

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

United States District Court

FOR THE DISTRICT OF COLUMBIA

TO: Ad Surf Dailey, Inc.
c/o Jonathan Goodman
One Southeast Third Avenue, 25th Floor
Miami, FL 33131-1714
FAX: 305-374-5095

SUBPOENA TO TESTIFY BEFORE GRAND JURY

IN RE: POSSIBLE VIOLATION OF:
18 U.S.C. § 1343

SUBPOENA FOR: DOCUMENT(S) OR OBJECTS

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA United States Courthouse Third & Constitution, N.W. Washington, D.C. 20530	COURTROOM	3 rd Floor
	Grand Jury Number	
DATE AND TIME		Tuesday September 9, 2008 @ 9:00 a.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

Duces Tecum (Please bring with you/please furnish): **SEE ATTACHMENT.**

COMPLIANCE MAY BE MADE BY MAILING THE RECORDS VIA FEDERAL EXPRESS MAIL TO THE GRAND JURY VIA THE UNDERSIGNED ASSISTANT UNITED STATES ATTORNEY.

Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT
NANCY MAYER-WASHINGTON

DATE August 27, 2008

(By) Deputy Clerk

USAO # 2008R01294

SUBPOENA # 453303

Preparer LR

This subpoena is served upon the undersigned by the United States Marshal for the District of Columbia.



NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

VASU MUTHYALA, Assistant U.S. Attorney
United States Attorney's Office
555 Fourth Street, N.W., Room 5239
Washington, D.C. 20530 (202) 514-7521

* If not applicable, enter "none".

ATTACHMENT TO GRAND JURY SUBPOENA**Duces Tecum (Please bring with you/please furnish):****I. INSTRUCTIONS**

1. This subpoena requires a complete search of all documents and records in your possession or subject to your control, as well as documents or records in the possession of your agents, attorneys, auditors, employees, representatives, partnerships, trusts, corporations, officers, directors, subsidiaries or affiliates.
2. Unless noted otherwise, unaltered original documents and records shall be produced to the grand jury on the date shown on the subpoena and supported by the testimony of a qualified custodian of records who can authenticate the documents as business records.
3. Bates stamped numbers may be affixed to the documents or records produced to the grand jury; however, no additional alterations may be made on the face of the documents and records, including identifying markings, such as the company name, date of the subpoena or the identity or location of the grand jury issuing the subpoena.
4. Each and every document or record requested by this subpoena shall be produced in the manner in which it is or has been maintained in the ordinary course of business. If, by way of illustration, documents or records requested by this subpoena are or have been maintained in a folder, the documents or records requested shall be produced in the original folder.
5. If any document or record was, but no longer is, in your possession or subject to your control, whether actual or constructive, identify the document or record as completely as possible and provide the following information:
 - a. The manner of transfer/removal/disposal, including destruction, loss, discarding, or any other means of disposal;
 - b. The date of transfer/removal/disposal;
 - c. The reason for transfer/removal/disposal;
 - d. The person authorizing the transfer/removal/ disposal and the person transferring/removing/ disposing of the document or record;
 - e. The present custodian and location of the document or record; and

- f. If the document or record was destroyed, the date such document or record was destroyed, the procedure or policy pursuant to which such document or record was destroyed, and the identity of the last known custodian of such document or record prior to its destruction, and
- g. All of the memoranda, orders, minutes or other documents relating to such transfer/disposal or destruction.
6. In the event that any document or record responsive to this subpoena is to be withheld on the basis of any claim of privilege, as to each such document or record:
- a. Identify the nature of the privilege which is being claimed and all facts upon which any such privilege is based; and
- b. Provide the following information:
- (i) the type of document or record;
 - (ii) the subject matter of the document or record;
 - (iii) the date of the creation;
 - (iv) the author of the document or record, including the author's address, telephone number and employment capacity;
 - (v) the signatory of the document or record, if different from the author;
 - (vi) the addressee of the document, including the addressee's address and employment capacity;
 - (vii) where not apparent, the relationship of the author and the addressee to each other;
 - (viii) any other recipient of the document or record; and
 - (ix) the number of pages of the document or record.
7. Please provide an index of the documents and records produced. The index should identify the person, office and department from which the documents and records were obtained, and may include the Bates stamped number, if any, of such document or record. The index should also identify the paragraph(s) and subparagraph(s) of the subpoena to which the document or record is responsive.
8. No modification will be made to the terms of this subpoena except in writing.

II. DEFINITIONS

1. As used in this attachment, the terms "you" and "your" refer to ASD and includes any and all parent entities, affiliates, present and former subsidiaries, divisions, branches, predecessors or successors in interest, and all of your present and former officers, directors, partners, employees, agents and representatives, and any person purporting to act on behalf of any of the foregoing.
2. As used in this attachment, the term "ASD," refers to Ad Surf Daily Inc., and includes any and all parent entities, affiliates, present and former subsidiaries, divisions, branches, predecessors or successors in interest, including but not limited to the following: Ad Surf Daily Cash Generator, and La Fuente Dinero. The term ASD also includes any and all employees, agents, partnerships, corporations, LLCs, nominees, and representatives of ASD, and any person purporting to act on behalf of any of the foregoing.
3. As used in this attachment, the term "Andy Bowdoin" refers to Thomas Andy Bowdoin Jr., and includes any and all employees, agents, partnerships, corporations, LLCs, nominees, and representatives of Andy Bowdoin, and any person purporting to act on behalf of any of the foregoing.
4. As used in this attachment, the term "Clarence Busby" refers to Clarence Busby Jr., and includes any and all employees, agents, partnerships, corporations, LLCs, nominees, and representatives of Clarence Busby, and any person purporting to act on behalf of any of the foregoing.
5. As used in this attachment, the term "Golden Panda," refers to Golden Panda Ad Builder and includes any and all parent entities, affiliates, present and former subsidiaries, divisions, branches, predecessors or successors in interest. The term Golden Panda also includes any and all employees, agents, partnerships, corporations, LLCs, nominees, and representatives of Golden Panda, and any person purporting to act on behalf of any of the foregoing.
4. "Document" refers to each and every writing, of whatever nature, whether an original, a draft, or a copy, however produced, reproduced, or stored, whether manually, mechanically, electronically, electromagnetically or otherwise, and each and every tangible thing from which information can be processed or transcribed.
 - a. "Document" includes all drafts and versions, whether or not identical with the final document, and also includes all copies which are not identical with the original, whether or not different because of notes made on or attached to such copy or otherwise. The term "document" includes, but is not limited to, letters, telegrams, telexes, facsimiles, contracts, agreements, memoranda, e-mails, receipts, calendars, diaries, appointment books, personal files, telephone messages and message logs, notes, schedules, work sheets, books, pamphlets,

summaries, proposals, photographs, ledgers, statements, files, invoices, billing information, notebooks, checks, records of wire transfers or cash payments, charts, graphs, research materials, prospectuses, registration statements, and computer printouts and other computer-generated writings, or any similar item.

5. "Record" includes all tangible, written or non-written forms of expression in your possession, custody or control, including partial, preliminary and completed versions, however created, produced or stored, whether electronically, electromagnetically or otherwise, including, but not limited to, tape recordings, video recordings, magnetic tapes, disks, diskettes, disk packs, and other electronic media, microfilm, microfiche, and storage devices, or any similar item.
6. As used in this attachment, the term "concerning" means referring to, relating to, discussing, describing, mentioning, noting, studying, reflecting, evaluating, analyzing, summarizing, evidencing, memorializing or being relevant to in any way.
7. As used in this attachment, the terms "and" and "or" shall be construed as both disjunctive and conjunctive so as to bring within the scope of the attachment all responses that might otherwise be construed to fall outside its scope.
8. As used in this attachment, the term "all" shall be construed as each, any, every and all.
9. **You should not produce any materials that are not subject to production under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 et seq. Do not produce unretrieved electronic communications or unopened email.**

III. DOCUMENTS AND RECORDS TO BE PRODUCED

For the period July 1, 2006, to the present, produce any and all of the following documents and records within your possession, custody or control:

1. All documents and records concerning your incorporation and formation.
2. A list of all your employees and any organization charts.
3. All records including video and audio recordings from your rallies, meetings, conventions, and conference calls.
4. All documents concerning the sale and purchase of ad packages, including but not limited to list of individuals who purchased ad packages; the amount of funds you received; and the amount of rebates you provided.

5. All documents and records concerning any financial transaction with advertisers, including but not limited to contracts; proposed contracts; agreements; or payments.
6. All documents and records concerning any relationship or affiliation with advertisers, including but not limited to contracts; proposed contracts; agreements; or payments.
7. All documents and records concerning any oral or written communication to, from, with, about or copied to Clarence Busby or Golden Panda.
8. All documents and records provided to you by, or provided by you to Clarence Busby or Golden Panda.
9. All documents and records concerning any financial transaction by or with Clarence Busby or Golden Panda. Documents produced should include, but not be limited to: contracts; wire transfer instructions; wire transfer confirmations; all wire transfer documents and records; emails; agreements, letters of intent, contracts, correspondence; notes; copies of share certificates, deposit slips; deposit items; withdrawal slips; ledgers; spreadsheets; securities brokerage transaction confirmations; and memoranda.
10. All documents and records concerning any oral or written agreement or understanding between you and Clarence Busby or Golden Panda.
11. All documents and records concerning any payments made by you, to you, through you or on your behalf to Clarence Busby or Golden Panda.

DECLARATION OF CUSTODIAN OF RECORDS

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

My name is _____ of _____
(Name of Declarant) (Name of Business)

I am a United States citizen, and I am over 18 years of age. I am the _____ 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 am in receipt of a United States District Court Subpoena, signed by Assistant United States Attorney Vasu Muthyala, requesting specified records of the business named below. Attached hereto are records responsive to the subpoena. Pursuant to Rule 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

Are from _____ to _____, and are the records for _____ including the account number(s) _____
date date Name

- (1) 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;
- (2) were kept in the course of the regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

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

Executed on _____
(Date)

(Signature of Declarant)

(Name of Declarant)

(name of business)

(business address)

As defined in Fed. R. Evid. 803(6), "record" includes 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.

DECLARATION OF CUSTODIAN OF RECORDS

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

My name is _____ of _____
(Name of Declarant) (Name of Business)

I am a United States citizen, and I am over 18 years of age. I am the _____ 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 am in receipt of a United States District Court Subpoena, signed by Assistant United States Attorney Vasu Muthyala, requesting specified records of the business named below. Attached hereto are records responsive to the subpoena. Pursuant to Rule 902(11) and 803(6) of the Federal Rules of Evidence¹, I hereby certify that the records attached hereto:

Are from: _____ to _____, and are the records for _____ including the account number(s): _____
date date Name

- (1) 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;
- (2) were kept in the course of the regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

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

Executed on _____
(Date)

(Signature of Declarant)

(Name of Declarant)

(name of business)

(business address)

¹ As defined in Fed. R. Evid. 803(6), "record" includes 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.