

UNITED STATES DISTRICT COURT
for the
Eastern District of California
SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Ghost Management Group, LLC

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: Robert T. Matsui United States Courthouse United States Attorney's Office 501 I Street, Suite 10-100 Sacramento, CA 95814	Date and Time: Thursday, October 31, 2019 9:00 A.M.
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YOU MUST also bring with you the following documents, electronically stored information, or objects (blank if not applicable):
See attachment.

Date: September 19, 2019



Marianne Matherly

Marianne Matherly
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:

MPS
Matthew P. Segal and Grant B. Rabenn
U.S. Attorney's Office 501 I Street, Suite 10-100 Sacramento, CA 95814
(916)554-2708 / (916)554-2761
matthew.segal@usdoj.gov / grant.rabenn@usdoj.gov

**ATTACHMENT TO GHOST MANAGEMENT GROUP, LLC GRAND JURY
SUBPOENA DUCES TECUM**

***NOTICE CONCERNING DOCUMENT DESTRUCTION
AND OBSTRUCTION OF JUSTICE***

Any person who withholds, alters, deletes, or destroys documents—including documents stored only in electronic form or accessible only through computer or other information-retrieval systems—demanded by this subpoena, or who removes or transfers such documents to outside the jurisdiction of the United States, may be subject to criminal prosecution for obstruction of justice, contempt of court, or other federal criminal violations. Conviction of any of these offenses may be punishable by substantial fine or imprisonment, or both.

I. Definitions

- A. "Agreement" means any contract, arrangement, understanding, or other type of agreement, formal or informal, oral or written, direct or indirect, tacit or express, implemented or unimplemented, successful or unsuccessful, between two or more persons.
- B. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided for in Division 10 of the California Business & Professions Code.
- C. "Communication" means any discussion, conversation, inquiry, disclosure, transfer, or exchange of statements or information, however made, including orally, electronically, in writing, by facsimile, in person, by telephone, or by any other means.
- D. "Company," "the Company," "you," or "your company" means the entity to which this subpoena is addressed, any parent, predecessor, successor, division, affiliate, or subsidiary (whether wholly owned or not) of that entity; any joint venture to which any such entity is or was a party; and each current or former owner, officer, director, manager, partner, employee, attorney, agent, representative, consultant, affiliated person, or other person acting or purporting to act for or on behalf of any of them, including:

Abel Aguirre-Valdez
Chris Beals
Jason Brady
Michele Cheowtirakul
Hendrick Davel
Justin Dean
Paul Dejesus

Douglas Francis
Justin Hartfield
Bridget Hennessey
Scott Hoerling
Steven Jung
Arden Lee
Mike Lodge
Jennifer Men
Jose Mesina
John Nicolazzo
Jose Osorio
Aaron Patino
Corey Pearson
Jill Pfenning
Geoffrey Reed
Nada Salih
Chad Winter
Sean Wainwright

- E. "Documents" means all written, printed, or electronically stored information of any kind in the possession, custody, or control of the Company, whether prepared by your company or any other person, including: memoranda, reports, evaluations, letters, emails, voicemails, contracts or other agreements, calendars, notebooks, information stored on social media accounts like Twitter or Facebook, chats, instant messages, text messages, data in messaging applications, and documents contained in Collaborative Work Environments and other document databases. "Documents" means all drafts and versions and includes metadata, formulas, and other embedded, hidden, and bibliographic or historical data describing or relating to any document.
- F. "Financial institution" has the same meaning as set forth in 18 U.S.C. § 20.
- G. "Including," and all variations of that word, such as include or includes, means including, but not limited to.
- H. "Investor" means any person who has or has had a security agreement with the Company, and also means the following persons:
1. Ceres Holdings Group LLC aka The Rubin Group;
 2. Entrepreneur Growth Capital LLC / Kind Growth Capital LLC;
 3. FCP Ventures IV LLC;
 4. The Inception Companies aka Inception REIT Inc.;

