

# Comparison of Prior Federal Civil Rule 45 and the December 1, 2013 Amendments to Federal Civil Rule 45

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<u>Old Rule 45</u>	<u>New Rule 45</u>	<u>Commentary</u>
<p><i>(a) In General.</i></p> <p><i>(1) Form and Contents.</i></p> <p><i>(A) Requirements—In General.</i> Every subpoena must:</p> <p><i>(i)</i> state the court from which it issued;</p> <p><i>(ii)</i> state the title of the action, <del>the court in which it is pending</del>, and its civil-action number;</p> <p><i>(iii)</i> command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person’s possession, custody, or control; or permit the inspection of premises; and</p> <p><i>(iv)</i> set out the text of Rule 45<del>(e)</del><b>[(d)]</b> and <del>(d)</del> <b>[(e)]</b>.</p>	<p><i>(a) In General.</i></p> <p><i>(1) Form and Contents.</i></p> <p><i>(A) Requirements – In General.</i> Every subpoena must:</p> <p><i>(i)</i> state the court from which it issued;</p> <p><i>(ii)</i> state the title of the action and its civil-action number;</p> <p><i>(iii)</i> command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person’s possession, custody, or control; or permit the inspection of premises; and</p> <p><i>(iv)</i> set out the text of Rule 45(d) and (e)</p>	<p>(a)(1)(A)(ii) removes the language “the court in which it is pending” because all subpoenas must now issue from the court where the action is pending.</p> <p>(a)(1)(A)(iv) referenced sections change from 45(c) and (d) to 45 (d) and (e).</p>
<p><i>(B) Command to Attend a Deposition—Notice of the Recording Method.</i> A subpoena commanding attendance at a deposition must state the method for recording the testimony.</p>	<p><i>(B) Command to Attend a Deposition – Notice of the Recording Method.</i> A subpoena commanding attendance at a deposition must state the method for recording the testimony.</p>	<p>No change.</p>

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<p><i>(C) Combining or Separating a Command to Produce or to Permit Inspection; Specifying the Form for Electronically Stored Information.</i> A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.</p>	<p><i>(C) Combining or Separating a Command to Produce or to Permit Inspection; Specifying the Form for Electronically Stored Information.</i> A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.</p>	<p>No change.</p>
<p><i>(D) Command to Produce; Included Obligations.</i> A command in a subpoena to produce documents, electronically stored information, or tangible things requires the responding party to permit inspection, copying, testing, or sampling of the materials.</p>	<p><i>(D) Command to Produce; Included Obligations.</i> A command in a subpoena to produce documents, electronically stored information, or tangible things requires the responding person to permit inspection, copying, testing, or sampling of the materials.</p>	<p>No change.</p>
<p><i>(2) Issued from Which Court.</i> A subpoena must issue as follows: <b>[from the court where the action is pending.]</b> <del>(A) for attendance at a hearing or trial, from the court for the district where the hearing or trial is to be held;</del></p>	<p><i>(2) Issuing Court.</i> A subpoena must issue from the court where the action is pending.</p>	<p>Subpoenas must now be issued in the name of the court presiding over the case, not in the name of the court in which the subpoena is served 45(a)(2).</p>

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<del>(B) for attendance at a deposition, from the court for the district where the deposition is to be taken; and</del>		Removed.
<del>(C) for production or inspection, if separate from a subpoena commanding a person's attendance, from the court for the district where the production or inspection is to be made.</del>		Removed.
<p><del>(3) Issued by Whom. The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service. An attorney also may issue and sign a subpoena as an officer of;</del> <b>[if the attorney is authorized to practice in the issuing court.]</b></p> <p><del>(A) a court in which the attorney is authorized to practice; or</del></p> <p><b>[(4) Notice to Other Parties Before Service. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served on the person to whom it is directed, a notice and a copy of the subpoena must be served on each party.]</b></p>	<p><i>(3) Issued by Whom.</i> The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete it before service. An attorney also may issue and sign a subpoena if the attorney is authorized to practice in the issuing court.</p> <p><i>(4) Notice to Other Parties Before Service.</i> If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served on the person to whom it is directed, a notice and a copy of the subpoena must be served on each party.</p>	<p>Since the revised rule requires that all subpoenas must issue from the court where the action is pending, the language regarding courts where production and depositions occur is unnecessary. The revision also helps to clarify the rule.</p> <p>Notice requirement moved to a more prominent position, from rule 45(b)(1), to increase attorney compliance. The new rule also requires that the notice include a copy of the subpoena.</p>

