



Attn: 12070-7000
15000 Capital One Drive
Richmond, VA 23238-1119
subpoena@capitalone.com

October 25, 2019

VIA INTRALINKS

[REDACTED]
Federal Bureau of Investigation
26 Federal Plaza
New York, NY 10278
[REDACTED]

Re: Subpoenaed Entity: Capital One Bank (USA), N.A. and Capital One, N.A.
Responding Entity: Capital One Bank (USA), N.A. and Capital One, N.A.
Case No./Name: In re [REDACTED]
Our File Number: [REDACTED]

Dear [REDACTED]

I am writing in response to the subpoena or information request for the above-referenced matter ("Subpoena") directed to the above Subpoenaed Entity. Subject to and without waiving the below objections,¹ the Responding Entity ("Capital One") has exercised reasonable diligence in searching its systems of record for the documents and/or information reasonably requested by the Subpoena, and the enclosed documents and/or information represent all available documents and/or information yielded by this search. Please note that there are multiple Capital One entities and that the responsive documents produced herewith represent only those in the possession, custody, or control of the Responding Entity.

Please note that Capital One has a 7-year retention policy; account records older than 7 years may no longer be available in our systems of record; account statements prior to September 2007 are no longer in retention.

For this account opened online, no application, signature card or identification used to open the account were located. Also, no IP history was found for the account closed in 2013.

Please also note that it is not possible for Capital One or any of its employees to represent that any document production contains "all documents" for any specific customer and/or account. Based upon our interpretation of your request, however, we believe the enclosed documents fully satisfy your request. Capital One shall assume that this response constitutes a full and complete response requiring no further action by Capital One in response to the Subpoena unless you should advise it

¹ To the extent that the above-listed Subpoenaed Entity does not match the above-listed Responding Entity ("Capital One"), Capital One objects to the Subpoena on the grounds that the Subpoena is directed to an incorrect legal entity, as the Subpoenaed Entity does not exist, is not a legal entity, or is not the correct entity to which the Subpoena should be directed. Information regarding Capital One entities is publicly available from Capital One's website (www.capitalone.com) and other public sources. These companies are separate and distinct legal entities, and subpoenas and other legal requests must be served separately upon the correct entity in full compliance with applicable law in order to permit a response. Capital One also objects to the Subpoena to the extent that (1) the method of service of the Subpoena is not specifically authorized by applicable law; (2) the Subpoena has not been issued in full compliance with all applicable law; (3) the Subpoena requests privileged or confidential information; (4) the full scope of the information requested by the Subpoena is not relevant or reasonably calculated to lead to the discovery of admissible evidence; (5) the Subpoena fails to provide sufficient information to uniquely identify some or all of the individuals and/or entities about which information is sought; and/or (6) compliance with the Subpoena would pose an undue burden and expense upon Capital One. Capital One further reserves its right to assert any additional objection to the Subpoena.

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in writing otherwise within ten days of this letter. If you have any questions, please contact us at subpoena@capitalone.com.

Sincerely,
Subpoena Fulfillment Team

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**DECLARATION OF QUALIFIED PERSON
CERTIFYING THE AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS AND/OR INFORMATION REFLECTED IN SYSTEMS OF
RECORD PURSUANT TO FEDERAL RULES OF EVIDENCE 803(6) & 902(11)**

I, the below-signed Declarant, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the information contained in this declaration is true and correct. I am employed by **Capital One Services, LLC**, and in this position I have personal knowledge of the business records and systems of record of and am a qualified person authorized to declare and certify on behalf of **Capital One, N.A.** ("**Capital One**") the following in accordance with Federal Rules of Evidence 803(6) and 902(11):

1. This Declaration is made in conjunction with Capital One's response to the Grand Jury subpoena issued by AUSA [REDACTED] in the matter of **In re [REDACTED]** dated **October 7, 2019** ("Subpoena").

2. The documents and/or information attached hereto represent such documents and/or information responsive to any reasonable request of the Subpoena as returned from a reasonably diligent search of Capital One's systems of record and are true and accurate duplicates of the original business records maintained by Capital One and/or true and accurate representations of the information reflected in Capital One's systems of record.

3. In accordance with Federal Rule of Evidence 902(11), I certify that the documents and/or information reflected in Capital One's systems of record attached hereto:

- (A) were made and/or entered in Capital One's systems of record at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
- (B) were kept and/or entered in its systems of record in the course of the regularly conducted business activity of Capital One; and
- (C) were made and/or entered in its systems of record by Capital One as a regular practice during its regularly conducted business activity.

4. Capital One is providing the records and/or information attached hereto to the requested agent of the United States Government, as directed by the Subpoena, to take custody of and present the documents and/or information to the Grand Jury in lieu of an actual appearance by Capital One before the Grand Jury. Capital One understands that this is voluntary on Capital One's part and that Capital One may appear before the Grand Jury with expenses paid, as provided by the applicable U.S. statutes.

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing information contained in this declaration is true and correct. Executed as of the below date.

[REDACTED]

Signature of Declarant

10-25-19

Date of Declaration

[REDACTED]

Printed Name of Declarant

For Capital One Use Only
File #: 2019030401

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