

Third-party subpoenas.

Question: Do the new discovery rules place any limits on third-party discovery subpoenas?

Answer: Yes. Rule 26(c)(1) expressly includes subpoenas in the definitions of “methods of discovery.” That means subpoenas are subject to the limitations of proportionality, timing, relevance, and privilege which apply to all discovery methods under Rule 26(b). However, there is no stated limitation on the number of discovery subpoenas in the “standard fact discovery” grid of Rule 26(c)(5).