws of 2006 amends CPLR § 5224 by adding a new subdivision (a-1) Scope of subpoena duces tecum. This amendment clarifies that a subpoena duces tecum served upon a judgment debtor, or other person or entity in the State, shall subject the recipient to the full disclosure prescribed by § 5223 of the CPLR wherever the materials sought may be and regardless of whether the recipient then has possession, custody or control of those materials.

Effective January 1, 2007 chapter 452 of the Laws of 2006 amends § 5224 (a)(3) of the CPLR, as added by chapter 315 of the laws of 1962, to require that information subpoenas contain a certification declaring that the individual who signs the subpoena has a reasonable belief that the party receiving it has information about the debtor that will assist in the collection of the underlying judgment. Effective January 1, 2007 Chapter 552 of the Laws of 2006 amends this amendment to clarify that the new certification requirements relating to information subpoenas do not apply to the State and its municipalities.

Please see amendments to CPLR § 5224 attached.

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Date

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/s/  
Fern A. Fisher  
Administrative Judge