

# UNITED STATES DISTRICT COURT

for the  
CENTRAL DISTRICT OF CALIFORNIA

13 OCT 22 PM 2:48  
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14177 Frederick Street  
Moreno Valley, CA 92552

## SUBPOENA TO TESTIFY BEFORE A GRAND JURY

SUBPOENA FOR:

Person

Document(s) or Object(s)

**X 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:

**UNITED STATES COURTHOUSE  
3470 Twelfth Street  
Riverside, California 92501**

COURTROOM:

**Grand Jury Room , 1<sup>st</sup> Floor**

DATE AND TIME:

November 6, 2013 @ 9:00 a.m.

**X** You must also bring with you the following documents, electronically stored information, or objects:

See Attachment

CLERK OF COURT:

*Terry Nafisi*



DATE:

October 22, 2013

By Deputy Clerk Terry Nafisi, Clerk of the Court

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

STEPHEN T. MERRILL *sm*  
Special Assistant United States Attorney  
3403 Tenth Street, Ste. 200  
Riverside, CA 92501  
Telephone: (951) 276-6942  
USAO # 2100R01055

ANDRÉ BIROTTE JR.  
United States Attorney

Special Agent: TFO Jorge Chavez  
Telephone: (951)536-5533

Note: An agent of the FEDERAL BUREAU OF INVESTIGATION-FBI will deliver the above-mentioned document(s) or object(s) to the Grand Jury should you desire to volunteer them to the Grand Jury in advance of the date indicated above.

## ATTACHMENT TO GRAND JURY SUBPOENA

City Hall, City of Moreno Valley, California

### I. DEFINITIONS AND INSTRUCTIONS

1. "Document" means each and every writing, of whatever nature, whether an original, a draft, or a copy, however produced, reproduced or stored, whether manually, mechanically, electronically, electromagnetically or otherwise, and each and every tangible thing from which information can be processed or transcribed. Non-identical copies are deemed to be separate documents.

a. The term "document" includes, but is not limited to, e-mails, letters, telegrams, telexes, facsimiles, contracts, agreements, memoranda, receipts, calendars, diaries, appointment books, personal files, telephone messages and message logs, notes, schedules, work sheets, books, pamphlets, summaries, proposals, photographs, ledgers, statements, files, invoices, billing information, notebooks, verifications of assets, financial statements and other compilations of financial data, work papers, bank statements and associated bank records, checks, records of wire transfers or cash payments, charts, graphs, research material, prospectuses, registration statements, and computer printouts and other computer generated writings, or any similar item.

b. The term "document" includes all such material now in your possession, custody or control, including each and every document that is under your control but is not in your immediate possession.

2. For the purpose of this Subpoena and all document requests contained herein, "relating to" a given subject means "concerning," "constituting," "containing," "embodying," "reflecting," "identifying," "stating," "referring to," "mentioning," or "evidencing," in whole or in part, the given subject matter.

3. "You" and "your" means your organization and entity, including all divisions, departments, agencies, and offices, and all officers, employees, and agents thereof.

4. Relevant Time Period: All responsive documents dated or prepared from January 1, 2008 to the present shall be produced.

5. Modifications: No modifications will be made to the terms of this Subpoena except in writing.

6. Privilege Log: All documents for which you claim any privilege shall be segregated, maintained and not destroyed, and specifically and individually identified on a privilege log to be produced at the time of production with the following descriptors: (a) control numbers for the page range; (b) date; (c) author; (d) addressees/recipients; (e) format; (f) name of

litigation or transaction giving rise to privilege; (g) specific subject matter; and  
(h); privilege claimed.

## II. DOCUMENTS TO BE PRODUCED

1. All documents relating to the hiring, employment, and termination of Barry Foster as Moreno Valley's Director of Economic Development.