5. OBM Holdings LLC;
 6. Inceptacon-IV LLC;
 7. SCP Opportunities Fund LLC;
 8. 420 Casa Way LLC; and
 9. Redwood Investment Holdings LLC
- I. "Marijuana" as used herein means marihuana as defined in 21 U.S.C. § 802(16) and cannabis as defined in Cal. Bus. Prof. C. § 26001(f).
- J. "Person" means any natural person, association, company, cooperative, firm, public or private corporation (whether or not organized for profit), joint venture, institute, partnership, sole proprietorship, governmental entity (whether local, county, state, or federal), or other form of business or legal entity, and shall include any officer, director, employee, or agent thereof.
- K. "Relate to," "Related to," or "Relating to" means in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identify, or stating.
- L. "Security" means any note, stock, treasury stock, security future, security-based swap, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.
- M. "Thing of value" includes tangible and intangible property, interests, and rights.

II. INSTRUCTIONS

- A. This subpoena and schedule of documents call for the production of all responsive documents in the possession, custody, or control of your company without regard to the physical location of the documents and without regard to whether the documents were prepared by or for your company.

- B. Unless otherwise specifically provided herein, the documents that must be produced in response to this subpoena include all responsive documents prepared, sent, dated, received, used, or in effect at any time during the period of July 2008 through the date of this subpoena (“the subpoena period”). The “date of this subpoena” is its date of service.
- C. If any portion of any document is responsive to any paragraph or subparagraph in Section III, then the entire document must be produced, including all supporting, underlying, or explanatory documents and all attached or annexed documents and communications, and for electronic documents, all metadata. Documents should be submitted as found in your company’s files, should be produced in the order in which they appear in such files, and should not be shuffled or otherwise rearranged. If a document contains privileged material, the entire document must be produced, with the privileged material redacted and documented as set forth in Paragraph II.H.
- D. Mark each page of each document submitted with document control numbers. The document control numbers should appear in the lower right-hand corner of each page in a location that does not obscure any information on the page. Where a document is responsive to more than one paragraph or subparagraph of Section III, your company should produce it only once.
- E. You must produce originals of each document and other item that is responsive, in whole or in part, to the subpoena. If a copy is identical to the original (whether in hard copy or electronic format), you may produce a copy. If you choose to produce an identical copy, your records custodian must maintain a log identifying where each copy of the original document – and the original document itself – is located. Additionally, the original document remains subject to production under the subpoena. If a previously existing copy differs from the original by virtue of any addition, deletion, alteration, notation, or inscription, the original and copy must both be produced. Mark original documents with the designation “original” and produce an electronic list of all documents so designated. At the conclusion of the investigation, all documents produced in response to this subpoena that are not marked “original” will be disposed of by the Government (unless the Government determines that they should be retained for a law enforcement purpose or pursuant to the Federal Records Act). Documents not marked as “original” will be returned to you only if you specifically requested their return at the time the documents are produced (unless the Government determines that they should be retained for a law enforcement purpose or pursuant to the Federal Records Act).
- F. Electronic documents and data shall be produced in a reasonably useable electronic form that includes all metadata. You must communicate with the attorneys for the United States to determine whether the proposed data formats

and choice of media will be compatible with the equipment and resources that are available to the grand jury.

- G. Provide a master index in electronic form showing: (1) the name of each custodian from whom responsive documents are submitted; and (2) the corresponding consecutive document control numbers used to identify that custodian's documents.
- H. If any document, or part of a document, is withheld under claim of privilege, you must provide the following information about the document:
1. its assigned document control number(s);
 2. its date;
 3. the name and title of its author(s);
 4. the name and title of each person to whom it was addressed;
 5. the name and title of each person to whom it was distributed;
 6. the name and title of each person to whom it was disclosed, in whole or in part;
 7. list all attorneys acting in a legal capacity with the designation ESQ after their name (include a space before and after the "ESQ");
 8. its number of pages;
 9. an identification of its attachments or appendices, if any;
 10. a description of its subject matter;
 11. its present location and the name of its present custodian;
 12. the section and paragraph of this subpoena to which it is responsive;
 13. the nature of the claimed privilege or other reasons the document is withheld and a statement of all facts relied on in support of the claim; and
 14. for each document withheld under a claim that it constitutes or contains attorney work product, state whether you assert that the document was prepared in anticipation of litigation or for trial and, if so, identify the anticipated litigation or trial upon which the assertion is based.
- I. Any document or part of a document withheld under a claim of privilege must be preserved. Should the Company claim a privilege in connection with only a part

