

UNITED STATES DISTRICT COURT  
for the  
Northern District of California

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

TO: Napa County  
Attn: County Counsel  
1195 Third Street  
Suite 301  
Napa, CA 94559

**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 Court 450 Golden Gate Avenue San Francisco, CA 94102 Grand Jury Room A - 17th Floor	Date and Time:  February 14, 2024 at 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*): **Please see Attachment.**

Date: December 14, 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:

This subpoena is issued on application of the United States of America

Casey Boome and Helen L. Gilbert, AUSAs *Casey Boome*  
450 Golden Gate Avenue  
P.O. Box 36055 *Helen Gilbert*  
San Francisco, CA 94102  
(415) 436-7200

PATRICK D. ROBBINS  
Attorney for the United States

USAO No. 2021R00859-160 Wed GJ 22-1

## SUBPOENA ATTACHMENT

### RECIPIENT

Napa County  
Attn: County Counsel  
1195 Third Street  
Suite 301  
Napa, CA 94559

### INSTRUCTIONS

- A. This subpoena calls for the production of all responsive documents in the possession, custody, or control of Napa County ("Recipient") without regard to the physical location of the documents, and without regard to whether they were prepared by or for Recipient.
- B. This subpoena further seeks the testimony of Napa County before the grand jury.
- C. *Definition of "Document."* A "document" is anything that serves as the basis, proof, or support of something including, but not limited to, any writing, book, record, or other item conveying information, whether maintained on paper, electronically, or any other material; any communication, including all email messages, electronic calendars, electronic calendar invitations, text messages, messages sent through messaging platforms, voice recordings, voicemail or audio messages, social media posts or communications, and handwritten or mailed correspondence, including all documents in custodial files; any and all drafts of documents; any photograph, whether maintained on paper, film, or digitally; and any other material having on it representations of thoughts conveyed by letters, symbols, drawings, or other marks. "Document," as used herein, shall be construed expansively to include all possible forms.
- D. *Production of Paper Documents.* The grand jury would prefer that all documents be produced in an electronic or scanned form rather than in paper. If this is not possible, and documents are provided in a paper form, please keep copies of any documents that you wish to retain for your records and produce to the grand jury the original documents. All documents, whether in electronic, scanned, or paper form, should be sequentially numbered (bates numbered) with a two- or three-letter prefix identifying the Recipient. The prefix and sequential number should appear in the lower right-hand corner of each page, in a location that does not obscure any information on the document. Each page produced should be numbered in accordance with the preceding instruction, not just the first page of a document.
- E. *Preservation of Electronic Data.* As used in this subpoena, the definition of "document" includes data stored in any electronic form. Recipient should immediately take the following steps to ensure that it preserves all types of electronic data in any location within its computer systems that may be responsive to the subpoena.
- I. The following types of electronic data should be preserved, in accordance with the steps set forth below:

- a. All electronic mail, information about emails (including message contents, header information, and logs of email system usage), and any attachments, containing information responsive to the subpoena;
  - b. All other electronic communications (including but not limited to texts, internal and external messaging application messages and logs, and retained audio or voicemail recordings) containing information responsive to the subpoena;
  - c. All electronic calendars and scheduling programs containing information responsive to the subpoena;
  - d. All user-created files (including but not limited to word processing files, spreadsheets and slide presentations) containing information responsive to the subpoena;
  - e. All databases containing information responsive to the subpoena, such as sales, pricing, customer, accounting, billing and other financial information;
  - f. All logs of user activity on computer systems that may have been used to process or store electronic data containing information responsive to the subpoena; and
  - g. All other electronic data containing information that is responsive to the subpoena.
2. *Online Data Storage, Servers.* With regard to Recipient's servers, do not modify or delete any electronic data existing as of the date of the subpoena that meet criteria set forth above, unless a true and correct copy of each such electronic data file has been made and steps have been taken to ensure that this copy will be preserved and accessible for purposes of this grand jury investigation.
  3. *Offline Data Storage, Backups, Archives, other Removable Media.* With regard to all electronic media used for offline data storage, including but not limited to magnetic tapes and cartridges and other media that, at the date of this subpoena, contained any electronic data meeting the criteria listed in Paragraph E.1, above, stop any activity that may result in the loss of such electronic data, including rotation, destruction, overwriting and/or erasure of such media in whole or in part. This request is intended to cover all removable electronic media used for data storage in connection with Recipient's computer systems, including magnetic tapes and cartridges, magnetic or optical discs, external data storage drives, and all other media, whether containing active data, backup data, archived data, or any other electronic data, for all of Recipient's computer systems.
  4. *Replacement of Data Storage Devices.* Do not dispose of any electronic data storage devices and media that may be replaced due to failure and upgrade and other reasons that may contain electronic data meeting the criteria above.
  5. *Local User Hard Drives on Personal Computers, Hand-Held Devices.* With regard to electronic data meeting the criteria listed in Paragraph E.1, above, that existed on

