



U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia

*Patrick Henry Building
601 D Street N.W.
Washington, D.C. 20530*

March 1, 2024

VIA Hand Delivery

Cortney Merritts

Re: Grand Jury Subpoena #GJ20240301114406
USAO #2023R00502

Dear Cortney Merritts:

Pursuant to a criminal investigation being conducted by the United States Attorney's Office, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Although you are not required to do so, you are requested not to disclose the existence of this subpoena. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law. Thank you for your cooperation in this matter.

Sincerely,

Matthew M. Graves
United States Attorney

/s/ Joshua Rothstein

By:

Joshua S. Rothstein
Assistant United States Attorney
202-252-7164

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Cortney Merritts

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: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3 rd Floor Grand Jury #23-6 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Tuesday, March 19, 2024 at 9:00 AM
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You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: March 1, 2024

CLERK OF COURT



Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant United States Attorney, who requests this subpoena, are:

/s/ Joshua Rothstein

Joshua S. Rothstein, Assistant United States Attorney
United States Attorney's Office for the District of Columbia
601 D Street N.W. Room #5.1523
Washington, DC 20530
Phone: 202-252-7164 Fax: 202-307-2304
Email: joshua.rothstein@usdoj.gov

Subpoena #GJ20240301114406
USAO #2023R00502
Preparer: LABBE

ATTACHMENT TO GRAND JURY SUBPOENA

USAO # 2023R00502

Please read instructions below and provide records in non-proprietary electronic format when possible.
Contact FBI Special Agent Daniel A. Mehochko at 202-480-4912 or Damehochko@fbi.gov with any questions.

Issued to: Cortney Merritts

Method: Hand Delivery

Time period for requested documents: January 1, 2018, to present

I. INSTRUCTIONS

A. In complying with this subpoena, you are required to produce all responsive documents, records, information, and communications that are in your possession, custody, or control, whether held by you or your past or present agent, employee, or representative acting on your behalf. You are also required to produce 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.

B. No documents called for by this request shall be destroyed, modified, removed, transferred, or otherwise made inaccessible to the grand jury. If you have knowledge that any subpoenaed document has been destroyed, discarded, or lost, identify the subpoenaed document and provide an explanation of the destruction, discarding, loss, or disposal, and the date at which the document was destroyed, discarded, or lost.

C. This subpoena is continuing in nature. Any document not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto with an explanation of why it was not located or discovered until the return date.

D. If you believe any responsive documents are protected by a privilege, please provide a privilege log which (1) identifies any and all responsive documents to which the privilege is asserted, (2) sets forth the date, type, addressee(s), author(s), general subject matter, and indicated or known circulation of the document, and (3) states the privilege asserted in sufficient detail to ascertain the validity of the claim of privilege.

E. Production with respect to each document shall include all electronic versions and data files from email applications, as well as from word processing, spreadsheet, database, or other electronic data repositories applicable to any attachments, and shall be provided to the grand jury where possible in its native file format and shall include all original metadata for each electronic documents or data file.

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II. DEFINITIONS

A. “Document” means any written, recorded, or graphic material of any kind that is in your possession, custody or control. The term includes, but is not limited to: contracts; agreements; letters; telegrams; interoffice communications; memoranda; notes; reports; analyses; worksheets; spreadsheets; notebooks; surveys; lists; outlines; schedules; pamphlets; newsletters; flyers; charts; logbooks; tabulations; compilations; studies; books; records; telephone books or messages; visitor books; calendar or diary entries; desk or appointment calendars; drafts; business cards; minutes or meetings or conferences; notes or memos or other records of telephone or other conversations or communications; electronic transmissions (including emails, text messages, instant messaging, chat rooms, electronic bulletin boards, and any communications using applications such as WhatsApp or Signal); ledgers; financial statements; bank statements; check images (front and back); bills or invoices; purchase orders; receipts; photographs; microfilm; microfiche; audio and video tape or disc recordings; computer printouts; and communications. It also includes electronically stored data and electronic files, stored on file servers, e-mail servers, hard drives, or other electronic storage media within your control from which information can be obtained either directly or by translation through detection devices or readers. Any such document is to be produced in reasonably usable form, electronic and searchable, along with instructions for reading the data. Any such electronically stored information must be preserved in its native format. The term “document” includes the original (or a copy thereof if the original is not available) and all copies that differ in any respect from the original or that bear any notation, marking or information not on the original. “Document” shall also include all documents, materials, transmissions and information, including Electronically Stored Information within the meaning of the Federal Rules of Civil Procedure.

