

FILED

July 20, 2020

TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

GOVERNMENT OF THE UNITED STATES)
VIRGIN ISLANDS,)

Plaintiff,)

v.)

DARREN K. INDYKE, in his capacity as the)
EXECUTOR FOR THE ESTATE OF)
JEFFREY E. EPSTEIN and ADMINISTRATOR)
OF THE 1953 TRUST; RICHARD D. KAHN,)
in his capacity as the EXECUTOR FOR THE)
ESTATE OF JEFFREY E. EPSTEIN, and)
ADMINISTRATOR OF THE 1953 TRUST;)
ESTATE OF JEFFREY E. EPSTEIN, THE 1953)
TRUST, PLAN D, LLC; GREAT ST. JIM, LLC;)
NAUTILUS, INC.; HYPERION AIR, LLC;)
POPLAR, INC., SOUTHERN TRUST)
COMPANY, INC.; JOHN AND JANE DOES)

Defendants.)

CASE NO. ST-20-CV-014

ACTION FOR DAMAGES

PLAINTIFF'S SUBPOENA TO THIRD-PARTY CITIBANK

In accordance with Rule 45 of the Virgin Islands Rules of Civil Procedure, and pursuant to subpoena issued in the pending action *Government of the United States Virgin Islands v. Estate of Jeffrey E. Epstein, et al.*, ST-20-CV-014, before the Superior Court of the Virgin Islands, Division of St. Thomas and St. John, you, Citibank, are hereby commanded to produce and deliver all Documents responsive to the Requests set forth below to Carol Thomas-Jacobs, Esq. within 30 days of receipt of this subpoena. If you have any questions, please contact Carol Thomas-Jacobs, Esq.

GENERAL INSTRUCTIONS

1. Documents shall be produced as they are kept in the usual course of business.
2. Documents shall be produced as they are kept in the usual course of business.
3. For each Document that you produce, produce the current version together with all earlier editions or predecessor Documents during the relevant time period, even though the title of earlier Documents may differ from current versions.
4. All attachments to responsive Documents shall be produced attached to the responsive Documents.
5. Format for Documents produced electronically in response to these Requests:
 - a. Any Documents produced in response to this Request should be provided as a Group 4 compression single-page "TIFF" image that reflects how the source Document would have appeared if printed out to a printer attached to a computer viewing the file. Extracted text will be included in the manner provided herein. To the extent that extracted text does not exist, these images will be processed through Optical Character Recognition ("OCR") so that they are fully searchable. Extracted text and OCR will be provided in the DAT Concordance load file. "Load files" shall be produced to accompany the images and shall facilitate the use of the litigation support database system, Concordance, to review the produced images.
 - b. Document Unitization. Each page of a Document shall be electronically converted into an image as described above. If a Document is more than one page, the unitization of the Document and any attachments and/or affixed notes shall be maintained as it existed in the original when creating the image file and appropriately designated in the load files. The corresponding parent/attachment relationships, to the extent possible, shall be provided in the load files furnished with each production.
 - c. Bates Numbering. Each page of a produced Document shall have a legible, unique page identifier ("Bates Number") electronically branded onto the image at a location that does not obliterate, conceal, or interfere with any information from the source Document. In order to ensure that the Bates Numbers do not obscure portions of the Documents, the images may be proportionally reduced to create a larger margin in which the Bates Number may be branded. There shall be no other legend or stamp placed on the Document image, except those sections of a Document that are redacted to eliminate material protected from disclosure by the attorney-client or work product privileges shall have the legend "REDACTED" placed in the location where the redaction(s) occurred or shall otherwise note the location and/or location of the information for which such protections are claimed.

d. File Naming Conventions. Each Document image file shall be named with the unique Bates Number of the page of the Document in the case of single-page TIFFs, followed by the extension "TIF". Each Document shall be named with a unique Document identifier. Attachments shall have their own unique Document identifiers.

