

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Statesville Division**

UNITED STATES OF AMERICA,

v.

GREG E. LINDBERG, *et al.*,

*Defendants.*

**No. 5:19-cr-22-MOC**

**MOTION OF GREG E. LINDBERG FOR ISSUANCE OF RULE 17(c) SUBPOENAS**

For reasons stated in the accompanying memorandum, defendant Greg E. Lindberg respectfully moves this Court for an order issuing the requested Rule 17(c) Subpoenas.

Dated: November 6, 2019

Respectfully submitted,

/s/ Brandon McCarthy  
Brandon McCarthy (admitted *pro hac vice*)  
KATTEN MUCHIN ROSENMAN LLP  
1717 Main Street, Suite 3750  
Dallas, TX 75201  
214-765-3600  
brandon.mccarthy@katten.com

Jeffrey C. Grady  
N.C. State Bar No. 32695  
KATTEN MUCHIN ROSENMAN LLP  
550 South Tryon Street, Suite 2900  
Charlotte, North Carolina 28202  
704-444-2036  
jeff.grady@katten.com

*Counsel for Defendant Greg Lindberg*

**CERTIFICATE OF CONFERENCE PURSUANT TO  
LOCAL CRIMINAL RULE 47.1(b)**

Counsel for Greg E. Lindberg has conferred with the government and the government is opposed to the motion.

Dated: November 6, 2019

Respectfully submitted,

/s/ Brandon McCarthy  
Brandon McCarthy (admitted *pro hac vice*)  
KATTEN MUCHIN ROSENMAN LLP  
1717 Main Street, Suite 3750  
Dallas, TX 75201  
214-765-3600  
brandon.mccarthy@katten.com

*Counsel for Defendant Greg Lindberg*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2019, I electronically filed the foregoing Motion of Greg E. Lindberg for Issuance of Rule 17(c) Subpoenas with the Clerk of Court using the CM/ECF system which will send notification to counsel of record.

Dated: November 6, 2019

Respectfully submitted,

/s/ Brandon McCarthy  
Brandon McCarthy (admitted *pro hac vice*)  
KATTEN MUCHIN ROSENMAN LLP  
1717 Main Street, Suite 3750  
Dallas, TX 75201  
214-765-3600  
brandon.mccarthy@katten.com

*Counsel for Defendant Greg Lindberg*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Statesville Division**

UNITED STATES OF AMERICA,

v.

GREG E. LINDBERG, *et al.*,

*Defendants.*

**No. 5:19-cr-22-MOC**

**MEMORANDUM IN SUPPORT OF MOTION OF GREG E. LINDBERG FOR  
ISSUANCE OF RULE 17(c) SUBPOENAS**

Pursuant to Federal Rule of Criminal Procedure 17(c), defendant Greg E. Lindberg moves for the issuance of subpoenas ordering the North Carolina Department of Insurance (“NCDOI”) to produce certain communications and documents regarding Mr. Lindberg and his companies. A proposed subpoena is attached as Exhibit 1.

These communications are critical to the preparation of Mr. Lindberg’s defense. Count One of the Indictment alleges that Mr. Lindberg conspired to commit Honest Services Wire Fraud. *See generally* Indictment. Specifically, the prosecution alleges that Mr. Lindberg conspired with the other named defendants to donate money to the campaign of Mike Causey, the Commissioner of the NCDOI, in exchange for the removal of an employee in charge of regulating Mr. Lindberg’s companies—Jackie Obusek. *Id.* Mr. Lindberg, along with other defendants, allegedly met with Mr. Causey “surreptitiously” to request the removal of Ms. Obusek in exchange for “millions of dollars in campaign contributions.” *Id.* at ¶ 15. In fact, Ms. Obusek, potentially at Mr. Causey’s direction, had been targeting Mr. Lindberg and his companies in an unfair manner, by “deliberately and intentionally and maliciously hurting [Mr. Lindberg’s] reputation with other regulators,” and “lying to [Mr. Causey]” to further damage Mr. Lindberg’s standing and reputation. *Id.* at ¶ 31. While it is perfectly reasonable that Mr. Lindberg would desire to move beyond working with someone behaving like Ms. Obusek, it