of a responsive document, the document must be produced in copy form with the privileged part redacted and identified as required above.

- J. Your company should immediately take steps to ensure that it preserves all types of documents, wherever located, that may be responsive to this subpoena.
- K. If the Company has knowledge of any document that would be responsive to this subpoena, but has been lost, destroyed, or discarded since the service date of this subpoena, it shall identify the document to the extent possible and provide an explanation of the loss, destruction, or discarding, including identification of each person authorizing or having knowledge of the loss, destruction, or discarding.
- L. This grand jury subpoena requires your company to:
 - 1. Appear before the grand jury through an authorized, knowledgeable representative at the time and place set;
 - 2. Produce before the grand jury all documents described in this schedule of documents; and
 - 3. Identify and authenticate all documents so produced.
- M. The representative who appears before the grand jury for your company will be questioned under oath regarding methods of compliance and whether all documents demanded in this schedule of documents have been produced. The representative making the appearance must be familiar with the Company's record-keeping procedures and should be prepared to explain the search conducted by the Company to collect all responsive documents to comply with the demands set forth in this schedule of documents.
- N. As an alternative to producing documents before the grand jury, the Company may comply with the subpoena by producing documents required by the subpoena by courier or overnight delivery (e.g. Fedex, UPS, DHL) to:

Matthew Segal and Grant Rabenn
United States Attorney's Office
501 I Street, Suite 10-100
Sacramento, CA 95814

Your company may produce documents in this manner provided that it meets each of the following prerequisites:

- 1. The Company gives notice that it will produce documents to the Government a minimum of fourteen (14) days before the date of its scheduled appearance before the grand jury;

2. All subpoenaed documents arrive at the Government on or before the date the Company, through its representative, is scheduled to appear before the grand jury (or on or before such other date agreed upon in writing by the Company and a representative of the Government); and
3. The official of your company responsible for complying with this subpoena submits with the subpoenaed documents a sworn statement that:
 - a) States the name and position of each person assisting in the search for the documents;
 - b) Describes all locations searched, including the Company's electronic and computer systems, among others;
 - c) Identifies the documents produced by bates number; and
 - d) Certifies that the documents produced fully comply with the demands of the subpoena and that the Company has withheld no documents, except on grounds of privilege in accordance with Paragraph II.H., above.

O. Regardless of which production method the Company chooses, the grand jury reserves the right to require the representative of the Company responsible for compliance with this subpoena or any other employee involved in the search to testify about the Company's efforts to comply with the subpoena.

P. The scope of the demands of this subpoena may not be modified, limited, deferred, or otherwise varied unless confirmed or acknowledged in writing, or made of record before the grand jury or in open court, by a duly authorized representative of the Government.

Q. All communications or inquiries regarding this subpoena and schedule of documents should be addressed to:

Matthew Segal and Grant Rabenn
United States Attorney's Office
501 I Street, Suite 10-100
Sacramento, CA 95814

III. Documents and Things to be Produced

Part 1

Your company must produce to the grand jury documents sufficient to show, or in lieu thereof, at your option, a statement certified by your representative setting forth the following information. If you elect to respond to these requests by producing documents that do not contain all of the requested information, and the company is otherwise in possession of documents that contain some or all of the missing information, you must provide a written statement supplying that missing information:

- A. Legal Name, Ownership of Company, Corporate Structure. Your company's exact name, all fictitious names utilized by your company, its principal place of business, and
1. If a corporation, the date and state of its incorporation; the name and address of each person owning more than 5% of its stock, and the ownership interest of each such person; and the name and address of each domestic or foreign-owned parent, division, subsidiary, and affiliated company, whether wholly owned or not, and an explanation of the ownership relation of each; or
 2. If a partnership, association, sole proprietorship, or other business entity other than a corporation, the date and state of its formation, the state or country under whose laws it is organized, and the name and address of each partner or owner, and the percentage of ownership of each.
- B. Office Names, Addresses, Telephone Numbers. The exact name, address, telephone numbers, and function of each division, office, location, or facility from which your company is or has been engaged in business anywhere in the world; the areas of geographic responsibility of each such division, office, location, or facility; and the opening and closing dates, if any, of each such division, office, location, or facility.
- C. Officers, Directors, Managers, Agents. For (a) each present and former officer, director, and manager of your company, and (b) any agent appointed or legally authorized to receive service of process, that person's full name, Social Security number, date and place of birth, citizenship, U.S. residence status, passport number and country of issuance, title, tenure, and last-known business and home addresses, telephone numbers, and business and personal e-mail addresses.
- D. Personnel Data. For each present and former officer, director, employee, contractor, or agent of your company involved in sales, customer account

management, customer service, accounting, investor relations, government relations, or legal services:

1. Full name;
2. Any aliases, including all names by which the individual is known at your company;
3. Last known residence address and telephone numbers;
4. All electronic mail identifiers and addresses, including non-company addresses and providers (e.g., Gmail, Yahoo, Hotmail), and cellular telephone numbers and cellular service providers (e.g., Verizon, AT&T), assigned to or used by the person;
5. Date and place of birth, citizenship, and U.S. residency status;
6. Social Security, passport, and visa numbers, and country of issuance;
7. All titles or positions with your company, or with any recruitment agency with which your company has contracted;
8. Separately for each such title or position identified in Paragraph III.D.7., above:
 - a) The individual's tenure;
 - b) Duties and responsibilities, including the identification of any recruiting or hiring for which the individual had responsibility or was otherwise involved in that position;
 - c) Business address;
 - d) E-mail address;
 - e) Any telephone and facsimile numbers; and
 - f) The names of the individual's immediate superiors, immediate subordinates, secretaries, and administrative, support, or other assisting staff;
9. The reason for and date of demotion, separation, and/or termination from your company, if applicable; and
10. The person's other employment with any other entity during which that person had responsibility for, or was otherwise involved in, recruiting or hiring, including positions held and dates of service.

Part 2

Your company must produce to the grand jury the following documents. For each cover letter or other transmittal accompanying documents produced in response to Paragraphs III.E. – EE., below, your company must identify the specific paragraph of the subpoena to which each document or group of documents is responsive and the custodian(s) from whose files the document(s) originated.

- E. For each person identified in response to Paragraphs III.C. and III.D. above: (a) all calendars, calendar pads, notepads, daybooks, appointment books, reminder pads, notebooks, telephone-listing books or files, contact lists, rolodexes, business cards, e-mail directories, and diaries; and (b) any other documents relating to such person's daily business schedule, including electronic data stored on any desktop computer, laptop, home computer, cellular telephone, smartphone, tablet, or any other electronic device or removable media (including floppy diskettes, CDs/DVDs, USB thumb drives) containing such information.
- F. All documents constituting your company's annual reports and annual financial statements, including annual statements of profit and loss, income statements, tax returns, balance sheets, statements of financial position, management letters from any of your company's accounting firms, and reports made to shareholders, owners, or major creditors.
- G. All documents provided to or relied upon by any person involved in the preparation of your company's tax returns for tax years 2008 through the present.
- H. Any and all documents related to any examination, study, or analysis of your company by any third party, including by any consultant or actual or potential investor.
- I. Any and all documents related to the company's service that facilitates the online ordering of marijuana.
- J. Any and all tax returns filed by your company with the IRS and state taxation agencies, including the California Franchise Tax Board, for tax years 2008 through the present.
- K. For any account at any financial institution, domestic or foreign, held by the Company between July 2008 and the present, all account statements, deposit items, and withdrawal items.
- L. All records related to the receipt, disbursement, transfer, or deposit of currency