e. Production Media. The Documents should be produced on CD-ROM, DVD, external hard drive (with standard Windows PC compatible interface), (the "Production Media"). Each piece of Production Media shall identify a production number corresponding to the production "wave" the Documents on the Production Media are associated with (e.g., "V001", "V002"), as well as the volume of the material in that production wave (e.g., "-001", "-002"). For example, if the first production wave comprises Document images on three hard drives, the Respondent shall label each hard drive in the following manner: "V001-001", "V001-002", "V001-003". Additional information that shall be identified on the physical Production Media shall include: (1) text referencing that it was produced in [Case Docket No.], (2) the producing party's name, (3) the production date, and (4) the Bates Number range of the materials contained on the Production Media.

f. Objective Coding/Extracted Meta Data. Respondent shall produce with each production of Documents extracted meta data for each Document (the "Objective Coding") included in the DAT load file. The data file shall include the fields and type of content set forth in the **SPECIAL INSTRUCTIONS** section. Objective Coding shall be labeled and produced on Production Media in accordance with the provisions set forth above.

g. Native format for Excel and databases. To the extent that such Documents exist in Excel or another spreadsheet program, produce the Document in its native format. To the extent that the Document format constitutes a database created or maintained in Access or another software program, produce the Document in its native format. If the database is based upon proprietary software, produce whatever keys and instructions are necessary to review it.

6. Format for hard copies of Documents produced in response to these Requests:

a. re-type the question or request to which the Documents respond and firmly attach the Documents to the re-typed request;

b. number all Documents consecutively, consistently with the numbers used for the Documents produced electronically;

c. you may, in lieu of producing original Documents, produce photographic reproductions of Documents, provided that the reproductions are accurate and legible, and provided that you retain the originals from which the reproductions were made until the final disposition of the matter; and

d. file the Documents together with your response to the Request.

7. These Requests require you to produce all described Documents in your possession, custody or control without regard to the person or persons by whom or for whom the Documents were prepared (e.g., your employees, distributors or dealers, competitors, customers or others).

8. If any responsive Document was, but no longer is, in your possession, custody or control, produce a description of each such Document. The description shall include the following:

- a. the name of each author, sender, creator, and initiator of such Document;
- b. the name of each recipient, addressee, or party for whom such document was intended;
- c. the date the Document was created;
- d. the date(s) the Document was in use;
- e. the title of the Document
- f. a detailed description of the content of the Document;
- g. the reason it is no longer in your possession, custody or control; and
- h. the Document's present whereabouts and custodian thereof.

9. In the event a Document that is responsive to these requests is not in your possession but you have a right to obtain the Document or a copy of the Document from a third party, you must obtain it (or a copy) and produce it in response to these requests.

10. If the Document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the Document was destroyed or otherwise disposed of, and the date and manner of the disposal.

11. If you withhold any responsive Document, or portion thereof for any reason, including, but not limited to, a claim of privilege, provide a detailed log that contains the following information for each Document that you have withheld:

- Document;
- a. the name of each author, writer, sender, creator, or initiator of such Document;
 - b. the name of each recipient, addressee, or party for whom such Document was intended;
 - c. the date of such Document or an estimate thereof if no date appears on the Document;
 - d. the general subject matter of the Document; and
 - e. the claimed grounds for withholding the Document, including, but not limited to, the nature of any claimed privilege and grounds in support thereof.
12. Produce Documents in the order in which you maintained them in your files, in copies of their original file folders, labeled with the folder's original file labels.
- 13, Do not mask any portion of any Document; produce the entire Document.
- 14, Use of the present tense shall be construed to include the past tense and vice versa, to make the request inclusive rather than exclusive.

SPECIAL INSTRUCTIONS

Electronic Documents should be produced in accordance with the following instructions:

1. Single page TIFFs at a 300 DPI resolution which are named for the Bates Number of the page. There should NOT be more than 1000 images per folder.
2. Document level text files containing OCR or extracted text named with the Bates Number of the first page of the Document.
3. Data load file containing all of the metadata fields (both system and application — see list below) from the original Native Documents — .dat for Concordance.