was Mr. Causey who supervised Ms. Obusek and asked Mr. Lindberg “[w]hat’s in it for me” when Mr. Lindberg sought assistance with Ms. Obusek. *Id.* at ¶ 38. An obvious potential defense at trial will be that any actions undertaken by Mr. Lindberg were motivated by his desire to mitigate NCDOT’s unfair handling of his business—affected by the seemingly malicious efforts of Mr. Causey, Ms. Obusek, and Deputy Commissioner Michelle Osborne—and that any alleged exchange was a part of a scheme originated and designed by Mr. Causey and his associates. That scheme ultimately was used to improperly induce the government to investigate the defendant in order to remove the defendant as a political opponent of Mr. Causey’s, and to improperly induce the defendants’ actions.<sup>1</sup>

In addition, as described above, Mr. Lindberg will need to demonstrate to the jury why Ms. Obusek should have been removed. These documents would further corroborate the claim that Ms. Obusek was tarnishing Mr. Lindberg’s name and creating unnecessary obstacles during routine financial examinations of his companies.

It’s perfectly reasonable for Mr. Lindberg to receive evidence that may indicate Mr. Causey directed Ms. Obusek and others to undermine Mr. Lindberg and his businesses. And it’s vital that defense counsel know if Mr. Causey’s motivation in undermining Mr. Lindberg was the fact that, as Mr. Causey has said publicly, Mr. Lindberg “was a man that was not on my team when I was running,” and “[h]e was a major fundraiser for my opponent.”<sup>2</sup> The defense should know if Mr. Causey’s political vendetta against Mr. Lindberg was Mr. Causey’s primary motive in inducing the Government to investigate Lindberg. Evidence of a political vendetta supports the defense that any alleged exchange was part of a plan originated and designed by Mr. Causey to remove Lindberg as a political opponent.

---

<sup>1</sup> Note that in *Mathews v. United States*, 485 U.S. 58, 62 (1988), the Court held that a defendant who denies commission of the crime is still entitled to an entrapment instruction as long as there is sufficient evidence from which a reasonable jury could find entrapment.

<sup>2</sup> David Larson, *Chairs of Major Political Parties at Center of Insurance Scandal*, North State Journal (Apr. 10, 2019), <https://tinyurl.com/y3hzwja6>.

Likewise, the defense should know if Mr. Causey directed Ms. Obusek to begin “deliberately and intentionally and maliciously hurting [Mr. Lindberg’s] reputation with other regulators.” After all, Ms. Obusek had written a letter of support for Mr. Lindberg to the National Association of Insurance Commissioners just 10 months before Mr. Causey came into office, and had numerous cooperative email exchanges with Mr. Lindberg as recently as December of 2016, one month before Mr. Causey came into office. Evidence of Mr. Causey’s and Ms. Obusek’s communications on such matters are critical to Mr. Lindberg’s defense. In order to fully develop this defense, Mr. Lindberg requires documents in the possession of the NCDOI that discuss their internal deliberations regarding him and his companies, during the relevant time period. For the reasons set forth below, Mr. Lindberg respectfully requests that the Court exercise its discretion under Fed. R. Crim. P. 17(c) to order these documents produced by November 25, 2019 to provide Mr. Lindberg adequate time to inspect the documents and prepare his defense. Trial is set for February 18, 2020. (Dkt. No. 79).

### **ARGUMENT**

“Rule 17(c) implements the Sixth Amendment guarantee that an accused have compulsory process to secure evidence in his favor.” *In re Martin Marietta Corp.*, 856 F.2d 619, 621 (4th Cir. 1988).

More specifically, the defendant must show:

- (1) that the [materials sought] are evidentiary and relevant;
- (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence;
- (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and
- (4) that the application is made in good faith and is not intended as a general “fishing expedition.”

