



United States Department of Justice

*United States Attorney
Southern District of West Virginia*

Robert C. Byrd United States Courthouse
300 Virginia Street, East
Suite 4000
Charleston, WV 25301
1-██████████8726

Phone: ██████████2200
Fax: ██████████5104

June 2, 2023

Via Website: <https://www.womply.com/contact-us/>

Womply
Attn: Legal Compliance
2810 N. Church St., #73871
Wilmington, DE 19802

Re: Grand Jury Subpoena (2023R00057 - 029) – June 13, 2023

Dear Sir or Madam:

Enclosed herewith please find a Federal Grand Jury Subpoena directed to the Authorized Records Custodian of Womply. Also enclosed is a Waiver and Certification which, if properly executed and returned with the records subpoenaed by the Grand Jury, will release you from your Grand Jury appearance on June 13, 2023. **Please return a copy of the subpoena with the records.**

Please execute the acknowledgment section of this letter reflecting that you have received and accepted service of this subpoena and return it to me. The Waiver and Certification is to be returned with the records and documents by certified mail addressed to:

HOLLY J. WILSON
Assistant United States Attorney
United States Courthouse
300 Virginia Street, East, Room 4000
Charleston, West Virginia 25301

Thank you for your cooperation in this matter. If you have any questions, please contact me at ██████████2200.

Sincerely,

WILLIAM S. THOMPSON
United States Attorney

By:


HOLLY J. WILSON
Assistant United States Attorney

HJW:tlm

Enclosures

I acknowledge receipt and accept service of the above-referenced subpoena.

Name

Date



AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Womply
2810 N. Church St., #73871, Wilmington, DE 19802

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States District Clerk's Office Room 2400 300 Virginia Street, East Charleston, WV 25301	Date and Time: 06/13/2023 9:30 am
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):
See Attached

Date: May 18, 2023

CLERK OF COURT


Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Holly J. Wilson
300 Virginia Street, East Room 4000
Charleston, WV 25301
2200
holly.wilson@usdoj.gov

AO 110 (Rev. 06/09) Subpoena to Testify Before Grand Jury (Page 2)

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* Womply
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA

ADVISE TO GRAND JURY WITNESS

The purpose of this "Advice to Grand Jury Witnesses" is to provide you with more background information concerning your appearance before the Federal Grand Jury. This advice, which is given to Grand Jury witnesses as a general practice without regard to culpability is as follows:

1. A Grand Jury consists of sixteen to twenty-three citizens who inquire into federal crimes which may have been committed in this judicial district. Only authorized persons may be present in the Grand Jury Room while evidence is being presented. This means that only persons who may be present while testimony is being given are members of the Grand Jury, attorneys for the government, the witnesses under examination and a court reporter.
2. This Grand Jury is conducting investigations with respect to possible violations of federal criminal laws.
3. Each Grand Jury witness is asked to testify and answer questions concerning possible violations of federal criminal law. The public, through the Grand Jury, has a right to every person's evidence except where the privilege against self-incrimination, or some other recognized legal privilege, applies.
4. The mere fact that this advice is provided to a person subpoenaed to testify before a Grand Jury should not necessarily be taken as a suggestion that the person subpoenaed is likely to be charged (indicted) with the crime under investigation.
5. Each witness appearing before the Grand Jury will be expected to answer all questions asked of the witness, except to the extent that a truthful answer to a question would tend to incriminate the witness. An untruthful answer to any question may be the basis for a separate prosecution of the witness for perjury. Anything that each witness says may be used against him or her by the Grand Jury or in Court.
6. Each witness may consult his or her attorney before testifying. Each witness may have his or her attorney outside the Grand Jury Room, and, if the witness desires, will be afforded a reasonable opportunity to step outside the Grand Jury Room to consult with his or her attorney before answering any question.

GENERAL INFORMATION REGARDING YOUR APPEARANCE BEFORE THE GRAND JURY

1. Upon receipt of your subpoena, contact the Assistant United States Attorney indicated on the subpoena to obtain the precise time that you are scheduled to testify before the Grand Jury. If you fail to do so, you will be required to appear at the time indicated on your subpoena. Also, provide the attorney with your work and home phone numbers so that you can be contacted day or night in the event of changes concerning the date or time of the Grand Jury or your scheduled appearance.
2. The United States Attorney's Office will assist you in making travel arrangements. This includes method of travel and hotel accommodations if they become necessary. The United States Attorney's Office utilizes a government travel account wherein the charges are direct billed and accommodations are prepaid for you. **Please read the attached form regarding witness fees and expenses.**
3. IT IS MANDATORY FOR YOU TO BRING PHOTO IDENTIFICATION AND YOUR SUBPOENA WITH YOU TO THE COURTHOUSE. NO CELL PHONES ARE PERMITTED IN THE GRAND JURY ROOM.
4. If you are excused from the Grand Jury with sufficient time left in the day to return to your place of residence, you are expected to do so. Thus, overnight accommodations will not be authorized.

