

Exhibit: Bank Subpoena Notice Requirements

1. Civil Discovery – Private Party Subpoena (Ameren Missouri)

If Ameren Missouri, or its attorneys, issues a subpoena directly to a customer's bank, they must follow the Missouri Rules of Civil Procedure. Under Rules 57.09 and 58, when a party seeks records from a non-party, all other parties must be notified before or at the same time the subpoena is served on the bank. This ensures the customer has an opportunity to object, file a motion to quash, or seek a protective order. Failure to provide notice makes the subpoena improper and subject to being quashed.

2. Government Authority – PSC Subpoena

When the Missouri Public Service Commission (PSC) issues a subpoena for bank records—whether on its own initiative or at the request of Ameren—the PSC acts as a government authority. In this role, the PSC is bound by the Missouri Right to Financial Privacy Act (MRFPA), §§ 408.675–408.700 RSMo. The Act requires that financial records be reasonably described (§ 408.677) and that the customer receive notice and an opportunity to challenge the subpoena before records are produced (§ 408.683).

3. Case Law Example

In *State ex rel. Ford Motor Co. v. Messina*, 71 S.W.3d 602 (Mo. banc 2002), the Missouri Supreme Court stressed strict compliance with procedural rules governing subpoenas. Although not a bank-records case, it illustrates that courts enforce notice requirements to protect parties from secret or improper subpoenas.

4. Bottom Line

- Ameren Missouri (private party): Must follow civil discovery rules and notify the customer before serving the bank.
- PSC (government authority): Must follow the MRFP, which requires notice to the customer and compliance with statutory safeguards. In either case, the customer must be notified before the bank produces financial records. If notice is not given, the subpoena is improper and subject to being quashed.