

UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Dare County Board of Commissioners

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: Terry Sanford Federal Building 310 New Bern Avenue, Raleigh, NC 27601	Date and Time: October 16-18, 2024; 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*):

Date: 10/02/2024



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:

Dennis M. Duffy
Assistant United States Attorney
150 Fayetteville St.; Suite 2100
Raleigh, NC 27601
(919) 830-4530

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
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:

**ATTACHMENT TO GRAND JURY SUBPOENA
TO DARE COUNTY BOARD OF COMMISSIONERS
(October 16-18, 2024-Raleigh, NC)**

You are commanded to produce the following documents, records, or other tangible objects, wherever located, which meet any one or more of the following specifications. To the extent you have questions or need clarification regarding any requested material, please contact the FBI Agent Caleb Jobe at (252) 353-3140.

INSTRUCTIONS

For purposes of this federal grand jury subpoena, the terms listed below shall be defined as follows:

A. Unless otherwise stated, “period in question” means from January 1, 2018, through to the date you receive this subpoena.

B. “You” and “your” includes the person or entity subpoenaed and any nominee, agent, partner, independent contractor, or employee of such person or entity.

C. “Relevant parties” and “relevant party” includes the follow persons and entities, and any person or nominee representing them:

1. Banbridge, LLC;
2. Coastal Affordable Housing, LLC;
3. Bill Cook;
4. DWFHP, LLC;
5. EJE Dredging Service, LLC;
6. Robert W. Ferris
7. James Jordan Hennessy;
8. Juristrat, LLC;
9. Metcon Construction;
10. Pamlico Management Group, LLC;
11. Donnie Potter;
12. SOAR Capital, LLC;
13. Aaron K. Thomas;
14. United States Army Corps of Engineers;
15. Marion R. Warren; and
16. Judson Whitehurst.

D. “Document(s)” and “record(s)” shall be defined in the customary, broad sense of such words, including, without limitation, the following items, whether printed or reproduced by any process or written and/or produced by hand: all tangible

U.S. ATTORNEY'S ADVICE TO GRAND JURY WITNESSES

I WOULD LIKE TO PROVIDE YOU WITH SOME BACKGROUD INFORMATION CONCERNING YOUR APPEARANCE BEFORE THE GRAND JURY.

THE GRAND JURY CONSISTS OF SIXTEEN TO TWENTY-THREE PERSONS 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 OR TESTIMONY IS BEING PRESENTED. THIS MEANS THAT THE ONLY PERSONS WHO MAY BE PRESENT WHILE TESTIMONY IS BEING GIVEN ARE MEMBERS OF THE GRAND JURY, ATTORNEYS FOR THE GOVERNMENT, THE WITNESS UNDER EXAMINATION, AN INTERPRETER WHEN NEEDED, AND A STENOGRAPHER OR OPERATOR OF A RECORDING DEVICE FOR THE PURPOSE OF TAKING THE EVIDENCE.

AS A GRAND JURY WITNESS, YOU WILL BE ASKED TO TESTIFY AND ANSWER QUESTIONS CONCERNING POSSIBLE VIOLATIONS OF FEDERAL CRIMINAL LAW, TO WIT:

THE PUBLIC THROUGH THE GRAND JURY HAS A RIGHT TO EVERY PERSON'S EVIDENCE, EXCEPT WHERE A PRIVILEGE, SUCH AS THE PRIVILEGE AGAINST SELF-INCRIMINATION WOULD APPLY AND YOU CHOOSE TO ASSERT THAT PRIVILEGE.

THE MERE FACT THAT YOU HAVE BEEN SERVED WITH A SUBPOENA TO TESTIFY BEFORE A GRAND JURY SHOULD NOT BE TAKEN AS ANY IMPLICATION OR SUGGESTION THAT THE PERSON SUBPOENAED IS LIKELY TO BE CHARGED (INDICTED) WITH THE CRIME UNDER INVESTIGATION.

