

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
APPLICATION TO ENFORCE SUBPOENA DUCES TECUM OF  
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

# Exhibit A

JOHN McCAIN, ARIZONA  
ROB PORTMAN, OHIO  
RAND PAUL, KENTUCKY  
JAMES LANKFORD, OKLAHOMA  
MICHAEL B. ENZI, WYOMING  
KELLY AYOTTE, NEW HAMPSHIRE  
JONI ERNST, IOWA  
BEN SASSE, NEBRASKA

THOMAS R. CARPER, DELAWARE  
CLAIRE McCASKILL, MISSOURI  
JON TESTER, MONTANA  
TAMMY BALDWIN, WISCONSIN  
HEIDI HEITKAMP, NORTH DAKOTA  
CORY A. BOOKER, NEW JERSEY  
GARY C. PETERS, MICHIGAN

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

KEITH B. ASHDOWN, STAFF DIRECTOR  
GABRIELLE A. BATKIN, MINORITY STAFF DIRECTOR

July 7, 2015

**VIA U.S. MAIL AND EMAIL (sross@akingump.com)**

Custodian of Records  
Backpage.com, LLC  
2501 Oak Lawn Ave.  
Dallas, TX 75219

Dear Mr. Carl Ferrer and Ms. Elizabeth McDougall:

Pursuant to its authority under Senate Resolution 73, Section 12(e), 114th Congress, the U.S. Senate Permanent Subcommittee on Investigations is currently investigating matters related to human trafficking.

To assist the Subcommittee in this matter, please provide the documents requested in the attached subpoena no later than August 7, 2015. We ask that you submit the material responsive to this subpoena as it becomes available, rather than waiting to provide it all at once. In addition, we ask that you meet and confer with Subcommittee staff by July 14, 2015, in order to discuss matters related to the production of documents. Subcommittee staff may also want to interview personnel from Backpage.com, LLC ("Backpage") after reviewing the documents. Please note that in its production, Backpage may redact where appropriate the personally identifying information of users.

Due to security concerns, the Senate Sergeant at Arms requires special treatment for materials delivered to Senate offices. To avoid any unnecessary delays in connection with the production, therefore, we ask that you carefully review the attached *Procedures for Transmitting Documents to the Permanent Subcommittee on Investigations*. Please contact Mark Angehr (Senator Portman) or Brandon Reavis (Senator McCaskill) at 202.224.3721 if you have any questions about this matter. Thank you for your assistance with this matter.



Rob Portman  
Chairman  
Permanent Subcommittee on Investigations

Sincerely,



Claire McCaskill  
Ranking Member  
Permanent Subcommittee on Investigations

Attachments

cc: Steve Ross, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Avenue, N.W.  
Washington, DC 20036  
sross@akingump.com

UNITED STATES OF AMERICA  
*Congress of the United States*

To Custodian of Records  
Backpage.com, LLC  
2501 Oak Lawn Ave.  
Dallas, TX 75219

*Greeting:*

*Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS of the Senate of the United States, on August 7, 2015, at 10:00 o'clock a.m., in Russell Senate Office Building 199, then and there to testify what you may know relative to the subject matters under consideration by said Subcommittee, and produce all materials as set forth in Schedule A, attached hereto and made a part thereof.*

*Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.*

To \_\_\_\_\_

*to serve and return.*

Personal appearance in Washington, D.C., waived if subpoenaed materials are produced to the Subcommittee on or before the herein appointed date and time.

*Given under my hand, by authority vested in me by the Committee, on this 7<sup>th</sup> day of July, 2015.*



*Chairman, Senate Permanent Subcommittee on Investigations of the Committee on Homeland Security & Governmental Affairs*

Custodian of Records  
Backpage.com, LLC  
2501 Oak Lawn Ave.  
Dallas, TX 75219

## SCHEDULE A

Please provide the following documents by August 7, 2015:

