



GUIDELINES FOR CITY OF DETROIT NONPARTY APPEARANCE REQUEST(S)

A Nonparty City of Detroit Witness is an active City of Detroit employee who is NOT a party in the lawsuit and the City of Detroit is NOT a party in the lawsuit.

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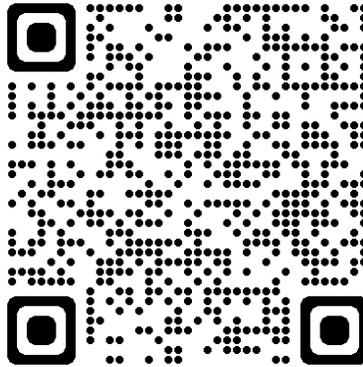
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I. **IMPORTANT NOTICE(S):**

- i. A Nonparty City of Detroit Witness is an active City of Detroit employee who is **NOT** a party in the lawsuit and the City of Detroit is **NOT** a party in the lawsuit.
- ii. Nonparty Appearances include depositions, Court hearings, and trials.
- iii. If the City of Detroit active employee is a party in the lawsuit or the City of Detroit is a party in the lawsuit, then you are required to contact the City of Detroit Law Department immediately at 313.224.4550.
- iv. **COVID-19: PLEASE BE ADVISED THAT DUE TO THE CURRENT COVID-19 HEALTH CRISIS ALL NONPARTY APPEARANCES WILL BE SCHEDULED CONSISTENT WITH ALL LOCAL, STATE, AND FEDERAL GUIDELINES. ALL NONPARTY APPEARANCES WILL BE CONDUCTED REMOTELY, UNLESS OTHERWISE REQUIRED TO BE IN-PERSON BY THE COURT. IT IS POSSIBLE THAT IT WILL BE NECESSARY TO ADJOURN ALL THE NONPARTY APPEARANCES TO A LATER DATE. THIS PROCEDURE IS CONTINUING AS DEEMED NECESSARY.**
- v. **ADHERANCE TO GUIDELINES:** Below is a description of the guidelines for scheduling of appearances for Nonparty City of Detroit Employee(s) as Witness(es). Please adhere to the following guidelines for the upcoming appearance of the City of Detroit employee(s). Failure to adhere to the guidelines may result in delays, postponements, etc. The City of Detroit is NOT responsible for any delays or postponements resulting from the requesting party's failure to strictly adhere to our policies.

II. **SUBMISSION REQUEST(S) FOR NONPARTY APPEARANCE(S):**

- i. If you have not done so already, please submit all Nonparty Appearance requests on the **Nonparty Appearance Request Submission Form**, which can be accessed through the below links and/or the **Nonparty Appearance Request Submission Form QR Code** image below:
 - a. <https://app.smartsheet.com/b/form/2f506757099e43bf871437f4491b0c6f>.



****You MUST submit all requests on the Nonparty Appearance Request(s) Submission Form in order to commence processing your matter. Please follow all instructions on the submission form.**

- ii. **Submission Restrictions:**
 - a. **One Employee/Witness per each submission.**
 - Additional Witnesses will require an additional submission.
 - b. Please allow up to FIVE (5) business days for a response to your submission.
 - c. Please submit requests no less than THREE (3) weeks prior notice, in order to confirm the Witness(es)' availability.
 - d. If the Court hearing/trial is within FIVE (5) business days, please immediately email the City of Detroit Point of Contact (P.O.C.) along with your submission.
 - e. If you are having trouble with your submission, please send an email for assistance to the Nonparty Appearance Email Address referenced on page 3.

- iii. **Submission Required Information:** Please fill out all the required information on the Submission Form. Please refer to the images below for the required information.



Nonparty Appearance Request Submission Form

1. One (1) witness per submission.
2. Please allow Five (5) business days for a response.
3. Depositions are being remotely held ONLY.
4. For any questions/concerns, please email:
NonpartyAppearance@detroitmi.gov.