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<p><del>(B) a court for a district where a deposition is to be taken or production is to be made, if the attorney is authorized to practice in the court where the action is pending.</del></p>		<p>Sections (A) and (B) consolidated into the body of 45(a)(3).</p>
<p><i>(b) Service.</i> <del>(1) By Whom; Tendering Fees; Serving a Copy of Certain Subpoenas.</del> Any person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance, tendering the fees for 1 day's attendance and the mileage allowed by law. Fees and mileage need not be tendered when the subpoena issues on behalf of the United States or any of its officers or agencies. <del>If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served, a notice must be served on each party.</del></p>	<p><i>(b) Service.</i> <i>(1) By Whom and How; Tendering Fees.</i> Any person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance, tendering the fees for 1 day's attendance and the mileage allowed by law. Fees and mileage need not be tendered when the subpoena issues on behalf of the United States or any of its officers or agencies.</p>	<p>Last sentence regarding notice moved to 45(a)(1)(D)(4), a more prominent position, to call attention to the notice requirement and increase compliance.</p>

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<u>Old Rule 45</u>	<u>New Rule 45</u>	<u>Commentary</u>
<p>(2) <i>Service in the United States.</i> <del>Subject to Rule 45(e)(3)(A)(ii),</del> a subpoena may be served at any place: <b>[within the United States.]</b></p> <p><del>(A) within the district of the issuing court;</del></p>	<p>(2) <i>Service in the United States.</i> A subpoena may be served at any place within the United States.</p>	<p>Under the new rule, a subpoena may be served anywhere within the United States. The ambiguous 100 mile limitation is eliminated from the new rule. Now a subpoena issued in Maryland may be served in Oregon. According to 45(a)(3) any lawyer authorized to practice in the issuing court may issue and sign the subpoena.</p>
<p><del>(B) outside that district but within 100 miles of the place specified for the deposition, hearing, trial, production, or inspection;</del></p>		<p>Removed.</p>
<p><del>(C) within the state of the issuing court if a state statute or court rule allows service at that place of a subpoena issued by a state court of general jurisdiction sitting in the place specified for the deposition, hearing, trial, production, or inspection; or</del></p>		<p>Removed.</p>
<p><del>(D) that the court authorizes on motion and for good cause, if a federal statute so provides.</del></p>		<p>Removed.</p>

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<u>Old Rule 45</u>	<u>New Rule 45</u>	<u>Commentary</u>
<p>(3) <i>Service in a Foreign Country.</i> 28 U.S.C. §1783 governs issuing and serving a subpoena directed to a United States national or resident who is in a foreign country.</p>	<p>(3) <i>Service in a Foreign Country.</i> 28 U.S.C. § 1783 governs issuing and serving a subpoena directed to a United States national or resident who is in a foreign country.</p>	<p>No change.</p>
<p>(4) <i>Proof of Service.</i> Proving service, when necessary, requires filing with the issuing court a statement showing the date and manner of service and the names of the persons served. The statement must be certified by the server.</p>	<p>(4) <i>Proof of Service.</i> Proving service, when necessary, requires filing with the issuing court a statement showing the date and manner of service and the names of the persons served. The statement must be certified by the server.</p>	<p>No change.</p>

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<u>Old Rule 45</u>	<u>New Rule 45</u>	<u>Commentary</u>
<p><i>[(c) Place of Compliance.</i></p> <p><b>(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition <u>only</u> as follows:</b></p> <p><b>(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or</b></p> <p><b>(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person</b></p> <p><b>(i) is a party or a party’s officer; or</b></p> <p><b>(ii) is commanded to attend a trial and would not incur substantial expense.</b></p> <p><b>(2) For Other Discovery. A subpoena may command:</b></p> <p><b>(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and</b></p> <p><b>(B) inspection of premises at the premises to be inspected.]</b></p>	<p><i>(c) Place of Compliance.</i></p> <p><i>(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:</i></p> <p><i>(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or</i></p> <p><i>(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person</i></p> <p><i>(i) is a party or a party’s officer; or</i></p> <p><i>(ii) is commanded to attend a trial and would not incur substantial expense.</i></p> <p><i>(2) For Other Discovery. A subpoena may command:</i></p> <p><i>(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and</i></p> <p><i>(B) inspection of premises at the premises to be inspected.</i></p>	<p>The new rule states that non-party witnesses subpoenaed for a <b><u>deposition or hearing</u></b> are only compelled to travel up to 100 miles from the places they work, reside, or regularly transact business in-person. However, non-party witnesses subpoenaed to <b><u>testify at trial</u></b> may be compelled to travel anywhere within their state of residence, as long as doing so does not entail “substantial expense.” Even then, the Advisory Committee Note suggests that the subpoenaing party offer to pay the expenses. The court can condition enforcement of a subpoena on such payment.</p> <p>The language of (c)(1), is designed to reverse the <i>Vioxx</i> line of cases that have compelled senior corporate officers to travel across the country to testify at trial: the word <b><u>only</u></b> limits attendance to the conditions in the amendment to the rule.</p>