1. All documents relating to reviewing, filtering, blocking, deleting, rejecting, or removing advertisements in Adult Sections (defined below), including but not limited to policies, criteria, manuals, training manuals, procedures, memoranda, instructions, guidance, guidelines, and communications. This request includes but is not limited to documents relating to:
  - a. Training or evaluating moderators engaged in reviewing advertisements;
  - b. Prohibited or banned terms, symbols, letters, or numbers, or combinations thereof (“Banned Terms List”);
  - c. Sources used in the creation, maintenance, updating, or editing of the Banned Terms List;
  - d. “Grey Words,” or words that trigger further review;
  - e. The “Violations Queue”;
  - f. Automated review (automatic filtering based on the Banned Terms List), Tier I review (pre-publication manual review), and Tier II review (post-publication manual review); and
  - g. Number of advertisements in Adult Sections deleted or blocked by automated review, Tier I review, and Tier II review. In lieu of producing documents, state the number of advertisements in Adult Sections deleted by each such process by year for the last five years.
2. All documents relating to editing, changing, modifying, or manipulating advertisements in Adult Sections, either by moderators or by automated software processes, including but not limited to removing pictures or text, or adding pictures or text.
3. All documents relating to reviewing or verifying user account information, including but not limited to the verification of name, age, phone number, payment information, email address, photo, or IP address. This request includes any documents related to products, services, or software programs used or considered for use in connection with verification processes.
4. All documents relating to blocking, deleting, terminating, disabling, or flagging accounts or users posting advertisements in Adult Sections, for reasons including but not limited to:
  - a. Use of prohibited or banned words, “Grey Words,” or combinations thereof, as described in ¶ 1, *supra*;
  - b. Violation or suspected violation of Terms of Use, Privacy Policy, Posting Rules, or Disclaimer;
  - c. Violation or suspected violation of local, state, or federal law;
  - d. Connection to advertisements referred to law enforcement agencies; and
  - e. Connection to advertisements referred to the National Center for Missing and Exploited Children’s CyberTipline (“CyberTipline”).

5. All documents relating to data retention and archiving of posted advertisements, including but not limited to changes in data retention and archiving policies. This request includes but is not limited to documents relating to:
  - a. Retention or removal of metadata of images users have uploaded or have attempted to upload into advertisements in Adult Sections;
  - b. Capturing and retaining IP addresses, or deleting stored IP addresses, of users posting advertisements in Adult Sections; and
  - c. Number of attempts to post per each advertisement in Adult Sections (*i.e.*, number of times a user attempts to post an advertisement in Adult Sections but is rejected by the automated filter).
6. All documents relating to hashing of images in Adult Sections, including but not limited to the comparison of images from previously blocked or deleted advertisements to images in existing or live advertisements in Adult Sections.
7. All documents relating to:
  - a. Total number of advertisements posted in Adult Sections. In lieu of producing documents, state the number by month for the past five years;
  - b. Number of advertisements posted in Adult Sections for each geographic subsection of Backpage. In lieu of producing documents, state the number by month for the past five years;
  - c. Total number of advertisements in all other sections, not including Adult Sections. In lieu of producing documents, state the number by month for the past five years; and
  - d. Number of advertisements posted in all other sections, not including Adult Sections, for each geographic subsection of Backpage. In lieu of producing documents, state the number by month for the past five years.
8. All documents relating to the reporting of advertisements, pre- or post-publication, to local, state or federal law enforcement agencies, or to the CyberTipline. Documents in this request include but are not limited to documents relating to:
  - a. Total number of advertisements directly reported by Backpage to local, state, or federal law enforcement agencies by month for the past five years. In lieu of producing documents, state the number by month for the past five years;
  - b. Number of advertisements directly reported by Backpage to local, state, or federal law enforcement agencies, for each geographic subsection of Backpage, by month for the past five years. In lieu of producing documents, state the number by month for the past five years;
  - c. Total number of advertisements reported to the National Center for Missing and Exploited Children's CyberTipline by month for the past five years. In lieu of producing documents, state the number by month for the past five years; and
  - d. Number of advertisements reported to the National Center for Missing and Exploited Children's CyberTipline, for each geographic subsection of Backpage, by month for the past five years. In lieu of producing documents, state the number by month for the past five years.

Documents in this request do not include the content of individual CyberTipline reports or reports to law enforcement, or the content of individual advertisements.