- M. Any and all documents relate to any employee manuals, policy manuals, or standard operating procedures, including the Weedmaps Account Manager Training Manual.
- N. Any and all Documents related to any Communication or agreement between the Company and
1. Any prospective, potential, or actual investor
 2. Any local, state, or federal government employee or official
 3. Any officer, director, employee or agent of any financial institution
 4. Any person engaged in commercial cannabis activity
 5. Any distributor of software applications for mobile devices, including Apple and Google.
- O. Any and all documents related to any communication or agreement between the company and any person engaged in commercial cannabis activity.
- P. Any and all documents related to any of the following persons:
1. Church of the Mien Tao; Anthony Tong; Saeteun Steinlee;
 2. Golden State Greens Point Loma; Alex Leon; Heidi Rising;
 3. Fresh Sprit; John Ocampo;
 4. Soul Lift; Joseph Jones; Travis Miller;
 5. South Coast Safe Access (SCSA); David Dewyke; Teresa Prieto;
 6. Chronic Conditions; Cody Ungles;
 7. The High Church; William Rasp;
 8. Alpha Medic Division; Jason Christensen;
 9. The OG Collective; Patrick McMahan;
 10. FlavRX; Joshua Plummer;
 11. Cannacraft Inc.;
 12. Sungrow Collective; Digital Management Group LLC;
 13. Green Mile Collective; Mamo Properties Inc.; Matthew Chou;

14. Wellness Earth Energy Dispensary Inc.; Purple Heart Compassionate Inc;
Green Valley Collective;
15. Urbn Leaf; SBC Management Inc.;
16. Connected Cannabis; MSTMA Inc.; SCCC; 562 Discount Med;
17. Stone Services Inc;
18. Terra Tech Corp.;
19. The Fuego Group; South Bay CRC;
20. Deserts Finest;
21. Kushagram;
22. L.B. Collective;
23. LA Cannabis Co. – Inglewood; LA Cannabis – La Brea; LA Cannabis –
Los Angeles;
24. MMD Long Beach;
25. Puffy Delivery;
26. California Green Cross;
27. Barret A Slome; DEC Medical Group;
28. DVBE Partners; EAST BAY THERAPEUTICS;
29. LCV Group Inc; THE CHURCH OF MODERN MEDICINE; and
30. Teresa A Marsullo; HORIZON COLLECTIVE;

- Q. Any document related to whether any person engaged in commercial cannabis activity lacked a license from any state or local authority.
- R. Any document related to the company's removal or modification of any review of any person engaged in commercial cannabis activity.
- S. Any and all documents that relate to the company's claim that it would cease advertising for persons engaged in commercial cannabis activity without a license.
- T. Any and all documents related to any transfer of any thing of value between the Company and

1. Any investor;
 2. Any state, local, or federal government employee or official;
 3. Any candidate for local, state, or federal office; or
 4. Any officer, director, or manager of the company.
- U. All documents related to DICA Distribution.
- V. All documents related to West Coast Cure LLC.
- W. Any and all payments made by the Company to the California Department of Tax and Feed Administration; specifically, provide information that includes the date, amount, purpose (sales tax, use tax, special tax, or fee payments), and identification (name and address) of the business for each payment. If payments were for sales tax, provide information related to the type and amounts of merchandise or products sold, and the business locations where the sales occurred.
- X. Any and all Documents related to any Security related to the Company.
- Y. Any and all documents related to agricultural chemicals or pesticides, including and mention of any Carbamate Insecticides (including Carbofuran, 3-hydroxycarbofuran, Methomyl, or Carbaryl), Organophosphorous Insecticides (including Methamidophos or Clorpyrifos), Pyrethrins (including Cyfluthrin, Bifenthrin, or Cypermethrin, Permethrin (trans), or Pyrethrins).
- Z. Any and all Documents related to whether any aspect of the Company's business was unlawful.
- AA. Any and all Documents related to the Company and any regulatory or law enforcement entity.
- BB. Complaints and Litigation. All documents relating to any complaint, litigation, or arbitration relating to the marketing of marijuana.
- CC. Record Retention Policies. All documents relating to your company's practices, policies, plans, or procedures concerning the retention, destruction, secrecy, or confidentiality of documents, including any instructions or suggestions (a) that documents be destroyed, altered, or removed from your company's files or that data be altered on, or deleted from, your company's computer system; (b) that documents be removed or transferred from the United States; or (c) that information should not be committed to writing or should not be retained in your company's files or stored on your company's computer system.

