

**United States District Court**  
**SOUTHERN DISTRICT OF NEW YORK**

TO: Magic Auto Sale LLC  
407-409 US Highway 46 East  
Little Ferry, NJ 07643

GREETINGS:

WE COMMAND YOU that all and singular business and excuses being laid aside, you appear and attend before the GRAND JURY of the people of the United States for the Southern District of New York, at the United States Courthouse, 40 Foley Square, Room 220, in the Borough of Manhattan, City of New York, New York, in the Southern District of New York, at the following date, time and place:

Appearance Date: September 20, 2019                      Appearance Time: 9:00 a.m.

to testify and give evidence in regard to alleged violation of:  
18 U.S.C. §§ 1791, 201.

and not to depart the Grand Jury without leave thereof, or of the United States Attorney, and that you bring with you and produce at the above time and place the following:

**Please see the attached rider.** Personal appearance is not required if the requested records are (1) produced on or before the return date to AUSA [REDACTED], [REDACTED], [REDACTED], and (2) accompanied by an executed copy of the attached Declaration of Custodian of Records.

Failure to attend and produce any items hereby demanded will constitute contempt of court and will subject you to civil sanctions and criminal penalties, in addition to other penalties of the Law.

DATED: New York, New York  
September 6, 2019

*Geoffrey S. Berman* [REDACTED]  
GEOFFREY S. BERMAN  
*United States Attorney*

[REDACTED]

Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Telephone: [REDACTED]  
Email: [REDACTED]

[REDACTED]

## RIDER

(Grand Jury Subpoena to Magic Auto Sale LLC, dated September 6, 2019; USAO 2019R01059)

### REQUEST:

#### **A. Definitions and Instructions:**

1. This Subpoena calls for the preservation and production of specific documents, including handwritten notes and records and e-mails and text messages, in the possession, custody or control of the Magic Auto Sale LLC ("Magic") or any employee of Magic, for the time period January 1, 2019, to the present.
2. This Subpoena applies to any responsive documents wherever they may be found, including personal electronic devices, cellular phone or other telephone, pager, tablet, laptop computer, desktop computer, personal email, cloud storage, messaging or social media accounts used by employees of Magic to conduct Magic's business, and including any and all handwritten notes and records in possession of any employees of Magic.
3. With the exception of documents containing handwritten notes, please produce requested records in electronic form (native format where necessary to view the material in its full scope) in a manner that is OCR-searchable, and with all available electronic metadata. Please provide the originals of all papers, notepads, notebooks, diaries, or calendars upon which responsive handwritten notes may be found.
4. The term "documents" includes writings, emails, text messages, drawings, graphs, charts, calendar entries, photographs, audio or visual recordings, images, and other data or data compilations, and includes materials in both paper and electronic form.
5. This Subpoena does not call for the production of any documents protected by a valid claim of privilege, although any responsive document over which privilege is being asserted must be preserved. Any documents withheld on grounds of privilege must be identified on a privilege log with descriptions sufficient to identify their dates, authors, recipients, and general subject matter.

#### **B. Documents To Be Produced:**

1. All documents, including but not limited to purchase history, vehicle information, trade-in information, bank account and financial information, and correspondence related to Temporary Tag Number [REDACTED].
2. All documents, including but not limited to purchase history, vehicle information, trade-in information, bank account and financial information, and correspondence related to [REDACTED], [REDACTED], DOB [REDACTED], or any transaction involving [REDACTED] DOB [REDACTED].

In lieu of an appearance you may comply with this subpoena by providing the requested information, along with a business records certification pursuant to Fed. R. Evid. 803(6) to AUSA [REDACTED], [REDACTED].

Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is \_\_\_\_\_.  
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Grand Jury Subpoena, dated September 6, 2019, and signed by Assistant United States Attorney [REDACTED], requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_.  
(date)

\_\_\_\_\_  
(signature of declarant)

\_\_\_\_\_  
(name and title of declarant)

\_\_\_\_\_  
(name of business)

\_\_\_\_\_  
(business address)

\_\_\_\_\_

\_\_\_\_\_

Definitions of terms used above:

As defined in Fed. R. Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term "business" as used in Fed. R. Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 6, 2019

Magic Auto Sale LLC  
407-409 US Highway 46 East  
Little Ferry, NJ 07643

Re: Grand Jury Subpoena:

Please be advised that the accompanying grand jury subpoena has been issued in connection with an official criminal investigation of a suspected felony being conducted by a federal grand jury. The Government hereby requests that you voluntarily refrain from disclosing the existence of the subpoena to any third party. While you are under no obligation to comply with our request, we are requesting you not to make any disclosure in order to preserve the confidentiality of the investigation and because disclosure of the existence of this investigation might interfere with and impede the investigation.

If you intend to disclose the existence of this Grand Jury Subpoena request to a third party, please let me know before making any such disclosure.

Thank you for your cooperation in this matter.

Very truly yours,

GEOFFREY S. BERMAN  
United States Attorney

By:

[REDACTED]

Assistant United States Attorney

[REDACTED]