9. All documents relating to “Report Ad” user reports in Adult Sections, including but not limited to:
  - a. Number of advertisements posted in Adult Sections that received “Report Ad” user reports. In lieu of producing documents, state the number by year for the past five years;
  - b. Number of advertisements posted in all other sections, not including Adult Sections, that received “Report Ad” user reports. In lieu of producing documents, state the number by year for the past five years;
  - c. Number of advertisements in Adult Sections removed in response to “Report Ad” user reports. In lieu of producing documents, state the number by year for the past five years;
  - d. Number of advertisements in all other sections, not including Adult Sections, removed in response to “Report Ad” user reports. In lieu of producing documents, state the number by year for the past five years;
  - e. Number of advertisements posted in Adult Sections that received “Report Ad” user reports and were not subjected to further review. In lieu of producing documents, state the number by year for the past five years; and
  - f. Number of advertisements that Backpage has reported to the CyberTipline that had received “Report Ad” user reports. In lieu of producing documents, state the number by year for the past five years.
  
10. All documents relating to policies and procedures regarding “abuse@backpage.com,” including but not limited to:
  - a. Number of emails received by “abuse@backpage.com.” In lieu of producing documents, state the number of emails received by year for the past five years;
  - b. Number of advertisements in Adult Sections removed in response to or as a result of emails received by “abuse@backpage.com.” In lieu of producing documents, state the number by year for the past five years;
  - c. Number of advertisements in all other sections, not including Adult Sections, removed in response to “Report Ad” user reports. In lieu of producing documents, state the number by year for the past five years;
  - d. Number of advertisements posted in Adult Sections that were identified in emails received by “abuse@backpage.com” and were not subjected to further review. In lieu of producing documents, state the number by year for the past five years; and
  - e. Number of advertisements that Backpage has reported to the CyberTipline that were identified in emails received by “abuse@backpage.com.” In lieu of producing documents, state the number by year for the past five years;
  - f. Number of advertisements that Backpage has reported directly to law enforcement that were identified in emails received by “abuse@backpage.com.” In lieu of producing documents, state the number by year for the past five years;
  
11. All documents relating to current or former versions of the Terms of Use, Privacy Policy, Posting Rules, or Disclaimer.

12. With respect to advertisements in Adult Sections, all documents relating to what constitutes a violation of current or former versions of the Terms of Use, Privacy Policy, Posting Rules, or Disclaimer.
13. All documents relating to current or former versions of a webpage labeled “Stop Trafficking,” which lists contact information for various organizations and can be accessed as of the date of this subpoena via a hyperlink on the “Disclaimer” webpage referred to in ¶¶ 11 and 12, *supra*.
14. All documents relating to compliance with or violation of local, state, or federal laws regarding human trafficking, sex trafficking, human smuggling, prostitution, or the facilitation thereof.
15. All documents relating to policies and procedures regarding law enforcement’s actual or suspected posting of advertisements in Adult Sections.
16. All documents related to meetings, telephone calls, or partnerships concerning human trafficking, sex trafficking, human smuggling, or prostitution with law enforcement agencies, non-profit organizations, advocacy organizations, or subject matter experts. This request includes but is not limited to documents relating to:
  - a. Names of agencies, organizations, or experts;
  - b. Documents given to Backpage by those agencies, organizations, or experts; and
  - c. Notes taken before, at, or after such meetings, telephone calls, or partnerships.

This request does not include documents relating to compliance with individual law enforcement subpoenas or court-ordered warrants requiring the production of information related to specific advertisements in Adult Sections or users posting advertisements therein.

17. All documents relating to law enforcement trainings and presentations, including but not limited to training materials, PowerPoint presentations, promotional materials, prepared remarks, notes, and handouts.
18. All documents relating to compliance with law enforcement subpoenas, court-ordered search warrants, and other law enforcement requests for information, including but not limited to standards, guidelines, or policies relating to whether, when, and how to respond such requests.

This document request includes any documents relating to how Backpage standards, guidelines, or policies have changed over time. This document request does not include actual law enforcement subpoenas or court-ordered search warrants received by Backpage, nor does it include Backpage’s subpoena or search warrant returns.