4. The Concordance .dat file of extracted metadata should be delimited with the Concordance default characters — ASCII 020 for the comma character and ASCII 254 for the quote character. The use of commas and quotes as delimiters is not acceptable.
5. The database field names should be included in the first line of the metadata file listed in the order they appear in the file.
6. An image load file for Concordance — such as ".opt."
7. For electronic Documents created in Excel (spreadsheets) or Access (databases), provide those Documents in Native format as well as a TIFF placeholder.
8. For all Documents produced, provide the following:

Field #	Field Name	Format	Description
1	BEGDOCNO	Text	Image key of first page of Document
2	ENDDOCNO	Text	Image key of last page of Document
3	BEGATTACH	Text	For emails/attachments ONLY: Image key of the first page of the parent email. Please DO NOT populate these fields for emails with no attachments.
4	ENDATTACH	Text	For emails/attachments ONLY: Image key of the last page of the last attachment. Please DO NOT populate these fields for emails with no attachments.
5	CUSTODIAN	Text	Custodian from whom Documents were collected (semi-colon delimited, if multiple entries)
6	AUTHOR	Text	Email "From" data or user/author name from electronic files
7	RECIPIENT	Text	Email "To" data (semi-colon delimited, if multiple entries)

8	CC	Text	Email "CC" data (semi-colon delimited, if multiple entries)
9	BCC	Text	Email "BCC" data (semi-colon delimited, if multiple entries)
10	MAILSUBJECT	Text	Email subject. This value should be populated down to any children/attachments of the parent email.
11	MAILDATE	MM/DD/YYYY	Email date sent. This value should be populated down to any children/attachments of the parent email.
12	MAILTIME	HH:MM:SS	Email time sent, in military time. This value should be populated down to any children/attachments of the parent email.
13	ATTACHMENTS	Text	Semi-colon delimited list of the original file names of any attachments to an email
14	FILENAME	Text	For emails: Mail subject For attachments and e-files: File name from source media
15	HASH VALUE	Text	Hash value generated for purposes of de-duplication if performed
16	REQUESTNO	Text	Request number to which the Document is responsive.

DEFINITIONS

1. As used herein, the term "Account Holder" shall mean any person or entity in whose name an account is held or where the person or entity has held any ownership or other interest or has had signatory authority.
2. "All/Each." The term "all" and "each" shall be construed as all and each.
"And/Or." The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

3. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
4. "Concerning" means relating to, referring to, describing, evidencing or constituting.
5. The terms "Document" or "Documents" are defined to be synonymous and equal in scope to the usage of these terms in Federal Rule of Civil Procedure 34(a), including, without limitation, any written, drawn, printed, typed, photographed or other graphic or electronically or computerized recorded data or compilations of any kind or nature prepared or received by, or in the possession, custody or control of the answering party, its agents, servants, employees or other representatives. Originals, drafts and all non-identical copies are separate Documents within the meaning of this term.
6. The term "identify" when used with reference to a person, means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need to be listed in response to subsequent discovery requesting the identification of that person.
7. The term "identify" when used with reference to Documents, means to give, to the extent known, the (i) type of Document; (ii) general subject matter; (iii) date of the Document; and (iv) author(s), addressee(s) and recipient(s).
8. The term "identify" when used with reference to an oral communication, discussion, conversation or any other oral statement, shall mean to describe in detail the substance of each such communication, discussion, conversation or statement, state the date of such communication, discussion, conversation or statement, the place where such communication, discussion,

conversation or statement was held and identify each person present for such communication, discussion, conversation or statement.

9. "Person" means any natural person or any business, legal or governmental entity or association.

10. "Referring to", "relating to", "reflecting", "regarding" or "with respect to" mean, without limitation the concepts: pertain to, deal with, concern, reflect, record, report, constitute, contain, mention, describe, discuss, analyze, evaluate, estimate, study, survey, project, assess, support, modify, contradict, criticize, summarize, comment, or otherwise involve, in whole or in part.

