

**IN THE  
SUPREME COURT OF PENNSYLVANIA**

**IN RE: Amendment of Note to** : No. 302  
**Rule of Civil Procedure** : Civil Procedural Rules  
**4009.21(a)** : Docket No. 5

**O R D E R**

**PER CURIAM:**

**AND NOW**, this 4<sup>th</sup> day of August, 1998, the note to Pennsylvania Rule of Civil Procedure 4009.21(a) is amended to read as attached hereto.

Whereas prior distribution and publication of the amendment would otherwise be required, it has been determined that the amendment is of a perfunctory nature and that immediate promulgation is required in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1999.

**NOTE:**

Underscored material is added.

**Rule 4009.21. Subpoena Upon a Person Not a Party for Production  
of Documents and Things. Prior Notice. Objections**

(a) A party seeking production from a person not a party to the action shall give written notice to every other party of the intent to serve a subpoena at least twenty days before the date of service. A copy of the subpoena proposed to be served shall be attached to the notice.

NOTE: For the form of the written notice, see Rule 4009.24(a).

These rules do not preclude (1) the issuance under Rule 234.1 et seq. of a subpoena or request for the production of documents or things at a deposition pursuant to Rule 4007.1(d) or (2) an independent action against a person not a party for production of documents or things.

...

**Explanatory Comment**

The second paragraph added to the note to Rule 4009.21(a) is a verbatim copy of the fourth paragraph of the note to Rule 4009.1. The intent of this repetition is to make clear that there are procedures other than a subpoena under Rule 4009.21 by which the production of documents or things may be sought from a person not a party to an action.

By the Civil Procedural  
Rules Committee

Edwin L. Klett  
Chairman