19. All documents relating to internal studies, surveys, or analyses conducted or commissioned by Backpage regarding the number, proportion, or prevalence of advertisements in Adult Sections that feature minors or promote human trafficking.
20. All documents relating to agreements or contracts between Backpage and Internet Service Providers, including but not limited to registrars, domain registration sites, and web-hosting

entities. This request includes the corporate name, corporate location, and location of operations of all such providers.

21. All documents relating to the use of a Tor browser, or any other anonymizing Internet browser on the Onion Network, to post advertisements on Backpage.
22. All documents relating to agreements or contracts for the development, operation, and maintenance of Backpage, including but not limited to agreements or contracts with DesertNet.
23. All documents relating to or posted on “blog.backpage.com.”
24. All documents relating to Backpage’s entity name, entity number, formation, registration or conversion date, status, jurisdiction, entity address, bylaws, operating agreements, standing, and name and address of agent for service of process.
25. All documents relating to websites under the control of Backpage. In lieu of producing documents, produce a list of all such websites including the exact Uniform Resource Locator (“URL”).
26. For all subsidiaries, holding companies, or associated entities, all documents relating to entity name, entity number, formation, registration or conversion date, status, jurisdiction, entity address, URL, and name and address of agent for service of process.
27. A list of all current and former corporate officers, directors, and managers, including name, job titles, and years employed.
28. All documents relating to each meeting of Backpage’s Board of Directors or any of its committees, including minutes of each such meeting, notes taken in connection with each meeting, written presentations prepared for or made at each such meeting, and resolutions passed.
29. All documents relating to marketing activities, including but not limited to communications, advertisements, and outreach activities.
30. All documents relating to Backpage’s sale, transfer, assignment, corporate restructuring, or formation of a holding company abroad (the “Overseas Sale”), including but not limited to:
  - a. Entity name, entity number, formation, registration or conversion date, status, jurisdiction, entity address, bylaws, operating agreements, standing, and name and address of agent for service of process;
  - b. All filings made to any foreign governmental agency or public or private regulator;
  - c. Documents presented to owners, stockholders, or Board of Directors of Backpage or foreign owners or entities, including but not limited to agreements, contracts, due diligence reports, analyses, or policies; and
  - d. Documents relating to the valuation of Backpage.



31. All documents relating to Classified Solutions Ltd., The East Stable Thrales End Farm, Harpenden, United Kingdom, AL5 3NS and Payment Solutions BV, Zuidplein 116 - 1077XV, Amsterdam, Netherlands. Documents in this request include but are not limited to:
  - a. Entity name, entity number, formation, registration or conversion date, status, jurisdiction, entity address, bylaws, operating agreements, standing, and name and address of agent for service of process;
  - b. All filings made to any foreign governmental agency or public or private regulator; and
  - c. Documents presented to owners, stockholders, or Board of Directors of Backpage or foreign owners or entities, including but not limited to agreements, contracts, due diligence reports, analyses, or policies.
  
32. All documents relating to Backpage's employee headcount, including but not limited to:
  - a. Number of U.S.-based employees. In lieu of producing documents, state the total number by year for the past five years;
  - b. Number of foreign-based employees, including position and location. In lieu of producing documents, state the total number and location by year for the past five years;
  - c. Number of U.S.-based employees whose primary duties include review of advertisements. In lieu of producing documents, state the total number by year for the past five years;
  - d. Number of foreign-based employees, including position and location, whose primary duties include review of advertisements. In lieu of producing documents, state the total number and location by year for the past five years; and
  - e. Agreements, contracts, training materials, or scope of work orders for any foreign contractors, businesses, vendors, or service providers engaged in reviewing advertisements.
  
33. All documents related to:
  - a. Annual revenue;
  - b. Annual revenue derived from Backpage's U.S.-based websites;
  - c. Annual revenue derived from Backpage's foreign websites;
  - d. Annual revenue derived from Backpage's Affiliate Program;
  - e. For Backpage's U.S.-based websites:
    - i. Annual revenue derived from Adult Sections; and
    - ii. Annual revenue derived from all other sections, not including Adult Sections.
  