DD. Information Technology Unit. The following documents related to your company's information technology unit: (a) current organizational charts for your company's information technology ("IT") unit; (b) written policies related to document retention and management, along with documents sufficient to show the period in which the policy was in effect and whether the policy is enforced and by whom; and (c) any existing diagrams of your company's IT infrastructure.

EE. Website Data and Preservation. All data, including files, databases, tables, images, metadata, customer records, and communications, associated with the website www.weedmaps.com, and all computers, including servers, used by or associated with the website. Such data shall include: programming code; HTML, CSS, Javascript, image files, or other files; HTTP request and error logs; SSH, FTP, or Telnet logs showing connections related to the website and any other transactional information, including records of session times and durations, log files, dates and times of connecting, methods of connecting, and ports; MySQL, PostgreSQL, or other databases related to the website; email accounts and the contents thereof held by company employees; records of software that would allow others to control the server hosting the website. Further, the subpoena requires the Company to preserve all website data currently held by the company or agents for the company, including all backups of the website.

RULE 902(11) CERTIFICATE OF RECORDS OF REGULARLY CONDUCTED ACTIVITY

1. I am an employee of _____

My Title is _____.

In the course of my employment, I have access to customer-related records of my employer, and I am authorized to certify these records as a custodian of records.

2. Pursuant to federal Grand Jury Subpoena # 2018R00345 - 106, my employer has produced records to the U.S. Attorney's Office for the Eastern District of California, consisting of documents relating to the account(s) or person(s) listed below.

3. Pursuant to Federal Rule of Evidence 902(11), I certify that the records produced in response to Grand Jury Subpoena # 2018R00345 - 106 :

(A) 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; and

(B) Were kept in the course of my employer's regularly conducted activity; and

(C) Were made by the regularly conducted activity as a regular practice.

Under the penalties of perjury under the laws of the United States, I certify that the above is true and correct, and if called as a witness, I could competently testify thereto.

Executed on _____, at _____.

Name:

Title:

Account name(s) or number(s) for documents provided: _____

CERTIFICATE PROVIDED TO:
ATTN: MATTHEW D. SEGAL
The United States Attorney's Office
Eastern District of California
501 "I" Street, Suite 10-100
Sacramento, CA 95814

TRANSMISSION LETTER

For documents requested by
Grand Jury Subpoena

September 19, 2019

United States Attorney's Office
501 I Street, Ste 10-100
Sacramento, California 95814
Telephone: (916) 554-2803
Attn: Terrie Dixon

Re: *GJ Subpoena # 2018R00345 - 106*
AUSA MATTHEW D. SEGAL

Materials requested pursuant to the above grand jury subpoena:

- Are attached hereto;
- Were mailed under separate cover to the U.S. Attorney's Office on _____ (date);
- Were picked up by special agent on _____ (date);
- Were mailed under separate cover to a special agent on _____ (date);
- No record found;
- Other:

By: CUSTODIAN OF RECORDS

Ghost Management Group, LLC

Confidential
adorman@breckwatermgmt.com
2019-10-03 13:06:42 -0700

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* Ghost Management Group, LLC
was received by me on *(date)* 9/20/2019.

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:

Confidential
adurman@breakwatermgmt.com
2019-10-03 13:06:42 -0700