

United States District Court
for the

Eastern District of Virginia

SUBPOENA TO TESTIFY BEFORE THE GRAND JURY

TO: City of Virginia Beach
Custodian of Records
Municipal Center
Virginia Beach, VA 23456

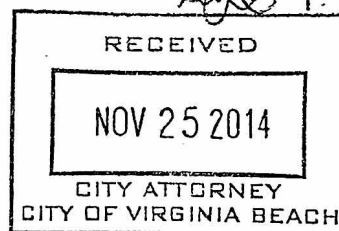
YOU ARE COMMANDED to appear and testify before the United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Walter E. Hoffman United States District Court
600 Granby Street
Norfolk, Virginia 23510

Date and Time: January 07, 2015 9:30 a.m.

You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable):

See, Attachment A.

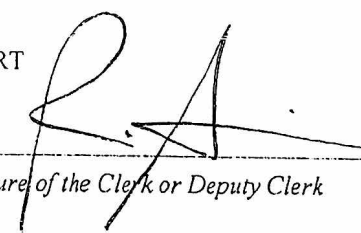


Christopher Emsley

This subpoena remains in effect until all documents are provided.

Date: November 21, 2014

CLERK OF COURT


Signature of the Clerk or Deputy Clerk

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

Alan M. Salsbury, AUSA
Office of the United States Attorney
World Trade Center, Suite 8000
Norfolk, Virginia 23510 (757) 441-6331



U.S. Department of Justice

*United States Attorney
Eastern District of Virginia*

World Trade Center, Suite 8000 757 441-6331
101 W. Main Street
Norfolk, Virginia 23510

November 21, 2014

City of Virginia Beach
Custodian of Records
Municipal Center
Virginia Beach, VA 23456

Re: 14-2 / N14-3431 / 14-793

Dear Sir or Madam:

You have been served with a subpoena issued in connection with a criminal investigation being conducted in this District. That subpoena directs you to produce certain records on 1/7/2015, before the grand jury in Norfolk, Virginia.

Because premature disclosure of this request might impede the investigation in this case, you are requested not to disclose the existence of this subpoena.

As a convenience, you may, if you wish, deliver the requested documents in lieu of appearing personally before the grand jury to: Special Agent Christopher G. Emsley, Federal Bureau of Investigation, 509 Resource Row, Chesapeake, VA 23320. Any questions pertaining to the records under subpoena should be directed to Special Agent Christopher G. Emsley at (757) 455-0100.

I appreciate your cooperation in this matter. If you have any questions, please feel free to contact this office at 757-441-6331.

Sincerely,

Dana J. Boente
United States Attorney

By: Alan M. Salsbury / cu
Alan M. Salsbury
Assistant United States Attorney

Enclosure

ATTACHMENT A

1. For the period of January 1, 2013, until present, produce all records and documents relating to the Cavalier Residences, the gated residential community that is part of the Cavalier Hotel redevelopment project, in Virginia Beach, Virginia, including but not limited to:
 - a. Records or documents, electronic or otherwise, pertaining to the selection of East Beach Company, LLC; East Beach Realty, LLC; Cavalier Realty Associates, LLC; and/or Cavalier Associates Development, Inc., as a realtor company for any of the Cavalier residential properties;
 - b. Records or documents, electronic or otherwise, pertaining to the consideration of real estate companies other than East Beach Company, LLC; East Beach Realty, LLC; Cavalier Realty Associates, LLC; and/or Cavalier Associates Development, Inc., to become a realtor company for any of the Cavalier residential properties;
 - c. Records or documents, electronic or otherwise, pertaining to the selection of Catherine J. Sassone, also known as Catherine Uhrin, as the listing agent, and/or Director of Marketing, for any of the Cavalier residential properties;
 - d. Records or documents, electronic or otherwise, pertaining to the compensation or commission calculation payable to Catherine J. Sassone as the listing agent, and/or Director of Marketing, for any of the Cavalier residential properties;
 - e. Records of correspondence or other communication, electronic or otherwise, between Virginia Beach City Councilman John Uhrin and East Beach Company, LLC; East Beach Realty, LLC; Cavalier Realty Associates, LLC; and/or Cavalier Associates Development, Inc., its officers and/or employees;
 - f. Correspondence, electronic or otherwise, between any other City of Virginia Beach government employee, elected or appointed, regarding the Cavalier Residences and/or the Cavalier Hotel redevelopment project;
 - g. Calendars, appointment books, electronic or otherwise, memorializing any meetings attended by John Uhrin regarding the Cavalier Residences and/or the Cavalier Hotel redevelopment project;
 - h. Records or documents, electronic or otherwise, memorializing or pertaining to the content of meetings, telephone calls, or other

INSTRUCTIONS FOR PRODUCTION OF
ELECTRONICALLY (DIGITALLY) STORED RECORDS

1. General:

- a. Electronically stored records shall be produced in electronic form and shall include those records held:
 - i. In your record retention systems; and/or
 - ii. By your technology, data, or other service provider(s).

2. Text Data:

- a. Text data relating to transactions (e.g., core data, history file) shall be produced within a data file:
 - i. Using delimited ASCII text data format; or
 - ii. Within software that can export without loss of data to a non-proprietary file format; or
 - iii. Using commonly readable file format set by agreement.
- b. Text data files relating to transactions produced according to 2a shall include field descriptions (e.g., file number, date/time, description, and amount).

3. Image Data:

- a. Image data shall be produced in graphic data files in a non-proprietary or commonly readable format with the highest image quality maintained.

4. Encryption/Authentication:

- a. Electronically stored records may be transmitted in an encrypted container. Decryption keys shall be produced separately at the time the data are produced.
- b. Authentication, such as hash coding, may be set by agreement.

communications by John Uhrin regarding the Cavalier Residences and/or the Cavalier Hotel redevelopment project;

- i. Voting records of John Uhrin regarding any aspect of the Cavalier Hotel redevelopment project; and
 - j. Records or documents, electronic or otherwise, memorializing or pertaining to any other official acts by John Uhrin regarding the Cavalier Residences and/or the Cavalier Hotel redevelopment project.
- 2. Computer use policy and privacy waivers applicable to John Uhrin's use of any city computer, including a copy of any mandatory log-in screens.
 - 3. Statements of Economic Interests filed for John Uhrin.

If you have questions regarding this subpoena, you may contact:

SA Christopher G. Emsley
FBI Norfolk Field Office
509 Resource Row
Chesapeake, VA 23320
757-455-0100, ext. 2553
Christopher.emsley@ic.fbi.gov

CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)

I, _____ (name), attest under penalties of perjury (or criminal punishment for false statement or false attestation) that I am employed by _____ (business), and that my official title is _____ (title). I am a custodian of records for such business entity. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of _____ (business), and that I am the custodian of the attached records consisting of _____ pages. I have provided the following records to the United States:

I further state that:

- A. all records attached to this certificate were made at or near the time of the occurrence of the matters set forth, by, or from information transmitted by, a person with knowledge of those matters;
- B. such records were kept in the course of a regularly conducted business activity of _____ (business); and
- C. such records were made by _____ (business) as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

(Signature)

(Date)

(Address)

(Phone)