B. “Electronically Stored Information” or “ESI” shall mean the complete original and any non-identical copy (whether different from the original because of notations, different metadata, or otherwise), regardless of origin or location, of any writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any electronic medium from which information can be obtained either directly or, if necessary, after translation by you into a reasonably usable form. This includes, but is not limited to, electronic mail, instant messaging, videoconferencing, and other electronic correspondence (whether active, archived, or in a deleted items folder), word processing files, spreadsheets, databases, and video and sound recordings, whether stored on: cards; magnetic or electronic tapes; disks; computer hard drives, network shares or servers, or other drives; cloud-based platforms; cell phones, personal digital assistants (“PDAs”), computer tablets, or other mobile devices; or other storage media.

C. “Referring to” or “relating to” shall mean discussing, describing, reflecting, regarding, containing, analyzing, studying, reporting, commenting on, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

ATTACHMENT TO GRAND JURY SUBPOENA

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D. The terms “including” and “includes” shall be construed broadly so that specification of any particular type of document shall not be construed to exclude other types of documents that are nevertheless responsive but not specifically identified.

E. “Communications” refers to exchanges kept in any form, whether written, electronic, e-mail, text, WhatsApp message, Signal message, telephone, or other, and is meant to be interpreted broadly in accordance with Federal Law.

F. Entities identified by name shall be construed broadly to include any subsidiary, affiliate, successor-in-interest, or related corporate entity, as well as any employee, representative, contractor, affiliate, or vendor.

III. PRIVILEGES

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 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.

IV. REQUEST FOR DOCUMENTS

For the period of January 1, 2018, through Present:

- All documents and communications related to Cortney Merritts’ May 30, 2020, application for an Economic Injury Disaster Loan (EIDL) in the name of Vetted Couriers and Logistics.
- All documents and communications related to Cortney Merritts’ July 8, 2020, application for an EIDL loan in the name of Cortney Merritts.
- All documents and communications related to Cortney Merritts’ May 12, 2021, Paycheck Protection Program loan application in the name of Cortney Merritts.
- All documents and communications related to Cortney Merritts’ July 11, 2022, application for PPP loan forgiveness.
- All documents related to the businesses for which Cortney Merritts sought loans through the Small Business Administration (SBA) including, but not limited to:

ATTACHMENT TO GRAND JURY SUBPOENA

USAO # 2023R00502

Please read instructions below and provide records in non-proprietary electronic format when possible.
Contact FBI Special Agent Daniel A. Mehochko at 202-480-4912 or Damehochko@fbi.gov with any questions.