*United States v. Caro*, 597 F.3d 608, 620 (4th Cir. 2010) (quoting *United States v. Nixon*, 418 U.S. 683, 699 (1974), in turn citing *United States v. Iozzia*, 13 F.R.D. 335, 338 (S.D.N.Y. 1952)). The *Nixon* Court conflated the four-part test from prior case law into the three-part test discussed herein. *Id.* Therefore, pre-trial production should be ordered if the requesting party carries its burden of showing that

documents sought are relevant, admissible, and specific. *In re Martin Marietta Corp.*, 856 F.2d 619, 700 (4th Cir. 1988); *see also United States v. Wai Lun Ng*, 2007 WL 3046215, at \*1 (W.D.N.C. Oct. 16, 2007) (Judge Voorhees, presiding); *United States v. Beckford*, 964 F. Supp. 1010, 1022 (E.D. Va. 1997).

Mr. Lindberg's proposed Rule 17(c) subpoena, attached here as Exhibit 1 to his Motion, satisfies this test.

#### **A. Relevancy**

Evidence is "relevant" if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Fed. R. Evid. 401; *see United States v. Byers*, 649 F.3d 197, 208 (4th Cir. 2011).

The allegations in the Indictment center around actions that Mr. Lindberg and other defendants allegedly took in order to alleviate some of the barriers they faced in NCDOJ's regulation. *See* Indictment at ¶ 4. As previously discussed, the Government alleges that Mr. Lindberg and his associates devised a plan to replace Ms. Obusek with a staffer more favorable to Mr. Lindberg and his companies. *See generally* Indictment. The requested information is relevant to support Mr. Lindberg's potential affirmative defense of entrapment. Mr. Lindberg must prove that the government induced him to commit the crime charged and that he lacked the predisposition otherwise to commit the crime. *See United States v. Slight*, 142 F.3d 761, 762 (4th Cir. 1998). Through the prosecution's production and review of his own records, Mr. Lindberg has been able to review external communications between himself, his companies, and the NCDOJ. However, it is imperative that he also be able to review and analyze the deliberative process conducted at NCDOJ with regard to these communications to prove the government's entrapment scheme at trial. As such, communications between Mr. Causey and his staff regarding Mr. Lindberg, his companies, and his associates are both relevant and necessary to develop Mr. Lindberg's defense.

These documents are also necessary to corroborate Mr. Lindberg’s claim of biased actions, by NCDOI personnel (namely Mr. Causey, Ms. Obusek, and Ms. Osborne) against Mr. Lindberg and allow him to explain his motivation in discussing Ms. Obusek’s potential removal with Mr. Causey. *See* Indictment at ¶ 31. These documents are also necessary to show the animus that Mr. Causey held against Mr. Lindberg, prior to coming into office as the Commissioner in January 2017. Mr. Causey ran for NCDOI Commissioner against incumbent Wayne Goodwin. It was public information that Mr. Lindberg and his associates were some of Mr. Goodwin’s biggest supporters.<sup>3</sup> Lindberg and executives of his companies donated to a PAC that ran pro-Goodwin ads in 2016. Accordingly, Mr. Causey took office with knowledge that Mr. Lindberg – the owner of companies he, as Commissioner, would regulate — publicly opposed his election to office. Documents that would likely reveal relevant evidence to support the formation of a party’s defense, such as explaining Mr. Lindberg’s motivation in his discussions with Mr. Causey, are sufficiently relevant under *Nixon*. *See United States v. Hamlin*, 2016 U.S. Dist. LEXIS 15387, at \*5-6 (D. Md. 2016) (“The remainder of the information sought is sufficiently specific and will likely reveal relevant evidence regarding the circumstances surrounding the execution of the search warrant and Defendant’s arrest; as such, the information is necessary to Defendant’s formulation of his trial strategy for both the hearing on his pretrial motions and the trial.”). Because the information is sought to establish Mr. Lindberg’s defense by bolstering evidence of Mr. Causey’s and Ms. Obusek’s bias and explaining his motivation in the conversations central to the Government’s case, the documents are sufficiently relevant.