personal stand-alone computers (including desktops, laptops, and home computers used to conduct your company's business) and hand-held devices (including iPhones, iPads, and similar devices) as of the date of this subpoena, do not alter or erase this electronic data, and do not perform other procedures (such as data compression and disk defragmentation, optimization routines, or reassignment of hard drives), which may affect this data, unless a true and correct copy has been made of these active files, copies have been made of all directory listings (including system files) for all directories and subdirectories containing these files, and arrangements have been made to preserve copies during the pendency of this grand jury investigation.

6. *Custom Designed Programs and Databases.* Preserve copies of all custom application programs and custom database programs that are used to process electronic data responsive to this subpoena.
7. *Log of System Modifications.* Maintain an activity log to document modifications made to any electronic data processing system that may affect the system's capability to process any electronic data meeting the criteria listed above, regardless of whether these modifications were made by employees, contractors, vendors and any other third parties.
8. If you wish, please contact the attorneys for the government listed herein to discuss the Recipient's obligation to preserve electronic data responsive to this subpoena.

F. *Format Requirements.* All responsive data and documents stored electronically or scanned documents should be produced in an electronic format, by secure file transfer, on an optical disc, or on an electronic storage device such as a hard drive, as follows:

*Images.* Documents should be produced as Group IV single page TIFF format files, imaged at 300 dpi. Each TIFF file shall be named with a unique file name matching the Bates number labeled on the corresponding page. The TIFF files shall be grouped into folders; there shall not be a separate folder created for each document.

*Image Load Files.* Documents should be accompanied by ".opt" and ".dat" image load files (Opticon cross reference file and Concordance load file).

*Document Text.* For scanned paper documents or documents originally stored as images, please provide OCR text. For documents stored as native electronic files produced without redactions, the extracted text from each document shall be provided. For documents that were originally stored as native electronic files and that have redactions, OCR text from the redacted images associated with each document shall be provided. Any redacted, privileged material will be clearly labeled to show the redactions on the TIFF image. Any OCR text or extracted text, the text shall be provided in a separate ".txt" file named with the beginning Bates number of the document.

*Special File Types.* Files that do not lend themselves to TIFF file format (e.g., Excel or other spreadsheet programs) may be produced in native format and named with a unique file name matching the Bates number of the corresponding slip-sheet that will be



included as a placeholder in the imaged TIFF format files (e.g., "ABC00001.xls"). The slip-sheet placeholder in the imaged TIFF format files shall indicate that the document is being provided in native format (e.g., "Produced in Native Format"). For database data responsive to this subpoena, please provide such data in a flat file, delimited ASCII format file. The first line of the file should show the column headers for each field of data included. Please provide us with the delimiters used between fields, between entries within a field, and for the end of record marker.

*Document Metadata.* Non-privileged extracted metadata for each document shall be provided, where available, in the form of a Concordance delimited ".dat" file and include the following fields:

<b>Beg_Bates</b>	The bates label of the first page of the document.
<b>End_Bates</b>	The bates label of the last page of the document.
<b>Beg_Attach</b>	The bates label of the first page of a family of documents (e.g., email and attachment).
<b>End_Attach</b>	The bates label of the last page of a family of documents.
<b>Subject</b>	The subject of an email or the filename of an attachment or standalone e-file.
<b>Time_Zone</b>	The time zone used to process the document.
<b>Sent_Date</b>	For email, the sent date of the message.
<b>Sent_Time</b>	For email, the sent time of the message.
<b>Create_Date</b>	For e-files or attachments, the document's creation date or operating system creation date.
<b>Create_Time</b>	For e-files or attachments, the document's creation time or operating system creation time.
<b>Modified_Date</b>	For e-files or attachments, the document's last modified date or operating system last modified date.
<b>Modified_Time</b>	For e-files or attachments, the document's last modified time or operation system last modified time.
<b>Author</b>	The author of a stand-alone e-file or attachment.
<b>From</b>	The sender of an email message.
<b>To</b>	The recipient(s) of an email message, in a semi-colon delimited multi-value list.
<b>CC</b>	The copyee(s) of an email message, in a semi-colon delimited multi-value list.
<b>BCC</b>	The blind copyee(s) of an email message, in a semi-colon delimited multi-value list.
<b>Custodian</b>	The custodian in whose file the document was found.
<b>MD5 Hash</b>	
<b>File Name</b>	
<b>File Size</b>	

G. *Security.* All submissions of electronic data must be free of computer viruses and malware. In addition, any passwords protecting documents or files must be removed or provided when responding to the subpoena.

