

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO: Custodian of Records
Hyperion Air, Inc.

**SUBPOENA TO TESTIFY
BEFORE GRAND JURY**

FGJ 07-103(WPB)-Tues./No. OLY-46

SUBPOENA FOR:

☐

PERSON

☒

DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:

United States District Courthouse
701 Clematis Street
West Palm Beach, Florida 33401

ROOM:

Grand Jury Room

DATE AND TIME:

May 8, 2007
1:00 pm*

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

All income tax returns, balance sheets, regulatory filings, minutes of board of directors meetings, and documents required by or filed with the Internal Revenue Service and/or the State of Delaware referring or relating to the period of 1/1/2003 to 12/31/2005.

For the period 1/1/2003 to the present, the names of all employees, copies of all W-2s for all employees, and the names of all corporate directors, board members, and shareholders.

***Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED], Federal Bureau of Investigation, Telephone: [REDACTED]**

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

(BY) DEPUTY CLERK



DATE:

April 24, 2007

This subpoena is issued upon application
of the United States of America

Name, Address and Phone Number of Assistant U.S. Attorney
[REDACTED] Assistant U.S. Attorney
500 So. Australian Avenue, Suite 400
West Palm Beach, FL 33401-6235
[REDACTED]

*If not applicable, enter "none."



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401-6235
[REDACTED]

APPEARANCE NOTICE

The attached subpoena requires the production of the records specified to a Federal Grand Jury/Trial in the Southern District of Florida.

A new provision of the Federal Rules of Evidence provides that routine business records may be admitted at trial through the declaration of a custodian, if they are provided sufficiently in advance of trial to allow an opportunity for any challenges to their authenticity. Therefore, you may be able to avoid appearing personally at the grand jury/trial at the time and place specified by completely filling out the attached Certification and Inventory and immediately returning it with the records to **Special Agent [REDACTED]**, FBI at the following address:

**Federal Bureau of Investigation
505 South Flagler Drive, Ste. 500
West Palm Beach, Florida 33401-5923**

EARLY VOLUNTARY TURNOVER

Please note that we are requesting an early voluntary turnover of the materials subpoenaed. The early voluntary turnover date is prior to May 8, 2007.

Sincerely,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY: [REDACTED]

ASSISTANT UNITED STATES ATTORNEY

CERTIFICATION OF BUSINESS RECORDS

I, the undersigned, _____, declare that I am:
employed by/associated with _____ in the
position of _____ and by reason of my
position am authorized and qualified to make this declaration.

In my employment with the above-named bank/company I am familiar with the
business records it maintains. The above-named bank/company maintains records of its
business which are:

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

Among the records so maintained are the attached records itemized in Appendix A,
Inventory of Documents.

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

Date of execution: _____

Place of execution: _____

Signature: _____

The documents submitted are as follows:

[illegible]
