

Congress of the United States
Washington, DC 20515

October 4, 2019

The Honorable John Michael Mulvaney
Acting Chief of Staff to the President
The White House
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

Dear Mr. Mulvaney:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby transmitting a subpoena that compels you to produce documents set forth in the accompanying schedule by **October 18, 2019**.

This subpoena is being issued by the Committee on Oversight and Reform under the Rules of the House of Representatives in exercise of its oversight and legislative jurisdiction and after consultation with the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs. The subpoenaed documents shall be collected as part of the House's impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.¹ Your failure or refusal to comply with the subpoena, including at the direction or behest of the President or others at the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against you and the President.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

During a press conference on Wednesday, President Trump was asked if he would cooperate with the House impeachment inquiry. He responded, "I always cooperate."² President Trump's claim is patently false. The White House has refused to engage with—or even respond to—multiple requests for documents from our Committees on a voluntary basis. After nearly a month of stonewalling, it appears clear that the President has chosen the path of defiance, obstruction, and cover-up.

¹ See Letter from Chairman Jerrold Nadler, Committee on the Judiciary, to Chairman Adam B. Schiff, Permanent Select Committee on Intelligence; Chairwoman Maxine Waters, Committee on Financial Services; Chairman Elijah E. Cummings, Committee on Oversight and Reform; and Chairman Eliot L. Engel, Committee on Foreign Affairs (Aug. 22, 2019).

² *Trump Says He 'Always' Cooperates While Railing Against Impeachment Inquiry*, The Hill (Oct. 2, 2019) (online at <https://thehill.com/homenews/administration/464087-trump-says-he-always-cooperates-while-railing-against-impeachment>).

On September 9, 2019, the Committees sent a letter to White House Counsel Pat Cipollone requesting that the White House produce documents relating to the Committees' investigation by September 16, 2019.³ The White House did not produce any documents by the requested date, did not send any reply letter, and did not acknowledge receipt of the request.

On September 24, 2019, the Committees sent a follow-up letter warning that the Chairmen would be forced to consider compulsory process if the White House continued to ignore our request. The Committees set a new deadline of September 26, 2019, for the White House to produce these documents.⁴ Again, the White House failed to comply and did not acknowledge receipt of our follow-up letter.

Today, President Trump stated that he plans to send a letter to House Speaker Nancy Pelosi, and press reports indicate that the letter will relay the White House's refusal to cooperate with the impeachment inquiry until there is a House vote on the floor.⁵

A vote of the full House is not required to launch an impeachment inquiry, and there is no authority for the White House to make this claim. There is no such requirement in the Constitution or in the House Rules.⁶

Nor does precedent support this claim. On the contrary, "In the House various events have been credited with setting an impeachment in motion."⁷ In the case of President Nixon, for example, the Judiciary Committee had been investigating charges of impeachment for months before the House voted to open an inquiry.⁸ In 1974, the Judiciary Committee had already "been conducting an investigation into the charges of impeachment against President Nixon" and had "hired special counsel for the impeachment inquiry."⁹ During the 1980s, the House investigated three federal judges, and no resolution explicitly authorizing an impeachment investigation was

³ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat Cipollone, White House Counsel (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_cipollone_on_ukraine.pdf).

⁴ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat Cipollone, White House Counsel (Sept. 24, 2019) (online at https://intelligence.house.gov/uploadedfiles/2019-09-24.eec_engel_schiff_to_cipollone-wh_re_potus_ukraine.pdf).

⁵ The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 4, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-68/). See also *Trump Demands Full House Vote on Impeachment Before Complying with Lawmakers*, NPR (Oct. 4, 2019) (online at www.npr.org/2019/10/04/767205170/trump-demands-full-house-vote-on-impeachment-before-complying-with-lawmakers).

⁶ U.S. Constitution, Art. I, § 2, cl. 5; § 5, cl. 2.

⁷ Jefferson's Manual § 603, H. Doc. No. 114-192, at 319 (2017).

⁸ Deschler Ch. 14 § 15, at 2171-72 (Parliamentarian's Note) (prior to adopting the H. Res. 803, 93rd Cong.).

⁹ *Id.*

proposed or agreed to in the House.¹⁰ Speaker Pelosi has confirmed that an impeachment inquiry is underway, and it is not for the White House to say otherwise.