11. "You," "your," and "your company" means Bank Leumi. and includes all predecessors, successors, subsidiaries, parents, branches, departments, divisions, or affiliates, including, without limitation, any organization or entity in which they have management or controlling interests, together with all present and former directors, officers, employees, agents, representatives or any other persons acting, or purporting to act, on behalf of the identified entities.

12. "Service" means the Bank's transfer of funds by means of wire transfer, cashier's check, official check or travelers check on behalf of an Account Holder or other Person.
"SWIFT" means the Society for Worldwide Interbank Financial Telecommunication.

13. Financial Telecommunication.

SCOPE

Unless otherwise specified, the Documents specified below are required to be produced for the time period commencing January 1, 1998 and continuing through the present.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS

For each account, account holder, or person or entity identified in Exhibit A to this Subpoena, please produce the following Documents:

1. All Documents pertaining to each account of any kind, account holder, person, or service provided, including but not limited to, monthly account statements, annual account statements, deposits, withdrawals, deposit slips, check stubs, cleared or canceled checks, disbursements checks, receipts, account notices, and any other forms of deposits into or withdrawals from each account including any authorization agreements or executed powers of attorney;
2. All Documents showing the source(s) and/or destination(s) of any funds deposited into or withdrawn from each account or transferred via any services, including but not limited to, wire transfer reports, memos, receipts, SWIFT transaction records, debit slips, credit slips, confirmations, correspondence, Currency Transaction Reports (CTRs), underlying Documentation or reports that support issuance of CTRs, and, except as prohibited by 31 U.S.C. §5318(g)(2)(a) and associated federal regulations, the underlying Documentation that supports the issuance of any Suspicious Activity Reports (SARs); and
3. All Documents providing the identity of the Persons requesting the transactions described in Request 1.b and/or the identity of the Persons receiving the benefit of the transactions described in Request 1.b;
4. All Documents indicating those Persons who: (i) have had direct or beneficial ownership or other interest in each account; and/or (ii) have had signatory authority for each account;
5. All Documents, including but not limited to, correspondence, letters, memoranda, notes, and e-mails, that refer to, or relate to or reflect any and all Communications (oral and/or written) occurring between January 1, 1998 through present, between or among You and/or each Account

Holder identified in Exhibit A to this Subpoena and/or any Persons or entities that: (i) have had direct or beneficial ownership or other interest in each account and/or (ii) have had signatory authority for each account;

6. Except as prohibited by 31 U.S.C. § 5318(g)(2)(a) and associated federal regulations, all internal bank Documents regarding or containing information about each account, Account Holder, Service, or Person, including but not limited to internal memoranda, correspondence, phone records, audits, investigatory materials, Know-Your-Customer information, notes held by account officers (regardless of form), condition files (including files often kept separate from account files which may include matters or issues that need to be addressed as conditions of the Account Holder obtaining or maintaining their status at the bank, and including files that address, for example, account problems, suspicions, letters of authorization, money laundering or fraud issues and/or concerns), or any other files concerning or containing information about such account, Account Holder, Person, or Service, or whether to terminate the account;

7. All Documents that refer or relate to any loans, lines of credit, letters of credit or any other credit given to any officers, signatories or authorized representatives of each account, Account Holder, or Person or entity;

8. All Documents that identify any investments or securities held by each account, Account Holder, or Person or entity and managed by the Bank;

9. All Documents that refer to or relate to accounts closed by each Account Holder or Person or entity within the last 6 years;

10. All Documents concerning internal or external audits, investigations, inquiries or compliance issues which refer or relate to any account, Account Holder or Person or entity identified in Exhibit A;

- 1) the date that any and all accounts were opened;
- 2) the date that any and all accounts were closed;
- 3) the stated purpose for the account(s), if any; and
- 4) all other names related to the account(s) whether as co-signer, authorized user, or for any other purpose.

11. For each account, Account Holder, or Person or entity identified in Exhibit A, please produce all Documents related to any offshore account, location, or operation, including those Documents contained in any file held by any account manager, private banker, finder, sales associate, or other Person associated with or directing any Person or entity identified in Exhibit A to any offshore account, location, or operation.

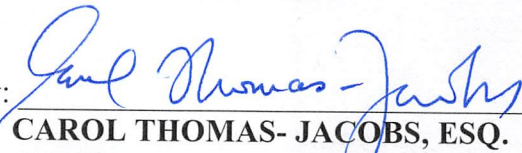
12. Except as prohibited by applicable law including, without limitation, 12 U.S.C. §3414(a)(5)(D), 12 U.S.C. §3420(b)(1)(A), 31 U.S.C. §5318(g)(2)(A), 18 U.S.C. §2709(c), 12 C.F.R. § 4.37, and 12 C.F.R. § 261.20 (unless an effective waiver has been obtained that makes such production lawful), produce all subpoenas, Documents responsive to, and reports prepared in connection with any and all subpoenas issued by the Federal Bureau of Investigation, the Bureau of Customs and Border Control, the United States Department of Justice, the United States Department of Treasury, the Financial Crimes Enforcement Network, the Office of the Comptroller of the Currency, any Congressional Committee or Subcommittee, the Federal Reserve, or any other governmental body that has sought information concerning any of the accounts, Account Holders, or Persons or entities identified in Exhibit A. Where production of a subpoena is prohibited, except as prohibited by applicable law (unless an effective waiver has been obtained that makes such identification lawful), identify the subpoenaing and subpoenaed parties, the date of the subpoena and the target/subject of the subpoena.

Respectfully submitted,

DENISE N. GEORGE, ESQ.
ATTORNEY GENERAL

July 20, 2020

By:



CAROL THOMAS- JACOBS, ESQ.

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*Attorney for Plaintiff Government of
the United States Virgin Islands*

EXHIBIT A

Subpoena *Duces Tecum* Directed to Citibank

RECORDS DELIVERY ONLY. NO ORAL TESTIMONY WILL BE TAKEN.

IF RECORDS ARE DELIVERED PRIOR TO AUGUST 17, 2020, YOU NEED NOT APPEAR.

If more than thirty (30) days is needed to respond to this subpoena, please contact the Civil Division Chief, Attorney Ariel Smith, at the Virgin Islands Department of Justice.

Accounts and Account Holders For Which Information Is Requested To Be Provided

1. Accounts held in the name of any of the following persons or entities, or where any of the following persons or entities have held any ownership or other interest or has had signatory authority:
 - a. Jeffrey E. Epstein
 - b. Estate of Jeffrey E. Epstein
 - c. The 1953 Trust
 - d. Plan D, LLC
 - e. Great St. Jim, LLC
 - f. Nautilus, Inc.
 - g. Hyperion Air, LLC
 - h. Poplar Inc.
 - i. C.O.U.Q. Foundation
 - j. Epstein Foundation, Inc.
 - k. Epstein Interests
 - l. Gratitude America LTD
 - m. J. Epstein Foundation, Inc.
 - n. Southern Trust Co.
 - o. Financial Trust Co. Inc.
 - p. IGY-AYH St. Thomas Holdings, LLC.
 - q. Cypress, Inc.
 - r. Laurel, Inc.
 - s. JEJE, LLC.
 - t. Butterfly Trust
 - u. LSJ Employees, LLC
 - v. CDE, Inc.
 - w. Financial Ballistics, LLC
 - x. Financial Informatics
 - y. FSF, LLC
 - z. FT Real Estate, Inc.
 - aa. Maple, Inc.
 - bb. Mort, Inc.
 - cc. Prytanee, LLC
 - dd. Thomas World Air, LLC
 - ee. VTT, LLC
 - ff. Zorro Management, LLC
 - gg. IGO Company, LLC
 - hh. Jeepers, Inc.