34. All documents related to:
  - a. Annual profits;
  - b. Annual profits derived from Backpage's U.S.-based websites;
  - c. Annual profits derived from Backpage's foreign websites;
  - d. Annual profits derived from Backpage's Affiliate Program;
  - e. For Backpage's U.S.-based websites:
    - i. Annual profits derived from Adult Sections; and
    - ii. Annual profits derived from all other sections, not including Adult Sections.
  
35. All documents related to Backpage's "Affiliate Program," including but not limited to annual commissions paid under Backpage's "Affiliate Program" with respect to each of following:

- a. Traffic directed to or from Adult Sections of Backpage's U.S.-based websites; and
  - b. Traffic directed to or from all other sections, not including Adult Sections, for Backpage's U.S.-based websites.
36. All documents relating to arrangements or contracts with other websites for the purpose of offering advertising discounts or promotions, including but not limited to arrangements or contracts with websites such as CityVibe.com and TheEroticReview.com.
37. All documents relating to processing of payment and fees associated with posting advertisements, including but not limited to names and addresses of all companies and entities performing such services.
38. All documents relating to the use of prepaid credit cards or gift cards to pay for advertisements in Adult Sections, including but not limited to:
  - a. Documents showing the number and percentage of advertisements in Adult Sections purchased with prepaid credit cards or gift cards by year for the past five years. In lieu of producing documents, state the number and percentage of advertisements in Adult Sections purchased with prepaid credit cards or gift cards by year for the past five years;
  - b. Documents showing the number and percentage of advertisements in all other sections, not in Adult Sections, purchased with prepaid credit cards or gift cards by year for the past five years. In lieu of producing documents, state the number and percentage of advertisements posted in all other sections, not in Adult Sections, purchased with prepaid credit cards or gift cards by year for the past five years; and
  - c. Discounts, promotions, or other benefits relating to the use of prepaid credit cards or gift cards to pay for advertisements.
39. All documents relating to the termination or discontinuation of services provided by or undertaken with payment processors, payment networks, credit card companies, payment technology firms, merchant service providers, acquiring banks, or issuing banks. This document request includes but is not limited to documents related to MasterCard Inc., Visa Inc., and American Express Co. terminating their business relationship with Backpage and refusing to permit credit cards from being used to buy advertisements or other services on Backpage.
40. All documents relating to the use or intended use of Bitcoin or other digital currencies to pay for advertisements, promotions, or upgrades, including but not limited to:
  - a. Documents showing the number and percentage of advertisements purchased in Adult Sections with Bitcoin or other digital currencies by year for the past five years. In lieu of producing documents, state the number and percentage of advertisements in Adult Sections purchased with Bitcoin or other digital currencies by year for the past five years;
  - b. Documents showing the number and percentage of advertisements purchased in all other sections, not including Adult Sections, with Bitcoin or other digital currencies by year for the past five years. In lieu of producing documents, state the number and percentage of advertisements in all other sections, not in Adult Sections, purchased with Bitcoin or other digital currencies by year for the past five years; and

- c. Discounts, promotions, or other benefits for the use of Bitcoin, or other digital currencies, to pay for advertisements, promotions, or upgrades.
41. All documents relating to the use or intended use of “Credits” to pay for advertisements, promotions, or upgrades, including but not limited to:
- a. Documents related to any “Buy Credits (new!)” link on Backpage;
  - b. Documents identifying accepted payment methods for the purchase of “Credits” on Backpage. In lieu of producing documents, list all payments methods that Backpage accepts for the purchase of “Credits”;
  - c. Documents relating to the exchange rate between US dollars and “Credits” on Backpage;
  - d. Documents related to the expiration period, if any, of “Credits” on Backpage;
  - e. Documents relating to any maximum amount of “Credits” that may be purchased by one user;
  - f. Documents relating to any maximum amount of “Credits” that may be purchased in one transaction;
  - g. Documents relating to any transaction fee associated with the purchase of “Credits” on Backpage;
  - h. Agreements with payment processors, payment networks, credit card companies, payment technology firms, merchant service providers, acquiring banks, or issuing banks for the sale of “Credits” on Backpage; and
  - i. Documents showing the number and percentage of advertisements purchased in Adult Sections with “Credits” since the acceptance of “Credits” for the purchase of ads on Backpage. In lieu of producing documents, state the number and percentage of advertisements in Adult Sections purchased with “Credits” since the acceptance of “Credits” for the purchase of ads on Backpage.