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<u>Old Rule 45</u>	<u>New Rule 45</u>	<u>Commentary</u>
<p><del>(e)</del> [(d)] <i>Protecting a Person Subject to a Subpoena</i>; <b>Enforcement.</b></p> <p>(1) <i>Avoiding Undue Burden or Expense; Sanctions.</i> A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court <b>[district where compliance is required]</b> must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney’s fees—on a party or attorney who fails to comply.</p>	<p>(d) <i>Protecting a Person Subject to a Subpoena; Enforcement.</i></p> <p>(1) <i>Avoiding Undue Burden or Expense; Sanctions.</i> A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction – which may include lost earnings and reasonable attorney’s fees – on a party or attorney who fails to comply.</p>	<p>Former Rule 45(c) is now Rule 45(d). “Issuing court” changed to court for the district where compliance is required.</p>
<p>(2) <i>Command to Produce Materials or Permit Inspection.</i></p> <p>(A) <i>Appearance Not Required.</i> A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.</p>	<p>(2) <i>Command to Produce Materials or Permit Inspection.</i></p> <p>(A) <i>Appearance Not Required.</i> A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.</p>	<p>No change.</p>



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<u>Old Rule 45</u>	<u>New Rule 45</u>	<u>Commentary</u>
<p><i>(B) Objections.</i> A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:</p> <p><i>(i)</i> At any time, on notice to the commanded person, the serving party may move the <del>issuing court</del> <b>[court for the district where compliance is required]</b> for an order compelling production or inspection.</p> <p><i>(ii)</i> These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.</p>	<p><i>(B) Objections.</i> A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises – or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:</p> <p><i>(i)</i> At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.</p> <p><i>(ii)</i> These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.</p>	<p>“Issuing court” changed to court for the district where compliance is required.</p>

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<u>Old Rule 45</u>	<u>New Rule 45</u>	<u>Commentary</u>
<p>(3) <i>Quashing or Modifying a Subpoena.</i></p> <p>(A) <i>When Required.</i> On timely motion, the <del>issuing court</del> <b>[court for the district where compliance is required]</b> must quash or modify a subpoena that:</p> <p>(i) fails to allow a reasonable time to comply;</p> <p>(ii) requires a person <del>who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held</del> <b>[to comply beyond the geographical limits specified in Rule 45(c)]</b>;</p> <p>(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or</p> <p>(iv) subjects a person to undue burden.</p>	<p>(3) <i>Quashing or Modifying a Subpoena.</i></p> <p>(A) <i>When Required.</i> On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:</p> <p>(i) fails to allow a reasonable time to comply;</p> <p>(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);</p> <p>(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or</p> <p>(iv) subjects a person to undue burden.</p>	<p>Language of (ii) simplified to conform to new jurisdictional limitations.</p>

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<p><del>(B) When Permitted.</del> To protect a person subject to or affected by a subpoena, the <del>issuing court</del> <b>[court for the district where compliance is required]</b> may, on motion, quash or modify the subpoena if it requires:</p> <p>(i) disclosing a trade secret or other confidential research, development, or commercial information;</p> <p>(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; <del>or</del></p> <p><del>(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.</del></p>	<p><i>(B) When Permitted.</i> To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:</p> <p>(i) disclosing a trade secret or other confidential research, development, or commercial information; or</p> <p>(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party.</p>	<p>Part (iii) of old rule is now addressed in 45(1)(c). Issuing court changed to court for the district where compliance is required.</p>
<p><i>(C) Specifying Conditions as an Alternative.</i> In the circumstances described in Rule 45<del>(e)</del><b>[(d)](3)(B)</b>, the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:</p> <p>(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and</p> <p>(ii) ensures that the subpoenaed person will be reasonably compensated.</p>	<p><i>(C) Specifying Conditions as an Alternative.</i> In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:</p> <p>(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and</p> <p>(ii) ensures that the subpoenaed person will be reasonably compensated.</p>	<p>Former Rule 45(c)(3)(B) is now Rule 45(d)(3)(B).</p>

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<p><del>(d)</del> [(e)] <i>Duties in Responding to a Subpoena.</i></p> <p>(1) <i>Producing Documents or Electronically Stored Information.</i> These procedures apply to producing documents or electronically stored information:</p> <p>(A) <i>Documents.</i> A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.</p>	<p>(e) <i>Duties in Responding to a Subpoena.</i></p> <p>(1) <i>Producing Documents or Electronically Stored Information.</i> These procedures apply to producing documents or electronically stored information:</p> <p>(A) <i>Documents.</i> A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.</p>	<p>Former Rule 45(d) is now 45(e).</p>
<p>(B) <i>Form for Producing Electronically Stored Information Not Specified.</i> If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.</p>	<p>(B) <i>Form for Producing Electronically Stored Information Not Specified.</i> If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.</p>	<p>No change.</p>
<p>(C) <i>Electronically Stored Information Produced in Only One Form.</i> The person responding need not produce the same electronically stored information in more than one form.</p>	<p>(C) <i>Electronically Stored Information Produced in Only One Form.</i> The person responding need not produce the same electronically stored information in more than one form.</p>	<p>No change.</p>

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<p><i>(D) Inaccessible Electronically Stored Information.</i> The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.</p>	<p><i>(D) Inaccessible Electronically Stored Information.</i> The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.</p>	<p>No change.</p>
<p><i>(2) Claiming Privilege or Protection.</i></p> <p><i>(A) Information Withheld.</i> A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:</p> <p><i>(i)</i> expressly make the claim; and</p> <p><i>(ii)</i> describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.</p>	<p><i>(2) Claiming Privilege or Protection.</i></p> <p><i>(A) Information Withheld.</i> A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:</p> <p><i>(i)</i> expressly make the claim; and</p> <p><i>(ii)</i> describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.</p>	<p>No change.</p>

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<p><i>(B) Information Produced.</i> If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information <del>to the court</del> <b>under seal [to the court for the district where compliance is required]</b> for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.</p>	<p><i>(B) Information Produced.</i> If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.</p>	<p>Changes court to court for the district where compliance is required.</p>
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<p><b><i>[(f) Transferring a Subpoena-Related Motion. When the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances. Then, if the attorney for a person subject to a subpoena is authorized to practice in the court where the motion was made, the attorney may file papers and appear on the motion as an officer of the issuing court. To enforce its order, the issuing court may transfer the order to the court where the motion was made.]</i></b></p>	<p><i>(f) Transferring a Subpoena-Related Motion.</i> When the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances. Then, if the attorney for a person subject to a subpoena is authorized to practice in the court where the motion was made, the attorney may file papers and appear on the motion as an officer of the issuing court. To enforce its order, the issuing court may transfer the order to the court where the motion was made.</p>	<p>This section recognizes that some disputes over subpoena enforcement are better decided by the issuing court than the enforcement court. If the person subject to the subpoena agrees to transfer, then the enforcement court may transfer the dispute. However, the enforcement court may transfer a motion without the person subject to the subpoena's consent if it finds exceptional circumstances. To transfer, considerations that warrant transfer must outweigh any burden to the local non-party witness.</p> <p>If the compliance court finds that exceptional circumstances exist, the lawyer for the non-party witness is automatically admitted to the issuing court to file papers and appear on the motion; the witness still bears the cost of getting its counsel before the issuing court.</p> <p>In the Advisory Committee Notes accompanying the amended rule, consultation between the issuing court judge and compliance court judge is encouraged to address subpoena related motions. Any</p>
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		<p>consultation between the judges necessarily raises issues regarding the parties' absence. Consequently, the compliance court judge may want to notify the parties and non-party witnesses of any consultation, and that consultation's substance.</p>
<p><del>(e)</del> [(g)] <i>Contempt.</i> The <del>issuing court</del> <b>[court for the district where compliance is required – and also, after a motion is transferred, the issuing court –]</b> may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. <del>A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(e)(3)(A)(ii).</del></p>	<p>(g) <i>Contempt.</i> The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.</p>	<p>Former Rule 45(e) is now 45(g). Under the new rule both the compliance court, after transfer, and the issuing court may hold a miscreant witness in contempt. The last sentence from the old rule is removed from new version.</p>