



# CALIFORNIA STATE UNIVERSITY, LONG BEACH

Subject: <b>Request for Handling Service of Lawsuits and Subpoenas</b>	
Department: <b>Safety and Risk Management</b>	Reference No.:
Division: <b>Administration &amp; Finance</b>	Issue Date: <b>September 2004</b>
References: <b>Supercedes Risk Management Memo 99-01 and 02-01</b>	Revision Date: <b>NA</b>
Web Links: <b>NA</b>	Expiration Date: <b>NA</b>

This Risk Management Memo provides guidance concerning the appropriate response to process servers attempting to serve lawsuits or subpoenas on campus.

## **Service of a Lawsuit:**

### Summons and Complaint

A civil lawsuit is commenced by the service of a summons and complaint on the parties named as defendants in the lawsuit. The summons is a formal notice that the response to the lawsuit must be filed with the court within 30 days. The complaint sets forth the details of the plaintiff's claims.

### Service of Process

Personnel on CSU campuses lack authority to accept service of a lawsuit (i.e., a summons and complaint upon CSU. It makes no difference whether the lawsuit names the California State University as defendant, or the Board of Trustees, or CSU Long Beach. Process servers should be directed to accomplish service at the Office of General Counsel (OGC), 401 Golden Shore, Long Beach, CA 90802. They may also be directed to the OGC website at [http://www.calstate.edu/gc/service\\_of\\_process\\_subpoenas.shtml](http://www.calstate.edu/gc/service_of_process_subpoenas.shtml)), which contains information on proper legal service on the California State University.

The campus President may accept service on his own behalf or may refer the process server to the Office of General Counsel. Other individually named defendants in a lawsuit must be served where they are located. If an individually named defendant is away from his/her work location when service is attempted, the process server should be advised as to a better time to return. The process server should never be supplied with an employee's home address or other personal information.

## **Service of Subpoenas:**

### Subpoenas

A subpoena commands a person or entity to attend a hearing, trial or deposition at a particular time and place to testify as a witness and/or to produce documents or other tangible objects in a legal proceeding. It is the equivalent to a direct order from a court.

### Service of Subpoenas

#### "Appearance" Subpoena.

An 'appearance' subpoena requires the personal attendance of a witness. In most instances, a subpoena must be personally served on the witness required to appear. A demand for the payment of witness fees should always be made at the time of service. If the individual named in the subpoena is away from his/her work location when service is attempted, the process server should be advised as to a better time to return. The process server should never be supplied with an employee's home address or other personal information.



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## "Records Only" Subpoena.

A 'records only' subpoena requires the production of documents. A subpoena for CSU business records must be served on a *University Records Custodian*. Only these individuals/positions are authorized to accept, respond to or release University records or information. Process servers attempting to serve a subpoena or other orders of a court should be directed to one of the following University Records Custodians as appropriate:

### **Student Records and Information**

Director of Judicial Affairs  
Office of Student Services, BH 377

### **Faculty Personnel Records and Information**

Associate Vice President  
Academic Personnel  
Office of Academic Affairs, BH 303

### **Staff Personnel Records and Information**

Director, Staff Human Resources  
BH- 335

### **Non-Personnel Records and Records Covered by the California Public Records Act or in cases where it is not possible to determine the specific subject of a request**

Assistant Vice President  
Office of Administration and Finance, BH 320

This information is a guide and provides information for the appropriate response to process servers in most situations. Questions about individual situations involving service of process or subpoenas should be directed to the office of Safety and Risk Management at extensions 58260 or 52283.

**FORMS:** NA