

[SAMPLE GRAND JURY SUBPOENA SCHEDULE: FOR USE WHERE SUBJECT/TARGET IS INDIVIDUAL AND HAS EXPRESSED INTENT TO REFUSE TO PRODUCE DOCUMENTS PURSUANT TO 5TH AMENDMENT--subpoena calls for production of required records only, for which there is no 5th Amendment protection--see In re Grand Jury Subpoena (Spano), 21 F.3d 226 (8th Cir. 1994); In re Grand Jury Subpoena Duces Tecum (Underhill), 781 F.2d 64, 70 (6th Cir.), cert. denied, 479 U.S. 813 (1986)--and/or contact Office of Consumer Litigation.]

**[INDIVIDUAL 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]**; and (c) each of your partners, associates, employees, agents, and representatives.

2. "Employee" means any person, including an 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. 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: W-2 forms, W-4 forms, 1099 forms, payroll records, earning records, social security records, unemployment insurance records, worker's compensation records, immigration records, employee benefit records, and other tax and labor records.

2. All local, state and federal income tax returns.

3. All dealer's licenses and/or certificates of registration; license applications and/or applications for or renewals of certificates of registration; and other documents filed with or issued by any state or local governmental entity in order for you to buy or sell motor vehicles.

4. All ledgers and journals used in connection with any of your motor vehicle businesses, which you are required under state law to maintain (including, but not limited to, books of registry, police books, used car record books).

5. 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 odometer statements;

(b) titles, title applications, and tag applications.

(c) certificate of sale documents.

6. 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.