H. *Claims of Privilege.* For each document or portion thereof withheld under a claim of privilege, Recipient shall provide a statement including (1) the basis on which the privilege is claimed; (2) the document request in this subpoena to which the document is responsive; (3) identification of the withheld document or portion of document by author, Recipient, date, number of pages, and subject matter; (4) each person to whom the withheld material was sent; and (5) each person to whom the withheld material or its contents, or any part thereof, were disclosed. Any document or part of a document withheld under a claim of privilege must be preserved.

I. If any portion of any document is responsive to the subpoena, then the entire document must be produced, including all supporting, underlying, or explanatory documents and all attached, annexed, or appended documents. If a document contains privileged material, the entire document shall be produced, with the privileged material redacted and documented in the manner set forth above.

J. Use of the singular or the plural in this subpoena of documents should not be deemed a limitation, and the use of the singular should be construed to include, where appropriate, the plural. The conjunctive form "and" and the disjunctive form "or" are mutually interchangeable and encompass each other. "Any" and "all" are mutually interchangeable and encompass each other. "And," "or," "any," and "all" as used herein are terms of inclusion and not exclusion.

K. Any agreement or stipulation to modify, limit, or otherwise amend the scope of this subpoena shall be set forth or confirmed in writing.

#### NOTICE CONCERNING OBSTRUCTION

Any person who withholds, alters, or destroys documents demanded by this subpoena, removes documents to outside the jurisdiction of the United States, or unjustifiably refuses to produce any demanded document that is within such person's possession, custody, or control may be subject to criminal prosecution for obstruction of justice, contempt of court, or other federal criminal violations. Conviction of any of these offenses is punishable by fine, imprisonment, or both.

#### RELEVANT TIME PERIOD

The relevant time period covered by this subpoena is from January 1, 2016 to the date of this subpoena, unless another time period is noted in the individual requests for documents included below.

## REQUEST FOR DOCUMENTS

Please provide any and all documents relating to the following individuals, entities, and/or projects, including not limited to, correspondence, permits, plans, contracts, and any other documentation submitted to or from the individuals and/or entities listed below:

1. Road pavement projects in Atlas Peak region of Napa Co
2. James Peter Read
3. Circle R. Ranch, LLC
4. Rocking R Ranch, LLC
5. Foss Valley Ranch, LLC
6. George Altamura Sr.
7. George Altamura Jr.
8. Altamura Enterprises
9. George Altamura Jr. LLC
10. Craig Hall
11. Kathryn Hall
12. Hall Brambletree Associates Ltd.
13. Hall Wines LLC
14. Vinedos AP, LLC
15. Esteban Llamas
16. Charles J. Wagner, aka Chuck Wagner
17. Charles F. Wagner, aka Charlie Wagner
18. Caymus Vineyards
19. Caymus-Suisun Winery LLC
20. Mer et Soleil LLC
21. Terrence McGrath
22. McGrath Properties Inc.
23. American Canyon LLC
24. Jayson Woodbridge
25. Hundred Acre Winery
26. Grant Long Jr.
27. Aonair Wine
28. Reverie II
29. Darioush Winery
30. Darioush Khaledi
31. Alpha Omega Winery
32. Robin Baggett
33. Bloodlines Vineyards
34. David "Dave" Phinney
35. Antica Napa Valley
36. Glenn Salva
37. Antinori Napa Valley

38. Antinori California, Inc.
39. Pacific Hospitality Group Ventures
40. Meritage Resort

#### CONTACT INFORMATION

If you wish to comply voluntarily rather than appear before the Grand Jury, please produce the responsive documents on or before the return date of the subpoena by delivering the documents to the federal agent at the address below:

Federal Bureau of Investigation  
Attn: Special Agent Katherine Ferrato  
450 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102  
(925) 786-0018  
kferrato@fbi.gov

#### QUESTIONS

If you have questions about this subpoena, please contact: Assistant United States Attorneys Helen Gilbert at (415) 629-4630 or Casey Boome at (415) 377-0568.



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 am in receipt of a United States District Court Grand Jury Subpoena for the Northern District of California, signed by Assistant U.S. Attorneys Casey Boome and Helen L. Gilbert, requesting specified records of the business named below. Attached hereto are records responsive to the subpoena. Pursuant to Federal Rule of Evidence 902(11) and Federal Rule of Evidence 803(6), I hereby certify that the records attached hereto:

(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 \_\_\_\_\_

\_\_\_\_\_  
(signature of declarant)

\_\_\_\_\_  
(name of declarant)

\_\_\_\_\_  
(name of business/firm)

\_\_\_\_\_  
(business address)

\_\_\_\_\_

\_\_\_\_\_