DURING YOUR APPEARANCE AS A WITNESS BEFORE THE GRAND JURY, YOU WILL BE EXPECTED TO ANSWER ALL QUESTIONS ASKED OF YOU, EXCEPT TO THE EXTENT THAT A TRUTHFUL ANSWER TO A QUESTION MAY TEND TO INCRIMINATE YOU, AND YOU CHOOSE TO ASSERT YOUR 5th AMENDMENT RIGHT. AN UNTRUTHFUL ANSWER TO ANY QUESTION MAY BE THE BASIS FOR PROSECUTING THE UNTRUTHFUL WITNESS FOR PERJURY. ANYTHING THAT YOU SAY MAY BE USED AGAINST YOU BY THE GRAND JURY OR MAY LATER BE USED AGAINST YOU IN COURT.

YOU MAY CONSULT YOUR ATTORNEY BEFORE TESTIFYING; YOU MAY HAVE YOUR ATTORNEY OUTSIDE OF THE GRAND JURY ROOM, AND IF YOU DESIRE, YOU WILL BE AFFORDED A REASONABLE OPPORTUNITY TO STEP OUTSIDE THE GRAND JURY ROOM TO CONSULT WITH YOUR ATTORNEY BEFORE ANSWERING ANY QUESTION.

IF YOU HAVE ANY QUESTIONS CONCERNING THE GENERAL SUBJECT MATTER OF YOUR APPEARANCE, OR OTHER QUESTIONS, YOU MAY CONTACT SPECIAL AGENT CALEB JOBE AT (252) 353-3140.

forms of expression in any language or format, notes, correspondence, communications of any nature, telegrams, memoranda, notebooks of any character, summaries or records of personal conversations, reports, publications, invoices, specifications, charts, drawings, photographs, sketches, minutes or records of meetings, reports and/or summaries of interviews, reports and/or summaries of investigations, agreements, reports and/or summaries of negotiations, drafts of any document, and revisions of drafts of any documents, photographs, motion pictures, tape or video recordings, data stored in any form of electronic or other media, electronic mail, text messages, electronically stored information, or other data compilations of any kind.

E. “Communication(s)” means any transmission or exchange of information orally, through non-verbal means, or in writing. This definition includes, without limitation, recorded calls, voice messages, letters, memoranda, audio recordings, video-recorded communications (verbal or nonverbal), communications through the use of computers or social media (including, without limitation, Facebook, Instagram, Twitter, LinkedIn, Snapchat, Pinterest, and WhatsApp).

F. “Payment(s)” includes, without limitation, a transfer of anything of value including, without limitation, cash, bank check, money order, cashier’s check, wire transfer of funds, and transfer of something of value (whether United States currency or crypto currency) through the use of Venmo, PayPal, Cash App, Bitcoin, or any other digital service.

G. “Relates to,” “related to,” and “relating to” means documents, records, and/or a tangible item that support, constitute, form the basis of, memorialize, or evidence the information otherwise described or requested.

H. To the extent that the original version of any of the responsive material is maintained in electronic format, you are requested to produce a genuine copy of the electronic data in its native format. For example, if emails and attachments are maintained in Outlook format, responsive emails should be produced in a .PST or compatible file format that maintains the integrity of all metadata for the email and any attachments.

REQUESTED MATERIAL

A. All documents and records relating to payment(s) by you to a Relevant Party(ies).

B. All documents and records relating to communications with a Relevant Party(ies), including, without limitation, communications relating to contract bids,

financial statements, budgets, and other records pertaining to the contract award to and later work performed by EJE Dredging Services, LLC (“EJE Dredging”).

C. All documents and records relating to the contract entered into with EJE Dredging for the purpose of implementing a dredging program pursuant to North Carolina Session Law 2018-5, Senate Bill 99, and any later legislation relating thereto, including, without limitation, documents relating to any Request for Proposal (“RFP”), draft versions of RFP, bids for the contract, the contract(s) with EJE Dredging (and all draft versions of such contract), Army Corps of Engineer’s permits, funds received from North Carolina, invoices from EJE Dredging, permit violation notice/complaints received from Army Corps of Engineers, and payments made to EJE Dredging.

