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* B A R C O D E S E P A R A T O R P A G E *

United States District Court
SOUTHERN DISTRICT OF NEW YORK

TO: Capital One Bank N.A.
Subpoena Coordinator
Attn: 12070-7000
15000 Capital One Drive
Richmond, VA. 23238-1119

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 11, 2019 Appearance Time: 9:00 a.m.

to testify and give evidence in regard to alleged violation of:
18 U.S.C. §§ 371, 1341, 1343, 1956.

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 SA [redacted] Phone: [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
August 28, 2019

Geoffrey S. Berman / RD
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]



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RIDER

(Grand Jury Subpoena to Capital One Bank; dated August 28, 2019, USAO #2019R00903)

REQUEST:

For any account as to which the below individuals are signatories, including but not limited to Capital One Account [REDACTED]:

- [REDACTED] DOB [REDACTED], SSN [REDACTED], Address [REDACTED]
- [REDACTED] DOB [REDACTED], SSN [REDACTED], Address [REDACTED]

Please provide any and all documents, to include, but not limited to those identified below, for the period January 1, 2015 until the present:

- a. Account opening documents, including applications and signature cards;
- b. Records of account holders for debit and credit cards linked to the accounts;
- c. Account statements and ledgers;
- d. Images of checks (both front and back) deposited in account;
- e. Images of canceled checks (both front and back) drawn on account;
- f. Images of cashier's checks (both front and back) and depositing bank account information;
- g. Account deposit slips, withdrawal slips, debit & credit memos, and cash tickets;
- h. Detailed wire transfer records, ACH transfer records (including routing/account numbers funds transferred to/from), money orders, and traveler's check records;
- i. Loan account records including loan applications, financial statements, issued Form 1099s, tax returns, collateral documents, security schedules, form of repayment (check or currency), and correspondence;
- j. All credit card and line of credit records, including, but not limited to: applications, monthly statements, billing slips, and records evidencing the source of payment (copies of checks, ACH records (including routing/account numbers funds transferred to/from), or cash received slips);
- k. All credit card and line of credit records, including, but not limited to: applications, monthly statements, billing slips, and records evidencing the source of payment (copies of checks, ACH records (including routing/account numbers funds transferred to/from), or cash received slips);
- l. All safety deposit box records, including applications, entry records, box number(s), signature cards, or other documentation authorizing an individual or entity as a signatory on the account;
- m. Customer information associated with the account, including name(s), address(es), telephone number(s), e-mail address(es), and any other identifying or contact information;
- n. Correspondence with the account holder(s) or regarding the account;
- o. IP history associated to online banking and/or mobile banking, including IP history, user agent strings, cookies and device information captured, IMEI numbers captured;
- p. Surveillance tapes/images of transactions; and
- q. Recordings, memoranda, and notes of any telephone calls made by the holder of this account, or made in reference to this account.

INSTRUCTIONS FOR PRODUCTION OF DOCUMENTS:

- All transactions-based information, include wire and ACH transfers, withdrawals/deposits, charges/payments, and bank account activity should be provided in **electronic spreadsheet format** (either Microsoft Excel or similarly compatible format). Specifically:
 - a. For **wires and other types of transfers**, the account holder name, account number, and bank name of both the originator and beneficiary of the transaction should be clearly stated in separate fields.
 - b. **Cash and check transactions** should be indicated within a transaction type field.
 - i. **Check transactions** should include the name of the payee in the recipient field. Additionally, check images should be attached in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained, and named in a manner that uniquely associates them with the relevant transaction record(s).
 - ii. **Cash withdrawals** should be indicated with CASH written in the recipient field.
 - iii. **Cash deposits** should be indicated with CASH written in the sender/originator field.
 - c. Field headers should be included for each column of data, and a data dictionary or other explanation of the contents of each column provided.
- Where more than one account is being requested, each account's transaction records should be returned in a separate file.
- All document images are to be produced in electronic PDF format. Where images of checks, deposit slips, withdrawal slips, or cash tickets are being produced, they should be produced no more than two per page.
- All telephone call recordings are to be produced with an accompanying spreadsheet indicating the date and time of the call, the calling telephone number, and the account(s) being referenced on the call. Where there is a recording of a call and call notes, this subpoena calls for both the production of the recording and the call notes or memoranda.
- 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 SA [REDACTED], Phone: [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 August 28, 2019, and signed by Assistant United States Attorney _____, 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.

WARNING

**Disclosure of the Existence or Contents of
This Subpoena Is Prohibited by Law.
Violations May Subject You and
Your Employer to Civil and Criminal Penalties.**

Attached hereto is a grand jury subpoena for financial institution records as defined by Title 18, United States Code, Section 1510 (b)(3)(B). Civil and criminal penalties exist for making certain disclosures regarding this subpoena. The prohibited notifications and applicable penalties are stated in sections 943 and 962 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, as amended. (12 U.S.C. § 3420(b) and 18 U.S.C. § 1510(b), respectively.)

The criminal penalties include fines and a maximum prison term of five years if an officer of a financial institution (as defined in 18 U.S.C. § 1510(b)) notifies, directly or indirectly, any person regarding the existence or contents of this subpoena with the intent to obstruct a judicial proceeding. In addition, fines and a maximum prison term of one year may be imposed if the notification is made, directly or indirectly, to a customer of the financial institution whose records are sought by the subpoena or to any other person named in the subpoena. Civil money penalties may also be imposed.



U.S. Department of Justice

United States Attorney
Southern District of New York

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

August 28, 2019

Re: Grand Jury Subpoena

This letter describes the procedure for requesting reimbursement for subpoenaed records.

12 CFR part 219 (subpart A), issued by the Board of Governors of Federal Reserve System under section 1115 of the Right to Financial Privacy Act (12 U.S.C. § 3415), sets the rates and conditions for reimbursement of costs directly incurred by financial institutions in assembling or providing customer financial records to a government authority pursuant to the Act. No costs are reimbursable if the records are those of a corporation or a partnership comprised of more than five individuals.

If reimbursement is authorized, and the estimated billing to the government will exceed \$500, advance permission is necessary from [REDACTED] at [REDACTED].

If the subpoenaed records indicated on the rider are eligible for reimbursement, please complete section B of the enclosed form OBD-211, which will serve as your invoice, and return it with a copy of the subpoena to the following address:

U.S. Attorney's Office - SDNY
Accounts Payable
86 Chambers Street, 3rd floor
New York, NY 10007
[REDACTED]

Please send your invoice to the above address within 60 days of the submission of the subpoenaed records. If no invoice is received within 120 days, funds will not be available to pay the invoice.

Thank you for your cooperation in this matter.

Enclosure: OBD- 211

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

By:

Rebecca Dmaleski

[REDACTED]
Assistant United States Attorney
[REDACTED]