- All business bookkeeping records and other financial records including General Ledger, General Journals, all Subsidiary Ledgers and Journals, Gross Receipts and income records, Cash Receipts and Disbursement records and/or Journals, sales and Purchase records and/or Journals, Accounts Receivable and Payable Ledgers and records, Bad Debt records, Cost of Goods Sold records, Loan Receivable and Payable Ledgers, Voucher Register and all sales and expense invoices including all invoices documenting expenses paid by cash (currency) or bank check (cashier or teller checks), retained copies of any bank checks (cashier or teller checks.), payroll journals and ledgers, payroll check stubs, IRS Forms W-4, IRS Forms W-2, IRS Forms 1099, and IRS Forms 1040 (Schedule C).
- Inventory records establishing beginning and ending inventories including inventory sheets, work-papers, and valuation records. Records and work-papers reflecting the purchase, basis and depreciable life of assets. Records and work-papers of sales of corporate assets such records disclosing the dates of purchase and sale, cost and sales price, records establishing or adjusting asset basis.
- Records related to employees, including communications with employees, personnel files, time sheets, payroll, salary, compensation, and tax documents.
- Savings account records including passbooks or bank statements, records reflecting dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, records reflecting the identity of checks deposited, withdrawal slips, and records disclosing the disposition of withdrawals, Forms 1099, debit and credit memos. Records of any certificates of deposit, money market certificates, U.S. Treasury Notes or Bills purchased.
- Checking account records including bank statements, deposit slips, records revealing the identity of checks drawn on the account, checks deposited, all debit and credit memos, and Forms 1099 issued.
- Loan records including applications, financial statements, loan collateral, credit and background investigations required, loan agreements, notes or mortgages, settlement sheets, contracts, retained copies of checks issued for loans, repayment or forgiveness records, including records revealing the date, amount and method of repayment or forgiveness (cash or check), checks used to repay loans and a record disclosing the total amount of discount or interest paid annually, records of any liens, loans correspondence files and internal memoranda relative to these loans. Records on use of loan funds.

ATTACHMENT TO GRAND JURY SUBPOENA

USAO # 2023R00502

Please read instructions below and provide records in non-proprietary electronic format when possible.
Contact FBI Special Agent Daniel A. Mehochko at 202-480-4912 or Damehochko@fbi.gov with any questions.

- Documents related to ownership, dominion, or control; the name and roles of officers, executives, or employees; and compensation of officers, executives, or employees.
 - Bylaws and/or operating procedures, policy manuals, training materials and employee handbooks.
 - Client lists, client contact information, and client communications.
- All documents and communications with agents used to assist in preparation of loan documents.
- All documents and communications with financial institutions where the loans were applied to and/or received from.
- All documents and communications related to the use of the proceeds of funds provided through the EIDL and PPP loan programs.
- All documents and communications regarding SBA's EIDL and PPP loan programs.
- All documents and communications showing the location of Cortney Merritts on May 30, 2020, July 8, 2020, May 12, 2021, and July 11, 2022.
- All checking and savings account records for bank accounts maintained and controlled in whole or in part by Cortney Merritts.

Please provide responsive records **in an electronic format** and direct questions to:

Federal Bureau of Investigation
Attn: SA Daniel A. Mehochko / CR-15
Washington Field Office / NVRA
601 4th Street NW
Washington, D.C. 20535
Phone: (202)-480-4912
damehochko@fbi.gov

Questions may also be directed to FBI Forensic Accountant Brian C. Marchelewski at bcmarchelewski@fbi.gov.

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

- a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
 - i. In your record retention systems; and/or
 - ii. By your technology, data, or other service provider(s).
- b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. Text Data

- a. Text data relating to transactions shall be produced within a data file:
 - i. Using a delimited ASCII text data format; or
 - ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.
- b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. Image Data

- a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.
- b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
 - i. Produced in individual graphic data files with any associated endorsements; and
 - ii. Linked to corresponding text data by a unique identifier.

IV. Encryption/Authentication

- a. ESI may be transmitted in an encrypted container (*e.g. flash drive, CD/DVD*). Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do not encrypt individual file contents if the container is encrypted.*
- b. Authentication, such as hash coding, may be set by agreement.
- c. Affidavits or certificates of authenticity may be included as part of the electronic production.

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena #GJ2024030114406 dated March 1, 2024, signed by Assistant United States Attorney Joshua S. Rothstein, requesting specified records of the business named below.

Attached hereto are _____ pages of records regarding _____
(Brief description of type of documents being subpoenaed) responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

CO 293 (Rev. 8/91) Subpoena to Testify Before Grand Jury

RETURN OF SERVICE ⁽¹⁾		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		
SERVED BY (PRINT NAME)		TITLE
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER ⁽²⁾		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on _____ Date _____ Signature of Server _____ Address of Server		
ADDITIONAL INFORMATION		

⁽¹⁾ As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

⁽²⁾ "Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)".

Subpoena #GJ20240301114406