## **B. Admissibility**

Mr. Lindberg has also made a “sufficient preliminary showing” that the requested communications contain evidence that would be usable at trial. *Nixon*, 418 U.S. at 700. Courts have

---

<sup>3</sup> See campaign finance records for Wayne Goodwin and the North Carolina Opportunity Committee at: <https://www.ncsbe.gov/Campaign-Finance/Report-Search>.

recognized that “it will often be difficult at the pretrial stage to determine with precision the admissibility of certain documents; therefore, if a document is arguably relevant and admissible . . . , the Nixon ‘evidentiary’ requirement is likely satisfied.” *United States v. Libby*, 432 F. Supp. 2d 26, 31 (D.D.C. 2006); *see also United States v. Orena*, 883 F. Supp. 849, 868 (E.D.N.Y. 1995) (approving subpoena for hearsay documents that were “at least potentially admissible”).

Here, many of the communications and documents should be admissible, at the least, for impeachment purposes. Although “the need for evidence to impeach witnesses is [generally] insufficient to require its production in advance of trial,” *Nixon*, 418 U.S. at 701, this rule is relaxed “when a person is almost certain to testify as a witness at trial and there is an indication of what the testimony will be.” *United States v. Wittig*, 250 F.R.D. 548, 553 (D. Kan. 2008) (citing *Libby*, 432 F. Supp. 2d at 36); *see also United States v. LaRouche Campaign*, 841 F.2d 1176, 1180 (1st Cir. 1988) (impeachment evidence properly disclosed before trial pursuant to Rule 17(c) subpoena because the “putative key witness, whose general testimony is already known, is scheduled to testify”); *United States v. Newby*, 251 F.R.D. 188, 190 (E.D.N.C. 2008) (subpoena for police procedures is proper because procedures “could be relevant as impeachment evidence against the officers at trial”), *aff’d per curiam*, 403 Fed. Appx. 809 (4th Cir. 2010), *and cert. denied*, 131 S. Ct. 1804 (2011).

This case presents that circumstance: Mr. Causey, Ms. Obusek, and Ms. Osborne are “key witness[es]” whose testimony is already known and almost certain to testify.

### **C. Specificity**

The “specificity” inquiry under Rule 17(c) is designed to identify with some precision what the subpoenaed party must produce and to prevent the requesting party from using a subpoena to go on a “fishing expedition.” *United States v. Caro*, 597 F.3d 608, 619-20 (4th Cir. 2010) (denying Caro’s Rule 17(c) subpoena motion because it cast “a wide net that betokens a general fishing expedition. . . .”) (internal quotations and citations omitted); *United States v. Kipp*, 2016 U.S. Dist. LEXIS 170789 at \*5-

6 (W.D.N.C. 2016); *United States v. Lester*, 2018 U.S. Dist. LEXIS 102242, at \*16 (S.D.W.V. 2018) (denying a Rule 17(c) subpoena motion for pharmaceutical records because defendant could not articulate what information he sought to uncover).

Mr. Lindberg's requests are specific and narrowly tailored to capture only those documents that are necessary to fully develop his defense. The document requests fall into two specific categories: (1) documents related to, and including, communications discussing Mr. Lindberg and/or his companies between Mr. Causey, Ms. Obusek, or Ms. Osborne, and; (2) documents retained by the NCDOI related to its regulation of Mr. Lindberg and his companies. These requests are focused only on Mr. Lindberg and his companies, and only on those staff members specifically involved in the investigation that allegedly prompted the bribe at issue. The subpoena does not cast a wide net attempting to capture communications with any NCDOI employee relevant to any insurance regulation activity, in general. Courts within the Fourth Circuit have permitted specific requests that potentially could generate a significant amount of documents. *United States v. McKinny*, 2018 U.S. Dist. LEXIS 218050, at \*3-4 (W.D.N.C. 2018) (granting a 17(c) subpoena for all documents or other communications reflecting the payment of money or any documents or electronically stored information memorializing or reflecting any communication between government's witnesses); *United States v. Hamlin*, 2016 U.S. Dist. LEXIS 15387, at \*5-6 (D. Md. 2016) (holding a request from a security company for "any and all records pertaining" to an apartment complex lacked specificity, but granting the 17(c) subpoena for security log information that likely would reveal evidence necessary for the defendant's trial strategy); *United States v. King*, 194 F.R.D. 569, 575 (E.D. Va. 2000) (granting a subpoena that "specifically requests the unedited recordings, and interview notes, of the Gauldin interview, as well as any other recordings of statements by or conversations with other known or potential witnesses in the case"). Under the circumstances of this case, the requests are framed as narrowly as possible to still afford Mr. Lindberg a chance to develop his defense.

