

Verizon Legal Process Compliance
DH

From: Burnett, James B. (OIG) [REDACTED]
Sent: Sunday, May 1, 2022 12:52 PM
To: Verizon Legal Process Compliance [REDACTED]
Subject: Grand Jury Subpoena and NDO

Please find the attached Grand Jury Subpoena and Non-Disclosure Order for service. Thanks

J. Brian Burnett
Senior Special Agent
U.S. Department of Justice, Office of the Inspector General
Washington Field Office
Investigations Division
[REDACTED]

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE APPLICATION OF USA FOR
2705(b) NONDISCLOSURE ORDER FOR
GRAND JURY SUBPOENA
GJ2022042589990**

SC No. 22-SC-1155

Filed Under Seal

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing Verizon Wireless (“PROVIDER”), an electronic communication and/or remote computing service provider located in Bedminster, NJ, not to notify any other person of the existence of subpoena number **GJ2022042589990** issued by the United States on behalf of a federal Grand Jury empanelled in the United States District Court for the District of Columbia (the “Subpoena”), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Date:

David A. Baker



Digitally signed by David A.

Baker

Date: 2022.04.28 18:03:19 -04'00'

UNITED STATES MAGISTRATE JUDGE



U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia
Patrick Henry Building
601 D Street N.W.
Washington, D.C. 20530

April 25, 2022

VIA Electronic Mail

Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

Re: Grand Jury Subpoena #GJ2022042589990
USAO #2022R00022

Dear Verizon Wireless:

Pursuant to a criminal investigation being conducted by the United States Attorney's Office, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the undersigned Assistant U.S. Attorney with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED USA-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena.

Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant United States Attorney at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing Verizon Wireless not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law.

We appreciate your cooperation in this matter. If you have any questions, please contact this office at the number below.

Sincerely,

KENNETH POLITE
Assistant Attorney General
Criminal Division

/s/ Timothy A. Duree
Timothy A. Duree
Criminal Division

1400 New York Avenue NW
Washington DC 20530

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3 rd Floor Grand Jury # 21-10 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Friday, May 13, 2022 at 9:00 AM
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You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

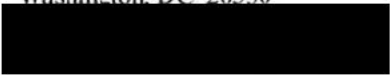
In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the undersigned Assistant U.S. Attorney with the requested records.

Date: April 25, 2022

CLERK OF COURT


Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant United States Attorney, who requests this subpoena, are:

Timothy A. Duree, Attorney
Department of Justice, Criminal Division
1400 New York Ave NW
Washington, DC 20530


Subpoena #GJ2022042589990
USAO #2022R00022
Preparer: MRLEACH

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number: GJ2022042589990	2 Date Order Prepared: 4/25/2022	3 USAO Number: 2022R00022
Section A - Authorization and Purchase Order		
4 Name and Address of Service Provider: Verizon Wireless 180 Washington Valley Road Bedminster, NJ 07921	Funding Certification & Authorization:	A. Budget Official Signature Funding Available Date B. Approving Official Signature Date
5 Deliver Records To: Timothy A. Duree 1400 New York Ave NW Washington, DC 20530	Send Completed USA-212 Form & Invoice To:	6 Return Date: 5/13/2022
7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.		
8 Name of Requestor: Timothy A. Duree	9 Telephone Number: [REDACTED]	10 Date of request: 4/25/2022

Section B - ECPA Service Provider Invoice

11A Invoice Number:		Quantity	Unit Price		Amount
11B Tax ID Number:			Cost	Per	
11C Service(s)/Records Provided:					
The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.					
12 Signature of Service Provider Representative:			13 Date Signed:	Total Amount Claimed By Service Provider	
Section C - Receiving Report					
14 I certify that the articles and services listed were received:			15 Date Received:	16 Disallowance (See Attached)	
17 Net to Service Provider					

18 Electronic Communications Privacy Act - Public Law 99-508 (18 U.S.C. 2701-2712) Request Pursuant To: (Only One Section at Left Should Be Checked)			19 Signature of Approving Official: Date:	
SECTION		OBJECT CLASS		
☐ 2702	Voluntary Disclosure	2570	20 Funding Source	
☒ 2703	Compelled Disclosure	2570	Accounting Code:	
	☐ Search Warrant	2570	Program	
	☒ Grand Jury Subpoena	2570		
	☐ Court Order	2570	21 Other Accounting/Fund Information:	
	☐ Administrative or Judicial Subpoena	2570	Program Code: Project Code:	
☐ 2704	Request for Information Following Preservation	2570	YREGDOC:	
22 Remarks:			Call Number (if applicable):	
			OBL Month (YRMO):	
			Tax ID Number:	

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of United States Attorney's Office Representative Date

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 have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena #GJ2022042589990 dated April 25, 2022, signed by Assistant United States Attorney Timothy A. Duree, requesting specified records of the business named below.

Attached hereto are _____ pages of records regarding _____
(Brief description of type of documents being subpoenaed)
_____ responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

- (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, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

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)

(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

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

- a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
 - i. In your record retention systems; and/or
 - ii. By your technology, data, or other service provider(s).
- b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

- a. Text data relating to transactions shall be produced within a data file:
 - i. Using a delimited ASCII text data format; or
 - ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.
- b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

- a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.
- b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
 - i. Produced in individual graphic data files with any associated endorsements; and
 - ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

- a. ESI may be transmitted in an encrypted container (*e.g. flash drive, CD/DVD*). Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do not encrypt individual file contents if the container is encrypted.*
- b. Authentication, such as hash coding, may be set by agreement.
- c. Affidavits or certificates of authenticity may be included as part of the electronic production.

Verizon Communications
180 Washington Valley Road
Bedminster, NJ 07921

2022R00022

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

██████████
██████████
937-██████████
██████████

Provide the following records from January 1, 2020, to the present:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))

NOTE: IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:

Brian Burnett
Senior Special Agent
U.S. Dept. of Justice, Office of the Inspector General
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IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

**COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE
NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A
FUTURE DATE.**