

# APPENDIX A

## I. DEFINITIONS

1. "Document(s)" means, without limitation, any written, printed, typed, photographed, recorded or otherwise reproduced or stored communication or representation, whether comprised of letters, words, numbers, pictures, sounds or symbols, or any combination thereof. This definition includes copies or duplicates of documents contemporaneously or subsequently created which have any non-conforming notes or other markings and the backsides of any communication or representation which all contain any of the above. "Document(s)" includes, but is not limited to: correspondence; memoranda; notes; drafts; records; letters; envelopes; telegrams; messages; electronic mail; analyses; agreements; accounts; working papers; reports and summaries of investigations; trade letters; press releases; comparisons; books; notices; drawings; diagrams; instructions; manuals; calendars; diaries; articles; magazines; newspapers; brochures; guidelines; notes or minutes of meetings or of other communications of any type, including inter- and intra-office or company communications; questionnaires; surveys; charts; graphs; photographs; films or videos; tapes; discs; data cells; bulletins; printouts of information stored or maintained by electronic data processing or word processing equipment; electronic claims filing, invoices, all other data compilations from which information can be obtained including electromagnetically sensitive stored media such as floppy discs, hard discs, hard drives and magnetic tapes; and any preliminary versions, drafts or revisions of any of the foregoing.

2. The term "document(s)" also means any container, file folder, or other enclosure bearing any marking or identification in which other "documents" are kept, but does not include file cabinets. In all cases where any original or non-identical copy of any original is not in the possession, custody or control of the company, the term "document(s)" shall include any copy of the original and any non-identical copy thereof.

3. "Department of Defense" (DOD) refers to the United States Department of Defense, including any and all departments, agencies, and subordinate organizations thereof.

4. "DCIS" means the Defense Criminal Investigative Service.

5. “*Company Name*” means (*Company’s Full Name*) Group, Inc. and any parents, subsidiaries, affiliates, d/b/a, predecessor-in-interest, any wholly or partially owned subsidiary, or other affiliated companies or businesses, segments, divisions, or other units, whatsoever titled, both presently existing and those which previously existed, and any present or former officers, directors, employees, consultants, contractors, agents, or members of the board of directors and any other persons working for or on behalf of the foregoing at any time during the period covered by this subpoena.

6. “*Secondary Company Name*” means “*Company’s Full Name*” and any parents, subsidiaries, affiliates, d/b/a, predecessor-in-interest, any wholly or partially owned subsidiary, or other affiliated companies or businesses, segments, divisions, or other units, whatsoever titled, both presently existing and those which previously existed, and any present or former officers, directors, employees, consultants, contractors, agents, or members of the board of directors and any other persons working for or on behalf of the foregoing at any time during the period covered by this subpoena.

7. “You” or “your” means the person or entity listed as the recipient of this subpoena. If an entity, “you” or “your” includes any parents, subsidiaries, affiliates, segments, divisions, both presently existing and those which previously existed, of such entity, and any present or former officers, directors, employees, consultants, contractors, attorneys, agents, and members of the board of directors of any of the foregoing entities. If a person, “you” or “your” includes your attorneys, representatives, agents, and all persons or entities acting or purporting to act on your behalf.

8. The term “Contract(s)” or “Contracts at Issue” means contract number(s) M00264-08-D-001 between (*Company Name*) and the USMC, through prime contractor JWT, and all modifications or extensions to the Contract.

9. The terms “with regard to”, “regarding”, “relates”, “relating to”, “referencing”, and “concerning” means relating to, regarding, constituting, referring to, reflecting, describing, embodying, showing, discussing, evidencing, or in any way pertaining to.

10. The words “and” and “or” in this subpoena shall be read in both the conjunctive and the disjunctive (i.e., “and/or”), so as to give the document request its broadest meaning.

11. The term “any and all” means all documents and records that respond in whole or in part to any part or clause of any paragraph of this subpoena, and shall be produced in their entirety, including all attachments and enclosures. The term “any” shall be construed to include the word “all” and the term “all” shall be construed to include the word “any.”