#### **D. Additional Factors Requiring Prompt Production**

In assessing requests for pre-trial production, courts also consider whether the requested materials “are not otherwise procurable reasonably in advance of trial by exercise of due diligence,” whether the requesting party “cannot properly prepare for trial without such production and inspection in advance of trial,” and whether “the failure to obtain such inspection may tend unreasonably to delay the trial.” *See, e.g., Nixon*, 418 U.S. at 699-700; *Caro*, 597 F.3d 620; *United States v. Sobral*, 149 F.3d 1172 (4th Cir. 1998); *In re Grand Jury Subpoena: Subpoena Duces Tecum*, 829 F.2d 1291, 1302 (4th Cir. 1987). These factors strongly support the issuance of a subpoena here.

First, Mr. Lindberg has no other reasonable means to obtain these communications—and in fact, already has exhausted all reasonable efforts to obtain them. Mr. Lindberg, through prior counsel, requested these items from the NCDOJ via a Freedom of Information Act (“FOIA”) request on December 6, 2018. He subsequently followed up on these requests on March 5, 2019, April 26, 2019, and May 28, 2019. On June 3, 2019, the NCDOJ responded to Mr. Lindberg’s FOIA request, stating that many of his requests were barred by N.C. Gen. Stat. 58-2-132(f) due to ongoing litigation and providing only a handful of communications. Although this statute may appropriately bar non-parties’ access to the requested materials, Mr. Lindberg has a Sixth Amendment right to view the communications that he requested to aid in the preparation of his defense. Additionally, defense counsel sought the assistance of the USAO to obtain and provide these communications and documents in discovery. The USAO informed defense counsel, by email dated October 21, 2019, that it would not be obtaining or providing further NCDOJ communications or documents for the defendants.

Second, even though this request is narrowly tailored and specific, the volume of materials ultimately produced by NCDOJ are likely to be voluminous. It is imperative that Mr. Lindberg promptly receive the requested documents and communications from NCDOJ so that he has an

opportunity to fully review and analyze the materials while preparing his defense. Moreover, it is likely—given the NCDOT’s half-hearted response to Mr. Lindberg’s FOIA request—that this subpoena will be resisted by the North Carolina Attorney General—who may file a motion to quash the subpoena. Such a motion would need to be fully litigated before any production occurs and, therefore, before Mr. Lindberg even can begin reviewing the records to assess their evidentiary value. Initiating this process at the beginning of trial will clearly disrupt the course of the trial and cause unreasonable delay.

In summary, Mr. Lindberg’s requests are relevant to his defense and are not available through other discovery means—he has exhausted all reasonable means to obtain them through other processes. His subpoena requests are specific and narrowly tailored to the specific purpose of developing his defense at trial. The evidence sought is properly admissible, at least for impeachment purposes, for testimony of witnesses who are sure to testify and whose testimony is known. Mr. Lindberg must obtain these documents well before trial so as to avoid any delay.

### **CONCLUSION**

For the foregoing reasons, Mr. Lindberg respectfully requests that the Court grant his Motion for Issuance of Rule 17(c) subpoenas.

Dated: November 6, 2019

Respectfully submitted,

/s/ Brandon McCarthy  
Brandon McCarthy (admitted *pro hac vice*)  
KATTEN MUCHIN ROSENMAN LLP  
1717 Main Street, Suite 3750  
Dallas, TX 75201  
214-765-3600  
brandon.mccarthy@katten.com

Jeffrey C. Grady  
N.C. State Bar No. 32695  
KATTEN MUCHIN ROSENMAN LLP  
550 South Tryon Street, Suite 2900  
Charlotte, North Carolina 28202  
704-444-2036  
jeff.grady@katten.com

*Counsel for Defendant Greg Lindberg*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2019, I electronically filed the foregoing Memorandum in Support of Motion of Greg E. Lindberg for Issuance of Rule 17(c) Subpoenas with the Clerk of Court using the CM/ECF system which will send notification to counsel of record.

Dated: November 6, 2019

Respectfully submitted,

/s/ Brandon McCarthy  
Brandon McCarthy (admitted *pro hac vice*)  
KATTEN MUCHIN ROSENMAN LLP  
1717 Main Street, Suite 3750  
Dallas, TX 75201  
214-765-3600  
brandon.mccarthy@katten.com

*Counsel for Defendant Greg Lindberg*

# *Exhibit 1*

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Greg E. Lindberg

Defendant

)
)
)
)
)

Case No. 19-cr-22-MOC

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS IN A CRIMINAL CASE

To: North Carolina Department of Insurance, attn.: John Hoomani, 325 N. Salisbury Street, Raleigh, NC 27603

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects: See Exhibit A.

Table with 2 columns: Place (Katten LLP, 550 South Tryon Street, Suite 2900, Charlotte, NC 28202) and Date and Time (11/25/2019 12:00 pm)

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date:

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Greg E. Lindberg

, who requests this subpoena, are: Brandon N. McCarthy, Katten LLP, 1717 Main Street, Suite 3750, Dallas, TX 75201, brandon.mccarthy@katten.com, 214-765-3680

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 19-cr-22-MOC

**PROOF OF SERVICE**

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
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: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

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.:

Print

Save As...

Add Attachment

Reset

### **Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)**

#### **(c) Producing Documents and Objects.**

**(1) In General.** A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

**(2) Quashing or Modifying the Subpoena.** On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

**(3) Subpoena for Personal or Confidential Information About a Victim.** After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

**(d) Service.** A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

#### **(e) Place of Service.**

**(1) In the United States.** A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

**(2) In a Foreign Country.** If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

**(g) Contempt.** The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

# *Exhibit A*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Statesville Division**

UNITED STATES OF AMERICA,

v.

GREG E. LINDBERG, *et al.*,

*Defendants.*

**No. 5:19-cr-22-MOC**

**GREG E. LINDBERG RULE 17(C) SUBPOENA**

Directions:

1. For each document request, the documents requested include any document in the possession, custody, or control of the North Carolina Department of Insurance (“NC DOI”), including any group, office or division of its staff, for the period from January 1, 2017, through the present, that constitute, describe, summarize, explain, refer or relate to the following descriptions.
2. Please note that specific descriptions in this request are solely for the purpose of providing context to the records being sought and are not intended to limit the scope of the overall request. This request does not, however, seek any records that reflect privileged communications between attorneys and their government clients, trade secrets or protected personal identifying information. Additionally, this information is not being sought for commercial purposes.

Documents to be produced:

1. All communications, including but not limited to e-mail, instant message and text message, involving Mike Causey, Jackie Obusek and/or Michelle Osborne regarding Global Bankers Insurance Group, LLC (“GBIG”);
2. All communications, including but not limited to e-mail, instant message and text message, involving Mike Causey, Jackie Obusek and/or Michelle Osborne regarding Greg Lindberg, the Eli Global group of companies, or Raymond Martinez;
3. All records, including but not limited to e-mail communications, reports and memoranda, regarding analysis performed by Rector and Associates (“Rector”) of GBIG’s investment portfolio and affiliated loans, also known as the “Rector Report(s)”;

4. All records and communications, including but not limited to e-mail communications, reports and memoranda, regarding analysis performed by Noble Consulting Services, Inc. (“Noble”) of Greg Lindberg, also known as the “Noble Report”;
5. All records, including but not limited to e-mail communications, reports and memoranda, regarding a proposed memorandum of understanding (“MOU”) or remediation plan between GBIG and NC DOI, signed on or around May 2, 2018;
6. All records, including but not limited to e-mail communications, reports and memoranda, between NC DOI and members or representatives of the NAIC’s Financial Assistance Working Group (“FAWG”) regarding GBIG, Greg Lindberg, or the Eli Global group of companies.