If you have any questions concerning your appearance, or other questions, you should consult your attorney, or you may contact the United States Attorney's Office at [REDACTED] 2200.

ATTACHMENT TO GRAND JURY SUBPOENA

RETURNABLE: June 13, 2023

TO: Womply
Attn: Legal Compliance
2810 N. Church St., #73871
Wilmington, DE 19802

ATTN: **AUTHORIZED RECORD CUSTODIAN**

I. DEFINITIONS

- A. "Records" encompasses all recorded information in whatever form it exists, including, without limitation, paper documents, electronically stored information, photographs, and audio or video recordings. The term "records" specifically includes, without limitation, e-mail messages, text messages (also known as SMS or MMS messages), messages sent or received by electronic instant messaging programs, and all other similar electronic messages. The term "records" also specifically includes, without limitation, all information stored on any computer, cellular telephone, tablet computer, or other electronic device capable of storing information.

II. INSTRUCTIONS

B. Extensions & Questions

- a. If you will need additional time to respond to the subpoena, please contact the requesting AUSA before proceeding. If you have questions about specific items requested or about the request generally, please contact Special Agent Greg Lipari at [REDACTED] 2300.

C. Condition of Records Produced

- b. Records should be produced in the condition in which they are stored by you, including all notes, attachments, marginalia, posted notes, etc. Records that are attached to responsive records or are incorporated by reference in responsive records should also be produced.
- c. To the extent that records are found in file folders, computer discs, hard disc drives, or other storage media that have labels or other identifying information, the documents should be produced with such file folder and label information intact. Audio files should be separated from data files if both are included in a production.

D. Bates Numbering & Index

- d. When producing the records, please consecutively number and mark each document produced with a symbol that identifies it as being produced by you, also known as a "Bates number." If possible, the marks should be placed in the lower right-hand corner of each page but should not obscure any information on the record.
- e. Please also provide an index that briefly identifies the documents produced.

E. Format of Records Produced

- f. Records should be produced in a digital format, preferably excel or PDF format, bearing a Bates number.

F. Method of Production

- g. Productions smaller than 10MB may be emailed to the requesting AUSA and Special Agent Greg Lipari (GFLipari@fbi.gov).
- h. Productions larger than 10MB should be provided via a secure ftp site (e.g. Kiteworks, SecureSend, TitanFile) to the requesting AUSA and Special Agent Greg Lipari (GFLipari@fbi.gov). If you do not have access to a secure ftp site, the United States Attorney's Office will provide you with access to one. If access is needed, please request access by emailing the requesting AUSA.
- i. Alternatively, data may be produced on CD, DVD, thumb drive, etc.
- j. Passwords for electronic documents, files, compressed archives, and encrypted media should be provided separately via email to the requesting AUSA. Password correspondence should reference the matter number and requesting AUSA.

G. If provided, please return responsive records with a completed waiver of grand jury appearance.

III. RECORDS TO BE PRODUCED

Please provide Paycheck Protection Program (PPP) Loan account information, whether approved or denied, for all loans originated with a customer or business associated with the following Internet Protocol (IP) address for the time period February 1, 2021, to present:

- 108.53.252.171

PPP Loan account data would include all data fields populated by the borrower to complete the on-line application process. Responsive data includes the following information:

- Deal ID
- Application Number
- SBA Loan Number
- Loan amount
- Customer Name
- Customer TIN
- Date of Birth
- Customer Street Address, City, State, and Zip Code
- Customer Phone Number
- Customer Email Address
- Business Name
- Business TIN
- Date Business Established
- Business Street Address, City, State, and Zip Code
- Business NAICS Code
- Customer Veteran Status
- Customer Gender
- Customer Race
- Customer Application Captured IP Address
- Customer Captured IP Address for Subsequent Logins
- Customer Designated Bank Account Routing Number
- Customer Designated Bank Account Number

It is requested that the PPP Loan account data be provided in an electronic format, i.e. in an Excel spreadsheet.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA

IN RE: GRAND JURY PROCEEDINGS

WAIVER AND CERTIFICATION

I hereby state that I am the _____ of **Womply** and as such I am the custodian of the records described in a subpoena duces tecum returnable to a Federal Grand Jury for the Southern District of West Virginia at Charleston, West Virginia, on **June 13, 2023**. I understand that I have an absolute right to appear personally, at the expense of the United States, before the Grand Jury in response to that subpoena, to testify under oath, and to produce the records called for by that subpoena. Nonetheless, I choose to waive that right.

Attached are the records called for by that subpoena and a list describing the type and quantity of records being produced. I have searched and caused to be searched the appropriate records, and to the best of my knowledge and belief the records hereby produced fully comply with the requirements of that subpoena. The records hereby produced were (1) made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge; (2) kept in the course of a regularly conducted activity; and (3) made as a regular practice of that activity.

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

Date

Signature

These documents were presented to the Grand Jury on _____

Date

(Signature of Grand Jury Foreman)