12. The terms “technical publication” and “technical publications” mean any and all technical orders, time compliance technical orders, country standards, military specifications (MILSPEC), federal specifications (FEDSPEC) and any other technical manual, book, or publication which (*Company Name*) utilized and/or relied upon when performing work under the Contract.

13. “Concerning” means referring to, describing, evidencing, or constituting.

14. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

15. The term “correspondence” means any recorded material from one individual or entity to another, to include, but not limited to, electronic mails, notes, letters, telephone logs, facsimile, facsimile logs, voice recordings or other form of communication.

## II. INSTRUCTIONS

1. The recipient of this subpoena shall identify a qualified custodian of records who will be available to testify at the place and time indicated concerning the production and authentication of documents and records required to be produced by this subpoena.

2. If a claim of privilege is asserted in response to any document requested by this subpoena, and such document, or any part thereof, is not produced on the basis of such claim, for each such document or part thereof that is not produced, you are directed to provide a privilege log wherein you identify the type of document being withheld (e.g., letter, memorandum, handwritten notes, marginalia, etc.), all actual and intended recipients of the document, its date, and the specific privilege being asserted, all with sufficient particularity so as to comply with Federal Rule of Civil Procedures 26(b)(5). In addition, where a document is pulled for privilege, please insert a colored piece of paper containing the same bates-number as the document pulled so that it is clear from whose files the privileged documents were pulled.

3. Scope of Search Required: This subpoena calls for all documents in your possession, custody or control, including, but not limited to, documents in the possession of your officers, directors, employees, agents, and consultants. You are required to search all files, including electronic sources, reasonably likely to contain responsive documents, including files left behind by former officers, directors, agents, and employees or that are otherwise in the possession, custody or control of (*Company Name*).

4. Electronic Records: Unless kept in electronic format in the ordinary course of business, all documents provided in response to this subpoena must be the original paper documents, to include all copies that differ in any respect (such as marginalia and/or notations), and all markings and post-it notes and other similar documents attached thereto, as well as all attachments referred to or incorporated by the documents. To the extent that the Department of Defense Inspector General agrees to accept duplicates of any original paper document, such copies must be exact duplicates of the original in format and substance, to include all staples, paper clips, files, labels, marginalia, and condition as single or double-sided documents. To the extent records are kept electronically in the normal course of business, they are required to be produced in that format, with sufficient identification of software and provision of any proprietary software as required to access and manipulate the documents to the same extent accessed and manipulated by *Recipient*. Questions concerning the compatibility of the software should be addressed with Special Agent \_\_\_\_\_ at *phone number*.

5. Manner of Production: All documents produced in response to this subpoena shall comply with the following instructions:

a. You shall conduct a search for responsive documents in a manner sufficient to identify the source and location where each responsive document is found.

b. All documents produced in response to this subpoena shall be segregated and labeled to show the document request to which the documents are responsive and the source and location where the document was found.

c. To the extent that documents are found in file folders, computer disks, hard drives and/or other storage media which have labels or other identifying information, the documents shall be produced with such file folder and label information intact.

6. To the extent that documents are found attached to other documents, by means of paper clips, staples or other means of attachment, such documents shall be produced together in their condition when found.

7. All records responsive to this subpoena are required, regardless of media involved (e.g., paper, electronic, magnetic, photo-optical, or other). Electronic records must be provided in a useable storage device such as a compact disk. Identify the computer software used to create, manipulate, and/or operate all electronic data.

8. 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.

9. Notwithstanding the language of numbered paragraph II. 1. above, copies may be provided in response to this subpoena. If copies are provided, the originals must be maintained and safeguarded and made available to us on request.

10. In the event there are no documents responsive to a particular subpoena request, please specify that you have no responsive documents.

11. If you know of documents you once possessed or controlled, but no longer possess or control, which would have been responsive to this subpoena, state what disposition was made of such documents, including identification of the persons who are or are believed to be in possession or control of such documents currently.

12. To facilitate the handling and return of the submitted documents, please mark each page with an identifying logo or the first three letters of your company's name and number each page sequentially beginning with "00001." The marks should be placed in the lower right hand corner of each page but should not obscure any information on the document. All documents should be produced in enclosures bearing your name, the date of the subpoena and the paragraph(s) of the subpoena to which the documents respond.

13. To the extent that (*Company Name*) claims that documents produced fall within the scope of the Trade Secrets Act (18 U.S.C. §1905), the Freedom of Information Act (5 U.S.C. §552), or other statutory or common law provision that purports to regulate the ability of the United States to handle and make use of the document, you must mark each passage(s) or page(s) with a legend which clearly identifies the basis of your claim; e.g., "TSA – Trade Process Information," "TSA – Income Information," "FOIA Exemption 4."

14. Production shall be made in such a manner as to ensure that Special Agents of the DCIS may readily determine the source and location of each document.

### **III. TIME PERIOD**

Unless otherwise indicated, the relevant time period for each document request in this subpoena shall be from inclusive dates, and shall include all documents created, prepared, dated, sent, received, altered, in effect, or which came into existence during this period, or which refer or relate to that period, regardless of when the documents were created or prepared.

#### IV. DOCUMENTS REQUIRED

Any and all documents relating to contracts between (*Company Name*) Group, Inc. and the Department of Defense and/or prime contractors, including but not limited to contract M00264-08-D-0001, for the period of December 1, 2007, to the date of this subpoena, including, but not limited to:

1. Any and all general ledgers with general journal entries, including adjusting and reversing entries; payable journals, including invoices and corresponding documentation; purchase journals, including purchase orders, purchasing files, receiving reports and vendor quotes; receivable journals and sales journals, including corresponding documentation.
2. Any and all supporting documentation for interest expenses, travel and entertainment expenses, officers' life insurance and commission expenses.
3. Any and all labor records, including, but not limited to, the labor hour monthly accumulation and distribution books, job distribution reports, time cards, certified payroll registers, cancelled payroll checks and bank statements, automated data processing summaries and all corresponding source documents.
4. Any and all direct and indirect labor rates and hours, with corresponding support documents.
5. Any and all cancelled checks and bank statements for accounts of (*Company Name*).
6. Any and all inventory files and analyses.
7. Any and all manufacturing, engineering and labor overhead and cost of money rate submissions, with listings of all items, costs and expenses used to calculate those rates.
8. Any and all internal monthly, quarterly and/or annual financial reports, audited financial statements, with all footnotes, and auditing work papers and files.
9. Any and all personnel records for officers and employees. In lieu of producing all responsive documents, a list that includes the following data will be accepted; the full name, current or last known address, home telephone numbers, date of birth, Social Security number, employment and education history, position, position description to include type of employment (e.g., full time/part time/freelancer/etc.) and job titles.

10. Any and all contract/sub-contract files pertaining to the Department of Defense contract including, but not limited to, quotes, bid proposals, contracts, progress payments, Forms DD 250 and correspondence.

11. Any and all documentation pertaining to inspections of work performed by (*Company Name*) for Department of Defense contract number M00264-08-D-0001.

12. Any and all (*Company Name*) policies and procedures manuals.

13. Any and all corporate internal audit reports, with working papers and management responses.

14. Any and all documents pertaining to negotiations between UniWorld and the Department of Defense and/or prime contractors.

15. Weekly time reports prepared by all employees. Any and all time reports generated by the weekly time report that is prepared by each employee, to include how employees log/submit their hours and the review/approval of employee hours.

16. Company benefits paid on behalf of each employee during the period requested.

17. Any and all reports generated for the labor costs of each employee not provided under item IV, B, 7 above.

18. Contract agreements and support for all contract employees.

19. All W-2, Form 1099, Form 940 and Form 941 issued for the period requested.

20. All public vouchers (SF 1034), with applicable delivery orders, related project numbers, and voucher support for each contract.

21. All subcontract agreements with applicable support relevant to the above Department of Defense contract between December 1, 2007, to the date of this subpoena.

22. Any and all lists of any and all customers both commercial and government, with whom (*Company Name*) was working from December 1, 2007, through the date of this subpoena. Any and all lists of jobs, both commercial and government, that UniWorld was working on from December 1, 2007, to the date of this subpoena.

23. Any and all lists of all (*Company Name*) employees who have worked on Department of Defense contracts from December 1, 2007, to the date of this subpoena.