D. All documents and records relating to the pre-development contract (or any other contracts) entered into with Coastal Affordable Housing, LLC, including, without limitation, documents relating to any Request for Proposal (“RFP”), draft versions of RFP, bids for the contract, the contract(s) with Coastal Affordable Housing, LLC (and all draft versions of such contract), funds received from North Carolina, invoices from Coastal Affordable Housing, LLC, and payments made to Coastal Affordable Housing, LLC.

UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Oregon Inlet Task Force

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: Terry Sanford Federal Building 310 New Bern Avenue, Raleigh, NC 27601	Date and Time: October 16-18, 2024; 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*):

Date: 10/02/2024



CLERK OF COURT

[Handwritten Signature]
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:
Dennis M. Duffy
Assistant United States Attorney
150 Fayetteville St.; Suite 2100
Raleigh, NC 27601
(919) 830-4530

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
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:

ATTACHMENT TO GRAND JURY SUBPOENA
TO OREGON INLET TASK FORCE
(October 16-18, 2024-Raleigh, NC)

You are commanded to produce the following documents, records, or other tangible objects, wherever located, which meet any one or more of the following specifications. To the extent you have questions or need clarification regarding any requested material, please contact the FBI Agent Caleb Jobe at (252) 353-3140.

INSTRUCTIONS

For purposes of this federal grand jury subpoena, the terms listed below shall be defined as follows:

A. Unless otherwise stated, “period in question” means from January 1, 2018, through to the date you receive this subpoena.

B. “You” and “your” includes the person or entity subpoenaed and any nominee, agent, partner, independent contractor, or employee of such person or entity.

C. “Relevant parties” and “relevant party” includes the follow persons and entities, and any person or nominee representing them:

1. Bill Cook;
2. EJE Dredging Service, LLC;
3. James Jordan Hennessy;
4. Juristrat, LLC;
5. Pamlico Management Group, LLC;
6. Donnie Potter;
7. United States Army Corps of Engineers;
8. Marion R. Warren; and
9. Judson Whitehurst.

D. “Document(s)” and “record(s)” shall be defined in the customary, broad sense of such words, including, without limitation, the following items, whether printed or reproduced by any process or written and/or produced by hand: all tangible forms of expression in any language or format, notes, correspondence, communications of any nature, telegrams, memoranda, notebooks of any character, summaries or records of personal conversations, reports, publications, invoices, specifications, charts, drawings, photographs, sketches, minutes or records of meetings, reports and/or summaries of interviews, reports and/or summaries of investigations, agreements, reports and/or summaries of negotiations, drafts of any document, and revisions of drafts of any documents, photographs, motion pictures,

tape or video recordings, data stored in any form of electronic or other media, electronic mail, text messages, electronically stored information, or other data compilations of any kind.

E. “Communication(s)” means any transmission or exchange of information orally, through non-verbal means, or in writing. This definition includes, without limitation, recorded calls, voice messages, letters, memoranda, audio recordings, video-recorded communications (verbal or nonverbal), communications through the use of computers or social media (including, without limitation, Facebook, Instagram, Twitter, LinkedIn, Snapchat, Pinterest, and WhatsApp).

F. “Payment(s)” includes, without limitation, a transfer of anything of value including, without limitation, cash, bank check, money order, cashier’s check, wire transfer of funds, and transfer of something of value (whether United States currency or crypto currency) through the use of Venmo, PayPal, Cash App, Bitcoin, or any other digital service.

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H. To the extent that the original version of any of the responsive material is maintained in electronic format, you are requested to produce a genuine copy of the electronic data in its native format. For example, if emails and attachments are maintained in Outlook format, responsive emails should be produced in a .PST or compatible file format that maintains the integrity of all metadata for the email and any attachments.

