

ALTERNATIVE METHOD OF COMPLIANCE

This subpoena commands you to appear before the Grand Jury in the **[INSERT FEDERAL DISTRICT]** at the time and place indicated on the face of the subpoena. As an alternative and voluntary method of compliance, you may, at your option, produce the responsive documents by mailing them to the **[INVESTIGATING AGENCY--e.g., FBI Special Agent]** whose name appears below. If you choose to take advantage of this method of production, you acknowledge and agree to the following:

1. The alternative method of compliance is completely voluntary.
2. When requested to do so by an attorney for the government, you will appear before the Grand Jury at a subsequent session and provide testimony as the subpoena contemplates.
3. If you take advantage of the alternative method of compliance, you will execute a declaration in the attached form, and submit it with responsive documents.
4. The alternative method of compliance is to send, on or before the subpoena return date, responsive documents, organized and marked as the subpoena requires, via overnight delivery service addressed to:

[INVESTIGATING AGENT'S NAME]
[TITLE]
[AGENCY]
[ADDRESS]

Special Agent **[NAME]** can be reached at **[TELEPHONE NUMBER]** (voice) and **[FACSIMILE NUMBER]** (fax). Questions concerning the scope of this subpoena or the alternative method of compliance should be directed to **[ATTORNEY'S NAME and TELEPHONE NUMBER]**.

I have read and understand these conditions. I am willing to comply with these conditions and choose to utilize this voluntary, alternative method of compliance.

(name)

We request you do not disclose the existence of this request. Any such disclosure could impede the investigation being conducted and therefore interfere with the enforcement of the law.

STATEMENT OF DOCUMENT CUSTODIAN

I, _____, state the following under penalty of perjury in relation to the subpoena issued by the grand jury and served on _____ :
(name)

(1) I have read the subpoena and understand what it requires. I understand that I am required to make a full and complete search for all responsive documents that are in my possession, custody, or control, irrespective of where those documents are now located or who currently possesses them. I understand, for example, that if responsive documents have been provided to an outside accountant or attorney, have been taken home by an employee, or for some other reason are not on the premises of my business(es) (but are within its or my legal ability to obtain), I would nonetheless be obligated to obtain those documents and produce them to the grand jury.

(2) I have made a full and complete search for all documents responsive to the subpoena.

(3) On the date set forth below, I sent all documents responsive to the subpoena that were in my or my firm's possession, custody, or control to **[AGENT'S NAME], [AGENT'S TITLE]**.

(4) With the exceptions noted below, the documents supplied were business records created by this firm, or business records received and kept by this firm in the ordinary course of its business. That is, the records supplied were made at or near the time of the events recorded therein by persons with knowledge of the events recorded, and the documents were made or received, and kept, in the regular course of the business of this firm, and it was the regular practice of this business to make and keep, or

receive and keep, these documents. Exceptions, if any, are the documents numbered as follows: _____

_____.

(5) I understand that this declaration is going to be presented to the grand jury, and I agree that its effect will be the same as if I had either read it myself to the grand jury or testified to its contents before the grand jury. Accordingly, I understand that if any of the representations in the declaration are either false or knowingly misleading, I may be prosecuted as a result (either for perjury, false statements, obstruction of justice, or any other crime that may have been committed).

Pursuant to Title 28, United States Code, Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____

Signature: _____

Typed name: _____