Case Information

Case Name *

Please enter exactly as listed on the Court docket.

Case Number *

Please enter exactly as listed on the Court docket.

Requestor Information

Point of Contact *

Please use the following format for the Point of Contact:

- Last Name, First Name.

Point of Contact Email *

Noticing Attorney Name *

Please use the following format:

- Last Name, First Name.

Witness Information

Employee/Witness Name *

Please use the following format:

- Last Name, First Name.

Employee/Witness Department *

Appearance Information

Appearance Type *

Please note that we do not coordinate informal appearances.

Requested Documents

Please submit the following documents in PDF format:

1. Case Caption/Scheduling Order and
2. Administrative Report (e.g., Police Report, EMS Report, etc.).

File Upload *

Drag and drop files here or [browse files](#)

Send me a copy of my responses

III. **CITY OF DETROIT NONPARTY APPEARANCE EMAIL AND POINT OF CONTACT:**

- i. Please direct any questions/concerns/status updates/etc. related to your submission(s) to the following email address:

NonpartyAppearance@detroitmi.gov.

- ii. Nonparty Appearance(s) Coordinator:
 - a. **Name/Title:** Sara Massaro, Legal Secretary,
 - a. **Email:** Sara.Massaro@detroitmi.gov, and
 - b. **Phone:** 313.237.3038.

IV. **COURT HEARING/TRIAL REQUEST(S) SPECIFICS:**

- i. **Location of Court Hearing/Trial Appearance(s)**
 - a. Please verify whether the Witness(es) is/are required to attend in person. If a Court hearing is required by the Court to be in-person, please provide the address of the location for the Court Hearing or Trial.

b. Please see below for remote Court hearing(s):

- Please provide the remote access code that the Witness will use to access the hearing. We will provide the remote access code to the Witness so that the Witness can access the hearing.

V. **DEPOSITION REQUEST(S) SPECIFICS:**

i. **Location of Deposition(s):**

a. Due to the COVID-19 Health Crisis, the City of Detroit Law is currently coordinating **remote/virtual Nonparty Depositions ONLY**. Unless otherwise advised, in order to protect the safety of the City of Detroit employees, **all Nonparty Depositions are to be conducted remotely via Zoom or the accessible/applicable virtual platform.**

ii. **Deposition Time/Day:**

a. **Depositions Scheduled During Regular Business Hours:** Depositions shall begin no earlier than 10:00 A.M.; the last deposition shall begin no later than 4:00 P.M. The City of Detroit Law Department closes at 5:00 P.M.

b. **Days for Deposition(s):** Depositions are **only** scheduled for Monday, Tuesday, Wednesday, or Thursday.

iii. **Holiday Schedule: NO DEPOSITIONS:**

a. **Please be aware of relevant holidays when the City of Detroit's offices are closed.** The City of Detroit recognizes the following holidays: Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Martin Luther King's Birthday, Good Friday, and Memorial Day.

iv. **City of Detroit Holiday Shutdown:**

a. **Please note that the City of Detroit is normally closed from Christmas Eve through the first week of the New Year. No depositions will be scheduled during this timeframe.**

VI. **VERIFICATION OF AVAILABILITY/CONFIRMATION EMAIL:**

i. **Once it has been confirmed that the Witness is an active City of Detroit employee and is available for the Nonparty Appearance, we will send a confirmation email to your office which will include the following:**

- a. Confirmation availability;
- b. Location of service for the Witness;
- c. Request for a copy of the subpoena for the City of Detroit Law Department records only;
- d. Contacts for obtaining records; and
- e. **For depositions only:**

1. Date and time and depending on remote deposition accessibility and
2. Request for the remote link to access the deposition.

ii. **Please ensure to thoroughly review the confirmation email.**

VII. **EMAIL NOTICE/SUBPOENA TO LAW DEPARTMENT:**

i. Once we have confirmed the Nonparty Appearance availability and date/time with your office, please email a copy of the Subpoena for the Witness(es)' Appearance(es) for a Deposition, Trial, Hearing, etc. to the following email address:

NonpartyAppearance@detroitmi.gov.

