

## 6-10/100.40 Witness Fees and Mileage

Depending on the type of subpoena, a witness may be entitled to witness fees, mileage and/or actual costs. Written instructions to serve a subpoena in civil actions should state whether witness fees are to be paid if demanded. If the deposit is sufficient to cover sheriff's fees and witness fees but the instructions are silent as to witness fees, it shall be assumed that the attorney desires to pay witness fees if demanded. Some subpoenas require payment of witness fees whether or not demanded. The subpoena must inform the witness of the availability of witness fees. (CCP 2065) A party to the action who is subpoenaed may also receive witness fees. (Beale v. Stevens, 72 C 45 1 – reference not available) (Di Napoli v. Superior Court, **252 CA APP. 2d 203**)

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