Form 97

Rule 34.66(1)

Interlocutory application for leave to serve subpoena in New Zealand

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and another" or "and others"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and another" or "and others"]

Respondent[s]

To [each party who may be affected by the application]

The [role of party eg Applicant] applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

**Time and date for hearing**: [Registry will insert time and date]

**Place**: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Date:

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| Signed by an officer acting with the authority of the District Registrar |

**Interlocutory orders sought**

The [role of party eg Applicant] applies for leave to serve a subpoena in New Zealand.

**Accompanying documents**

This application must be accompanied by:

1. a copy of the subpoena in relation to which leave is sought; and
2. an affidavit stating briefly but specifically, the following:
	1. the name, occupation and address of the addressee;
	2. whether the addressee is over 18 years old;
	3. the nature and significance of the evidence to be given, or the document or thing to be produced, by the addressee;
	4. details of the steps taken to ascertain whether the evidence, document or thing could be obtained by other means without significantly greater expense, and with less inconvenience, to the addressee;
	5. the date by which it is intended to serve the subpoena in New Zealand;
	6. details of the amounts to be tendered to the addressee to meet the addressee’s reasonable expenses of complying with the subpoena;
	7. details of the way in which the amounts mentioned in paragraph (f) are to be given to the addressee; and
	8. if the subpoena requires a specified person to give evidence — an estimate of the time that the addressee will be required to attend, to give evidence; and
	9. any facts or matters known to the person making the application that may be grounds for an application by the addressee to have the subpoena set aside, under section 36 (2) or (3) of the *Trans-Tasman Proceedings Act 2010*.

**Service on the [role of party eg Respondent]**

[Select one of these 3 options and delete others]
[\*]It is intended to serve this application on all [role of party eg Respondent]s.

[\*or]It is intended to serve this application on the following [role of party eg Respondent]s:

[name of each person on whom application is to be served]

[\*or]It is not intended to serve this application on any [role of party eg Respondent]s.

Date: [eg 19 June 20..]

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| Signed by [Name][Insert capacity eg Applicant / Lawyer for the Applicant] |

[\* Delete if inapplicable]