VIII. **SERVICE OF PROCESS: EMPLOYEE'S WORKSITE:**

- i. Service upon City of Detroit employees is required at their worksite via Certified U. S. mail and/or personal service of process. We will provide their worksite address in the email confirmation.
- ii. **The City of Detroit Law Department DOES NOT accept service for City of Detroit employees.**

IX. **WITNESS FEE CHECKS:**

- i. Witness fee checks are made payable to the City of Detroit in the amount of **FIFTEEN DOLLARS (\$15.00)** per day for State of Michigan Circuit/District Court cases and are due upon execution of

the Nonparty Appearance. If you have any questions, please refer to **MCL 600.2552 for "Witness fees."**

- ii. If your case is in the **U.S. District Court (USDC)**, the Witness Fee amount is **FORTY DOLLARS (\$40.00)**, per the **Federal Rules of Civil Procedure (FRCP), Rule 45 (b)(1), 28 U.S.C. Section 1821 (b)(1)**.
- iii. **PLEASE BE ADVISED THAT UNLESS INDICATED OTHERWISE, THE WITNESS FEE PAYMENT WILL BE MADE TO THE CITY OF DETROIT.**
- iv. **Please mail the Witness Fee check(s) to:**

ATTN: Nonparty Appearances
City of Detroit Law Department
2 Woodward Ave., Ste. 500
Detroit, MI 48226

X. **MICHIGAN COURT RULE RE: SERVICE & FEE:**

- i. Please note Michigan Court Rule 2.506 Subpoena; Order to Attend, which states that:
 - a. **(G) Service of Subpoena and Order to Attend; Fees.**
 1. The **fee** for attendance and mileage provided by law must be tendered to the person on whom the subpoena is served at the time of service. Tender must be made in cash, by money order, by cashier's check, or by a check drawn on the account of an attorney of record in the action or the attorney's authorized agent.
- ii. **Additional Mileage Fee(s):**
 - a. If you subpoena a City of Detroit employee to attend a Trial at a location outside of the City of Detroit Law Department and the employee will be using their personal vehicle, the noticing law firm is required to pay the employee a **mileage fee** from home/worksites (depending on the employee's schedule) to the location of the Nonparty Appearance, and back to their home/worksites as required under **MCR 2.506**.

XI. **RECORDS REQUEST(S):**

- i. **PLEASE NOTE THAT WE DO NOT PROCESS RECORD(S) REQUESTS.**
- ii. **To obtain records, see below:**
 - a. **Separate Subpoena Duces Tecum for Detroit Police Department Records: DPD Records, Documents, and/or Files:** For City of Detroit Police Department records, documents and/or files, please mail a separate Subpoena Duces Tecum to:

DPD Law Unit at City of Detroit Law Department
2 Woodward Ave., Suite 500
Detroit, MI 48226

 - **Fee for DPD Records, Documents, and/or Files:** Please include a check in the amount of TWELVE DOLLARS (**\$12.00**) made payable to the **CITY OF DETROIT** for the documents, records, and/or files. Additional fees may be applicable.
 - b. **Separate Subpoena Duces Tecum for Non-Police City of Detroit Departments:** For all other City of Detroit department(s) records, documents, and/or files, please send a **separate** Subpoena to the "Keeper of the Records" to:

City of Detroit Law Department Municipal Section
2 Woodward Ave., Suite 500
Detroit, MI 48226

 - **Fee for Non-DPD Records, Documents, and/or Files:** Please include a check in the amount of SIX DOLLARS (**\$6.00**) made payable to the **CITY OF DETROIT** for the documents, records, and/or files. Additional fees may be applicable.
- iii. **As a courtesy reminder, all subpoenas requesting medical records must include a fully signed and notarized Health Insurance Portability and Accountability Act (HIPAA) release.**

Thank you for your anticipated cooperation.

CITY OF DETROIT LAW DEPARTMENT