REQUESTED MATERIAL

A. All documents and records relating to payment(s) by you to a Relevant Party(ies).

B. All documents and records relating to communications with a Relevant Party(ies), including, without limitation, communications relating to contract bids, financial statements, budgets, and other records pertaining to the contract award to and later work performed by EJE Dredging Services, LLC (“EJE Dredging”).

C. All documents and records relating to the contract entered into with EJE Dredging for the purpose of implementing a dredging program pursuant to North Carolina Session Law 2018-5, Senate Bill 99, and any later legislation relating thereto, including, without limitation, documents relating to any Request for Proposal (“RFP”), draft versions of RFP, bids for the contract, the contract(s) with

EJE Dredging (and all draft versions of such contract), Army Corps of Engineer's permits, funds received from North Carolina, invoices from EJE Dredging, permit violation notice/complaints received from Army Corps of Engineers, and payments made to EJE Dredging.

INSTRUCTIONS FOR COMPLYING WITH A FEDERAL SUBPOENA

You have been served with a federal subpoena. This means that you must appear and testify, either at trial or in the grand jury. Your compliance with the subpoena is not optional, and failure to do so could result in court action against you.

To satisfy your obligations under the subpoena, you must appear and provide testimony during the session of court that is written on your subpoena. The subpoena may also require you to bring certain documents with you when you come to court. Your subpoena will include specific instructions about what you must do fully comply with the subpoena. The following sections of the document you are reading also provide answers to frequently asked questions that will assist you to fully comply with your obligations to the court.

Who can I contact with questions about this subpoena? For all questions regarding this subpoena, including your obligations, what you must bring, when to appear, what to wear, how to arrange travel, etc., you should immediately call your point of contact identified below. Have your subpoena with you when you call.

Point of Contact Name, Office:	Special Agent Caleb Jobe
Point of Contact Phone:	<u>(252) 353-3140</u>
Alternate Contact:	_____
Alternate Contact Phone:	_____

When must I appear in court? Although the subpoena lists a term of court during which you must appear, the exact time that you will need to appear will be known only by the party that served you with the subpoena. In this case, an attorney in the United States Attorney's Office for the Eastern District of North Carolina subpoenaed you. You should immediately contact the point of contact identified at the number above to get the most up to date information about when and where to appear. *Do not travel or come to court without first making contact with the person identified above at the number listed above.*

I am employed. Do I still have to come to court? Employment does not excuse you from appearing during the term of court identified in your subpoena. Your employer may not penalize you for complying with a federal subpoena. The point of contact identified above can provide assistance, if needed, in proving to your employer that your attendance at court is mandatory. You will also be entitled to a witness fee and reimbursement of certain other costs described in this document.

When will I be allowed to leave court? Your subpoena is an "Order of the Court" which commands your appearance and is a continuing obligation until the completion of the entire trial or hearing. Please note, however, that witnesses are not usually required to attend the entire trial, and the attorney for the United States can request for you to be excused. Do not leave court without the express approval of the attorney for the United States who issued the subpoena for your appearance, or the point of contact identified above.

How do I get to court and where will I stay? In some instances, you must appear at a court located away from your home or place of business. The United States can arrange and pre-pay your necessary lodging, bus, air, train, and other reservations. Please remember that a mere lack of funds, credit cards, transportation, or other hardships will not excuse you from appearing to provide testimony. The United States can make arrangements to assist you in complying with the subpoena, however you must call the point of contact identified above to request this assistance. If you do not call, no assistance will be provided, and you will be expected to appear as required at your own expense and efforts.

Where do I go when I get to court? Do not go directly to the courtroom. You should report to the United States Attorney's Office each and every day you are required to attend. Locations and court schedules change frequently. The United States Attorney's Office and the point of contact above will assist you to arrive at the right courtroom and the proper time.