Even if an impeachment inquiry were not underway, the entire House of Representatives voted on the floor on January 9, 2019, to adopt its Rules, which provide the Oversight Committee with its own independent oversight and legislative jurisdiction to investigate these matters—including authority to issue subpoenas to the White House.¹¹

Specifically, under House Rule X, the Oversight Committee is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time.” In addition, House Rule X, clause 3(i) specifically charges the Committee with conducting oversight of “the operation of Government activities at all levels, **including the Executive Office of the President.**” Finally, Rule X, clause 4 provides: “The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved.”

The Oversight Committee has used its authority repeatedly under both Republican and Democratic Chairmen to obtain documents from the White House. For example, during an investigation of the Administration of President George W. Bush involving violations of the Presidential Records Act, the Oversight Committee obtained more than 20,000 pages of internal emails and other documents from the White House and the National Archives and Records Administration. The Oversight Committee also interviewed or received written answers to questions from six current or former White House officials as part of that investigation.¹²

The Oversight Committee has also obtained public testimony from numerous White House officials under both Democratic and Republican Administrations, including:

- Charles Ruff, Counsel to the President, Clinton Administration;
- Beth Nolan, Counsel to the President, Clinton Administration;
- Dimitri Nionakis, Associate Counsel to the President, Clinton Administration; and
- James Knodell, Director of White House Office of Security, George W. Bush Administration.¹³

¹⁰ Cf. H. Rept. No. 101-36, at 13-16 (1989) (Nixon); H. Rept. No. 100-810, at 9-10 (1988) (Hastings); H. Rept. No. 99-688, at 3-7 (1986) (Claiborne).

¹¹ Clerk of the House of Representatives, *Rules of the House of Representatives One Hundred Sixteenth Congress* (Jan. 11, 2019) (online at <https://rules.house.gov/sites/democrats.rules.house.gov/files/documents/116-House-Rules-Clerk.pdf>).

¹² Memorandum from Democratic Staff to Members of the Committee on Oversight and Government Reform, *Supplemental Information for Full Committee Hearing on White House E-mails* (Feb. 26, 2008) (online at <https://bit.ly/2Z4Z2pC>).

¹³ Committee on Government Reform and Oversight, *Hearings on White House Compliance with Committee Subpoenas*, 105th Cong. (Nov. 6-7, 1997) (H. Rept. 105-61); Committee on Government Reform, *Hearings on Missing White House E-Mails: Mismanagement of Subpoenaed Records*, 106th Cong. (Mar. 23, 2000, Mar. 30, 2000, May 3, 2000, and May 4, 2000) (H. Rept. 106-179); Committee on Oversight and Government

We deeply regret that President Trump has put us—and the nation—in this position, but his actions have left us with no choice but to issue this subpoena.

Please contact staff for the Committee on Oversight and Reform at (202) 225-5051 to arrange for the production of documents.

Sincerely,



Elijah E. Cummings
Chairman
House Committee on Oversight and Reform



Adam Schiff
Chairman
House Permanent Select Committee
on Intelligence



Eliot L. Engel
Chairman
House Committee on Foreign Affairs

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Michael McCaul, Ranking Member
House Committee on Foreign Affairs

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To John Michael "Mick" Mulvaney,
Acting White House Chief of Staff

You are hereby commanded to be and appear before the
Committee on Oversight and Reform

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2157 Rayburn House Office Building, Washington, D.C. 20515

Date: October 18, 2019

Time: 12:00 noon

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

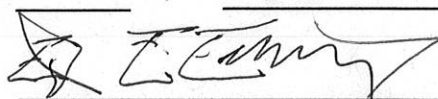
Time: _____

To any authorized staff member or the U.S. Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 4th day of October, 2019.