**For purposes of this subpoena:**

The time period covered by this subpoena is from January 1, 2010 to the present.

The documents subpoenaed include all those that are in the custody, control or possession, or within the right of custody, control, or possession, of Backpage, or its agents, employees, or representatives. The documents subpoenaed included work-related communications transmitted via non-work email addresses and non-work email systems.

Documents should be produced in their entirety, without abbreviation, modification, or redaction, including all attachments and materials affixed thereto. The only permissible redaction is of personally identifying information of users posting advertisements or accessing advertisements.

All documents should be produced in the same order as they are kept or maintained in the ordinary course, or the documents should be organized and labeled to correspond to the categories of the documents requested below. Parties subject to this subpoena are subject to a duty to supplement with respect to each request. Each category of documents subpoenaed shall be construed independently, and no category shall be viewed as limiting the scope of any other category.

If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible. Any document withheld on the basis of privilege shall be identified on a privilege log submitted with response to this subpoena. The log shall state the date of the document, its author, his or her occupation and employer, all recipients, the title and/or subject matter, the privilege claimed and a brief explanation of the basis of the claim of privilege. If any document responsive to this subpoena was, but no longer is, in your custody, control, or possession, identify the document and explain the circumstances by which it ceased to be in your custody, control, or possession.

Documents shall be delivered as delimited text with images and native files in accordance with the attached Data Delivery Standards.

Other than native files produced along with TIF images in accordance with the attached Data Delivery Standards, every page of material produced to the Subcommittee must contain a unique Bates number. All files produced shall be named according the Bates range that file contains (e.g. YourCo-00001-YourCo-00035).

Documents produced on paper (those from paper files that you choose to produce as such) shall not contain any permanent fasteners (i.e. staples), but shall be separated based on the divisions between documents as it is maintained in the custodian's files by non-permanent fasteners (e.g. paper clips, binder clips, rubber bands) or a non-white flip sheet.

## **Definitions:**

For purposes of this subpoena:

1. "Backpage" includes, but is not limited to, Backpage.com LLC, Camarillo Holdings LLC, New Times Media LLC, or any other predecessors, successors, or other entity administering, owning, operating, or controlling the website or suite of websites comprising Backpage.com and its affiliated websites from January 1, 2010 to the present day.
2. "Adult Sections" includes, but is not limited to all subsections in the "adult" section of Backpage ("escorts," "body rubs," "strippers and strip clubs," "dom & fetish," "ts," "male escorts," "phone & websites," and "adult jobs") and the subsection "massages" in the "services" section of Backpage.
3. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meeting, by telephone, mail telex, facsimile, computer, discussions, releases, delivery, or otherwise. It includes work-related communications transmitted via non-work email address or non-work email system.
4. The term "document" includes any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: agreements; papers; memoranda; correspondence; reports; studies; reviews; analyses; graphs; marketing materials; brochures; diagrams; photographs; charts; tabulations; presentations; working papers; records; records of interviews; desk files; notes; letters; notices; confirmations; telegrams; faxes; telexes, receipts; appraisals; interoffice and intra office communications; electronic mail (e-mail); contracts; cables; recordings; notations or logs of any type of conversation, telephone call, meeting or other communication; bulletins; printed matter; computer printouts; teletype; invoices; transcripts; audio or video recordings; statistical or informational accumulations; data processing cards or worksheets; computer stored and generated documents; computer databases; computer disks and formats; machine readable electronic files or records maintained on a computer; diaries; questionnaires and responses; data sheets; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; correspondence; electronically stored information and similar or related materials. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
5. The term "concerning" means relating to, referring to, describing, evidencing, or constituting.

6. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope. The term “any” means both any and all. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders. The use of a verb in any tense, mood, or voice shall be construed as the use of the verb in all other tenses, moods, or voices, as necessary to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope.