

[SAMPLE GRAND JURY SUBPOENA SCHEDULE: FOR USE WHERE SUBJECT/TARGET IS A CORPORATION AND HAS NO FIFTH AMENDMENT PROTECTIONS--can also be used where subject/target is an individual; however, if refuses to provide documents on 5th Amendment grounds, withdraw subpoena and reissue REQ_REC.SUB]

[SUBJECT/TARGET NAME]
[ADDRESS]

SUBPOENA ATTACHMENT

I. Definitions

1. "You," "your," and "yours" refer to (a) the party to whom the subpoena is addressed, (b) any motor vehicle business with which that party is or has been associated in any way (whether that business is fictitious or real, and irrespective of the form of the business), including but not limited to **[LIST ENTITY NAMES ASSOCIATED W/SUBJECT/TARGET ENTITY]**; and (c) each of your partners, associates, employees, agents, and representatives.

2. "Employee" means any person, including independent contractor, who has performed any service for you, on your behalf, or under your name (whether on a full-time, part-time, piece-work, or other basis, and whether paid or unpaid), and shall include but not be limited to any person authorized to buy or sell motor vehicles.

II. General Instructions

1. You are required to produce the originals of all documents and other items which are responsive, in whole or in part, to any description set forth in this "Subpoena Schedule,"

regardless of where located, that are in your possession, custody, or control, or in the possession, custody or control of any of your partners, associates, employees, agents, representatives, accountants, or attorneys, along with all copies of any such document which differ from the original by virtue of any addition, deletion, alteration, notation, or inscription on any part of the document, including its back.

2. Unless otherwise indicated, "documents" includes all documents prepared, sent, dated, received, in effect, or which otherwise came into existence at any time during the subpoena period.

3. You are to separate the documents to be produced according to the particular paragraph and subparagraph of Section IV ("Documents to be Produced") to which each document produced pursuant to this subpoena is responsive. (If a document is responsive to more than one paragraph, it is to be placed in the file folder of the first paragraph to which it is responsive and for each subsequent paragraph to which it is responsive, the file folder should refer to the existence of a responsive document in the earlier file.) Then, you are to initial and consecutively number the documents in the lower right hand corner of each document (preferably marked in red or dark blue so that copies can be distinguished from original numbered documents), and mark each folder with the date of the subpoena and the paragraph of the subpoena attachment to which the documents are responsive.

4. On the subpoena return date, you are to appear before the Grand Jury, produce the documents called for, and be examined concerning your production.

5. An asterisk (*) preceding a numbered paragraph, or portion of a paragraph, means that instead of producing the documents requested by that paragraph, or portion of a paragraph, you may submit a notarized statement setting forth under oath the requested information, provided that you are prepared to testify as to the accuracy and completeness of each such statement.

6. The singular form of a word shall be construed to include within its meaning the plural form of the word, and vice versa, and the use of any tense of any verb shall be considered to also include all other tenses, in a manner that gives this subpoena schedule the broadest reading.

III. Time Period

The time period covered by this subpoena shall be from **[LIST RELEVANT DATES]**.

IV. Documents to be Produced

*1. Documents sufficient to show the full legal name, principal office address, date of formation, place of formation, and form of organization (for example, corporation, partnership or individual proprietorship) of each of your businesses, including but not limited to **[LIST ENTITY NAMES ASSOCIATED W/SUBJECT/TARGET ENTITY]**; their parent organizations, if any, and all subsidiaries or affiliates.

*2. Such documents as are sufficient to provide the following information relating to any owner of, partner in, or shareholder in, any of your businesses: each such person's name, last known home address and phone number, last known business address and phone number, share of ownership, and period of ownership.

3. All records required to be maintained by or filed with any federal, state, or local governmental entity with respect to any employee, including, but not limited to:

(a) W-2 forms, W-4 forms, 1099 forms, payroll records, employment contracts, earning records, social security records, unemployment insurance records, worker's compensation records, immigration records, employee benefit records, and other tax and labor records;

*(b) Such other documents as are sufficient to provide the following information relating to any of your officers, directors, or employees: each such person's name, last known home address and phone number, last known business address and phone number, positions, duties and dates of service in each position, and termination date, if any.

4. All dealer's licenses, license applications, and other documents filed with or issued by any state or local governmental entity in order for you to buy or sell motor vehicles.

5. All ledgers and journals used in connection with any of your motor vehicle businesses (including, but not limited to, books of registry, police books, used car record books, general

and subsidiary ledgers, sales journals, inventory journals, cash receipts journals, cash disbursements journals, and voucher registers).

6. All telephone bills, toll records, and other documents that indicate any telephone calls made by you or on your behalf.

7. All documents that relate to any lawsuit (whether a criminal action, civil action, or regulatory action) or other complaint against you that includes any allegation or questions regarding the possibility of any of the following: odometer tampering, false odometer certification, or any other kind of mileage discrepancy, or the use of any allegedly invalid or otherwise questioned certificate of title.

8. The following documents relating to each motor vehicle bought, sold, assigned, or otherwise transferred by or to you, on your behalf, or under your name (whether in a bona fide transaction or not), or to or from any party (whether actual or fictitious):

(a) all invoices, odometer statements, condition reports, repair records, titles, title applications, and tag applications;

(b) all checks, drafts, money orders, or other forms of payment used either to pay for the vehicle or for any service performed on or in connection with the vehicle, or received in payment for the vehicle; and

(c) all other documents that contain the following information relating to the vehicle: (i) the year, make, or

vehicle identification number (VIN) of the vehicle; (ii) the date the vehicle was purchased; (iii) the purchase price; (iv) the identity of the seller or any other prior owner of the vehicle; (v) the date the vehicle was sold; (vi) the sale price; (vii) the identity of the buyer or any other subsequent owner of the vehicle; and (viii) the actual or purported mileage of the vehicle at the time of purchase or sale or at any other time.

9. All accounting, banking, and other financial documents not produced in response to any previous paragraph (including, but not limited to, income tax returns, annual reports, financial statements, balance sheets, sales tax records, profit and loss statements, income statements, bank statements, check books and registers, cancelled checks, check stubs, check vouchers, drafts, debit memos, credit memos, and any documents reflecting the issuance of receipt of cashiers checks, wire transfers, or money orders, as well as all additional records that would support any deduction taken on any tax return).

10. All other records required to be maintained by or filed with any federal, state, or local governmental entity in order for you to conduct business, including, but not limited to, articles of incorporation, additional licenses (such as a merchant's license or a privilege license), sales and purchase records, and insurance records not previously requested.