Chairman of Authorized Member

Attest:


Clerk

SCHEDULE

In accordance with the attached Definitions and Instructions, you, John Michael “Mick” Mulvaney, in your capacity as Acting Chief of Staff to President Donald J. Trump, are hereby required to produce, for the time period from January 20, 2017, to the present, all documents and communications referring or relating to:

1. The potential or suggested investigations and legal cases referenced in the letter sent to White House Counsel Pat Cipollone on September 9, 2019, from Chairmen Eliot L. Engel, Adam B. Schiff, and Elijah E. Cummings (attached as Exhibit 1), including but not limited to those relating to Paul Manafort, Serhiy Leshchenko, the “Black Ledger,” Hunter Biden, and Burisma Holdings Ltd.;
2. President Trump’s April 21, 2019, and July 25, 2019, telephone conversations with Ukrainian President Volodymyr Zelensky, including but not limited to:
 - a. All recordings, transcripts, notes (including electronic and hand-written notes), summaries, and draft versions of the official “Memorandum of Telephone Conversation”;
 - b. All preparatory memoranda and materials; and
 - c. The identity of all individuals who listened to, participated in, assisted in preparation for, transcribed, took notes during, or received information about the April 21, 2019, and July 25, 2019, telephone conversations;
3. Communications between or among any of the following referring or relating in any way to the July 25, 2019, telephone conversation:
 - a. Current or former White House officials, employees, and detailees, including within the White House Counsel’s Office, the White House Situation Room, and the National Security Council (NSC), including but not limited to:
 - i. The Assistant to the President for National Security Affairs;
 - ii. The Deputy Assistant to the President for National Security Affairs;
 - iii. The Senior Director for European Affairs;
 - iv. All Directors within the Directorate or Directorates involved in European and Russian Affairs;
 - v. All Directors covering energy affairs;
 - vi. The Senior Director for the Directorate of International Economics;
 - vii. All White House Situation Room Duty Officers who staffed the call and produced the original draft “Memorandum of Telephone Conversation”;
 - viii. The Senior White House Situation Room Duty Officer during the telephone conversation;
 - ix. The NSC Legal Advisor;

- x. The NSC Executive Secretary and any other staff from NSC’s Executive Secretary office involved in preparing the “Memorandum of Telephone Conversation” and any preparatory materials for the President prior to the telephone conversation; and
 - xi. The Office of the Vice President, to include Vice President Michael R. Pence and Lieutenant General Keith Kellogg;
 - b. Current or former employees or officials of the Department of Justice, including but not limited to Attorney General William “Bill” Barr and Assistant Attorney General John Demers;
 - c. Current or former employees or officials of the Department of State, including but not limited to Secretary Michael R. Pompeo, Counselor T. Ulrich Brechbuhl, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, Deputy Assistant Secretary George Kent, U.S. Embassy in Ukraine Charge d’Affaires William B. Taylor, U.S. Embassy in Ukraine Deputy Chief of Mission Kristina Kvien, and Ambassador to the European Union Gordon Sondland;
 - d. Current or former employees or officials of the Department of Energy, including but not limited to Secretary Rick Perry and Special Advisor Samuel Buchan;
 - e. Current or former employees or officials of the Office of the Director of National Intelligence (ODNI), including but not limited to Acting Director Joseph Maguire and ODNI’s Office of General Counsel;
 - f. Current or former employees or officials of the Central Intelligence Agency, including but not limited to General Counsel Courtney Simmons Elwood; and
 - g. Current or former employees or officials of the Department of Defense, including but not limited to Secretary of Defense Mark Esper and Undersecretary for Policy John C. Rood;
4. Any and all recordings, transcripts, notes (including electronic and hand-written notes), summaries, memoranda of conversation, readouts, or other documents memorializing communications between President Trump and the leader of any other foreign country that refer or relate to the subject matters of the July 25 telephone conversation between President Trump and President Zelensky, including but not limited to pursuing investigations of President Trump’s political rivals and Ukrainian foreign aid;
5. The actual or potential suspension, withholding, delaying, freezing, or releasing of foreign assistance of any kind, including but not limited to security assistance, to Ukraine;
6. Any of the following meetings or potential meetings:

- a. All telephone calls, meetings, visits, or other communication involving President Trump and President Zelensky, including but not limited to requests, suggestions, proposals, or other communications;
 - b. A meeting at the White House on or around May 23, 2019, involving President Trump, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, Energy Secretary Rick Perry, or Ambassador Gordon Sondland;
 - c. President Zelensky's inauguration on May 20, 2019, in Kiev, Ukraine, including but not limited to President Trump's decision not to attend and not to send Vice President Pence to lead the U.S. delegation and to instead send Energy Secretary Rick Perry;
 - d. A meeting on or about July 10, 2019, at the White House between Ukrainian officials Andriy Yermak and Oleksander Danylyuk and U.S. government officials, including Energy Secretary Perry, former National Security Advisor John Bolton, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, and Ambassador Gordon Sondland, including but not limited to the proposed or actual participation of President Trump and Vice President Pence in the meeting;
 - e. A potential meeting between President Trump and President Zelensky in Warsaw, Poland in or around September 2019, including but not limited to President Trump's decision to cancel his attendance;
 - f. All meetings and communications between U.S. officials, including but not limited to Vice President Pence, Energy Secretary Perry, and Senior Advisor Jared Kushner, and President Zelensky or other Ukrainian government officials in Warsaw, Poland in or around September 2019; and
 - g. All meetings between President Trump and President Zelensky during the United Nations General Assembly in or around September 2019, including but not limited to any discussion of their July 25, 2019, telephone conversation, as well as any preparatory memoranda and materials generated for the meeting; any notes, readouts, summaries of the same; and any follow-up directives and guidance issued to NSC staff, as well as relevant departments and agencies, either formally or informally;
7. Efforts by any current or former member of the Trump Administration or Rudolph ("Rudy") W. Giuliani, Igor Fruman, Lev Parnas, Semyon ("Sam") Kislin, Joseph diGenova, Victoria Toensing, Vitaly Pruss or any of their associates, to induce, compel, petition, press, solicit, request, or suggest that current or former Ukrainian government officials, politicians, or other persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such individuals, investigate matters related to Burisma Holdings Ltd., Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, Hillary Clinton, or any U.S. persons or entities;

8. All meetings or communications between any current or former White House officials, employees, or detailees, including President Trump, and Attorney General William Barr or any other Department of Justice official or employee, relating to the investigations described in paragraph 7;
9. All meetings between or among current or former White House officials or employees, including President Trump, and Rudolph W. Giuliani, including but not limited to requests for meetings or telephone calls, scheduling items, calendar entries, White House visitor records, and email or text messages using personal or work-related devices;
10. Former U.S. Ambassador to Ukraine Marie “Masha” Yovanovitch, including but not limited to the decision to end her tour or recall her from the U.S. Embassy in Kiev;
11. With respect to the storage of documents regarding telephone conversations:
 - a. Documents sufficient to show the dates and times when any documents referring or relating to the April 21, 2019, or July 25, 2019, telephone conversations between President Trump and President Zelensky were moved or transferred from one electronic system or server into another electronic system or server, the names, descriptions, and levels of classification of each electronic system or server involved, and the identity of all individuals who were involved in the transfer of any such documents;
 - b. Efforts to restrict access to, or limit the distribution of, documents referring or relating to the April 21, 2019, and July 25, 2019, telephone conversations, including but not limited to the transfer to, or placement of documents on, an electronic system or server cleared to hold codeword-level classified information, or the request or direction to do so; and
 - c. All policies, procedures, practices, or guidance at or from the White House or NSC referring or relating to the aforementioned electronic system or server, including all policies, procedures, practices, or guidance referring or relating to the transfer or placement of transcripts, summaries, memos, and notes of the President’s meetings and phone calls with foreign leaders on such system or server;
12. Efforts by any current or former White House officials, employees, or detailees, including President Trump, to identify or retaliate against the whistleblower who filed the complaint with the Inspector General of the Intelligence Community that was released by the House Permanent Select Committee on Intelligence on September 26, 2019, or against any individual who provided information to, or raised concerns to, the whistleblower or the Inspector General, including but not limited to any documents or communications referring or relating to searching communications, telephone records, telephones, or any other information to identify any of these individuals; and

13. Efforts to conceal, destroy, or otherwise dispose of any documents, records, or communications referring or relating to any of the foregoing matters.

Schedule Instructions

1. In complying with this subpoena, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Subpoenaed documents, and all documents reasonably related to the subpoenaed documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this subpoena is or has been known by any name other than that herein denoted, the subpoena shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.
9. When you produce documents, you should identify the paragraph(s) in the subpoena schedule to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the subpoena cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.
16. In complying with the subpoena, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act

or the Privacy Act; or any purported contractual privileges, such as non-disclosure agreements.

17. Any assertion by a subpoena recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.
18. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
19. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents that would be responsive as if the date or other descriptive detail were correct.
20. This subpoena is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
21. All documents shall be Bates-stamped sequentially and produced sequentially.
22. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
23. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the

individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term "individual" means all natural persons and all persons or entities acting on their behalf.