

ATTACHMENT TO GRAND JURY SUBPOENA

RETURNABLE: APRIL 2, 2019

TO: West Virginia Department of Commerce
1900 Kanawha Boulevard East
Charleston, WV 25305

ATTN: AUTHORIZED RECORDS CUSTODIAN

PRELIMINARY MATTERS

- A. **Records:** The term "records" encompasses all recorded information in whatever form it exists, including, without limitation, paper documents, electronically stored information, photographs, and audio or video recordings. The term "records" specifically includes, without limitation, e-mail messages, text messages (also known as SMS or MMS messages), messages sent or received by electronic instant messaging programs, and all other similar electronic messages. The term "records" also specifically includes, without limitation, all information stored on any computer, cellular telephone, tablet computer, or other electronic device capable of storing information.
- B. Records are requested in digital format, preferably PDF images. If digital format is unavailable, please provide hard copies of the requested records.
- C. All checks, money orders, or other negotiable instruments should be copied front and back in order to obtain endorser and clearing information.
- D. If provided, please return responsive records with a completed waiver of grand jury appearance.
- E. If a document demanded by this subpoena is withheld under a claim of privilege, or is otherwise withheld, provide the following information regarding the record: (1) its date; (2) the name and title of its author(s); (3) the name and title of each person to whom it was addressed, distributed, and disclosed; (4) the number of pages; (5) an identification of any attachments or appendices; (6) a general description of its subject matter; (7) its present location and the name of its present custodian; (8) the paragraph of this subpoena

to which it is responsive; and (9) the nature of the claimed privilege or other reason the document is withheld.

SUBJECT and SCOPE OF RECORD REQUEST

Please provide records for the period beginning on January 1, 2014, and continuing through March 6, 2019, for the records specified below, as they relate to the West Virginia Department of Commerce and/or the West Virginia Development Office.

SPECIFIC ITEMS REQUESTED

1. All records relating to sponsorship contracts with The Greenbrier, The Greenbrier Classic, A Military Tribute at the Greenbrier, or Old White Charities, Inc.
2. All records pertaining to Amenity Agreements with The Greenbrier, The Greenbrier Classic, A Military Tribute at the Greenbrier, or Old White Charities, Inc.
3. All records of any communication with any person acting on behalf of The Greenbrier, The Greenbrier Classic, A Military Tribute at the Greenbrier, or Old White Charities, Inc., including, but not limited to:
 - James C Justice II
 - James C Justice III (Jay Justice)
 - Jilleen Justice
 - Habibi Mamone
 - Tim McNeely
 - Lawrence "Larry" Klein
 - James Terry Miller
 - Adam Long
 - Summer Harrison
 - Elaine Butler
 - Elmer Coppoolse
4. All records of any contract exemption requests filed with the West Virginia Ethics Commission regarding continued sponsorship of The Greenbrier Classic, or A Military Tribute at the Greenbrier.
5. All records related to the appropriation of funds by the Department of Commerce and/or the West Virginia Development

Office for The Greenbrier Classic, A Military Tribute at the Greenbrier, or Old White Charities, Inc.

6. All records related to the distribution of funds by the Department of Commerce and/or the West Virginia Development Office to or for The Greenbrier Classic, A Military Tribute at the Greenbrier, or Old White Charities, Inc.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA

ADVICE TO GRAND JURY WITNESSES

This advice is given to all Grand Jury witnesses as a general practice without regard to culpability.

1. A Grand Jury consists of sixteen to twenty-three citizens who inquire into possible violations of federal law that may have occurred in this judicial district. Only the members of the Grand Jury, attorneys for the government, the witness under examination and a court reporter (and possibly a translator, if necessary) may be present in the Grand Jury Room while evidence is being presented.

2. You will be expected to answer all questions asked of you, except that you do not have to answer any question to which a truthful answer would tend to incriminate you, or if some other recognized legal privilege would apply.

3. An untruthful answer to any question may subject you to a prosecution for perjury. Anything that you say in the Grand Jury may be used against you by the Grand Jury or in Court.

4. You may consult an attorney about your Grand Jury appearance before testifying. Your attorney may wait immediately outside the Grand Jury Room while you are testifying. Upon your request, you will be afforded a reasonable opportunity to step outside the Grand Jury Room to consult with your attorney before answering any question.

5. The mere fact that a person who has been subpoenaed to testify before a Grand Jury has been advised of his or her rights should not necessarily be taken to mean that the person is likely to be charged (indicted) with a crime.

GENERAL INFORMATION REGARDING YOUR APPEARANCE BEFORE THE GRAND JURY

1. Upon receipt of your subpoena, please contact the Assistant United States Attorney (AUSA) indicated on the subpoena to obtain the precise time that you are scheduled to testify. If you fail to do so, you will be required to appear at the time indicated on your subpoena and wait until you are called. Also, please provide the AUSA with your work and home phone numbers so that you may be contacted in the event of changes in the date or time of your appearance.

2. You are not required to discuss your anticipated testimony with the AUSA before your appearance but may do so if you wish.

3. Please read the attached form regarding witness fees and expenses. The United States Attorney's Office will assist you in making travel arrangements, including method of travel and hotel accommodations if necessary. If you are excused from the Grand Jury with sufficient time left in the day to return to your place of residence that day, you are expected to do so and overnight accommodations will not be authorized in that case.

4. YOU MUST BRING PHOTO IDENTIFICATION AND YOUR SUBPOENA WITH YOU TO THE COURTHOUSE. NO CELL PHONES ARE PERMITTED IN THE GRAND JURY ROOM!!

If you have any questions concerning your appearance, or other questions, you should consult your attorney, or you may contact the United States Attorney's Office at 304-345-2200.