

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA FOR
AN ORDER PURSUANT TO
20 U.S.C. § 1232g(b)(1)(J)(i) and
28 U.S.C. § 1651

20 MAG 01560

Filed Under Seal

ORDER

This matter having come before the Court pursuant to an application under Title 20, United States Code, Section 1232g(b)(1)(J)(i), and Title 28, United States Code, Section 1651 which application requests the issuance of an order directing Interlochen Center for the Arts ("Interlochen") and its employees, located at 4000 Highway M-137 Interlochen, MI 49643, and Interlochen employees, not to notify any other person of the existence of the attached subpoena seeking records, the Court finds that the applicant has offered reasonable grounds to believe that such disclosure will result in the intimidation of potential witnesses, or the destruction of or tampering with evidence, and will seriously jeopardize the investigation.

IT APPEARING that the information sought in the attached subpoena is directed at establishing the illegal activity under investigation and identifying the individuals responsible for such activity, there is reason to believe that disclosure of the scope and direction of the inquiry will result in the intimidation of potential witnesses, destruction of or tampering with evidence, and will seriously jeopardize the investigation.

IT IS ORDERED that pursuant to Title 20, United States Code, Section 1232g(b)(1)(J)(i), and Title 28, United States Code, Section 1651, Interlochen and its employees shall not disclose the existence of the attached subpoena to any other person (except as necessary to carry out the subpoena) for a period of 180 days from the date of this Order.

IT IS FURTHER ORDERED that this Order and the Application upon which it was granted are to be filed under seal until otherwise ordered by the Court, except that the Government may without further order provide copies of the Application and Order as need be to personnel assisting the Government in the investigation and prosecution of this matter, and disclose these materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

FEB 11 2020

So Ordered, this _____ day of February 2020
S/Robert W. Lehrburger

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 10, 2020

Interlochen Center for the Arts
4000 Highway M-137
Interlochen, MI 49643
Attn: Jeffrey Jocks, Esq.
jjocks@sondeeracine.com

Re: Grand Jury Subpoena


Please be advised that the accompanying grand jury subpoena has been issued in connection with an official criminal investigation of a suspected felony being conducted by a federal grand jury. **Pursuant to the accompanying non-disclosure order issued under 20 U.S.C. § 1232g(b)(1)(J)(i) and 28 U.S.C. § 1651, you are prohibited from notifying any person (except as necessary to carry out the subpoena) of the existence of this subpoena for a period of 180 days from the date of the order. If you ever plan to notify any person of the existence of this subpoena, even after the 180-day period, please advise me before you do so, in case the investigation remains ongoing and the order needs to be renewed.**

Thank you for your cooperation in this matter.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

By:


Maurene Comey
Assistant United States Attorney
Southern District of New York
(212) 637-2324

United States District Court
SOUTHERN DISTRICT OF NEW YORK

TO: Interlochen Center for the Arts
4000 Highway M-137
Interlochen, MI 49643
Attn: Jeffrey Jocks, Esq.
jjocks@sondeeracine.com

GREETINGS:

WE COMMAND YOU that all and singular business and excuses being laid aside, you appear and attend before the GRAND JURY of the people of the United States for the Southern District of New York, at the United States Courthouse, 40 Foley Square, Room 220, in the Borough of Manhattan, City of New York, New York, in the Southern District of New York, at the following date, time and place:

Appearance Date: February 24, 2020

Appearance Time: 10 a.m.


to testify and give evidence in regard to alleged violations of federal criminal law, including:
18 U.S.C. § 2423(a)


and not to depart the Grand Jury without leave thereof, or of the United States Attorney, and that you bring with you and produce at the above time and place the following:

SEE ATTACHED RIDER. **Personal appearance is not required** if the requested records are (1) produced by on or before the return date to Special Agent [REDACTED] Federal Bureau of Investigation, 26 Federal Plaza, New York, NY 10278, telephone (212) 384-1000, [REDACTED] and (2) accompanied by an executed copy of the attached Declaration of Custodian of Records.

Failure to attend and produce any items hereby demanded will constitute contempt of court and will subject you to civil sanctions and criminal penalties, in addition to other penalties of the Law.

DATED: New York, New York
February 10, 2020


GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York


Maureen Comey
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: 212-637-2324
[REDACTED].gov



RIDER

(Grand Jury Subpoena to Interlochen Center for the Arts
dated February 10, 2020)

Please provide any and all records reflecting the names of all students who attended Interlochen Arts Camp and/or Interlochen Arts Academy, and each student's period of enrollment, for the period January 1, 1994 through December 31, 1998.

N.B.: Personal appearance is not required if the requested records are (1) produced by on or before the return date to Special Agent [REDACTED] Federal Bureau of Investigation, 26 Federal Plaza, New York, NY 10278, telephone (212) 384-1000, [REDACTED]; and (2) accompanied by an executed copy of the attached Declaration of Custodian of Records. PLEASE PROVIDE IN ELECTRONIC FORMAT IF POSSIBLE.

IMPORTANT: NON-DISCLOSURE ORDER

Pursuant to the attached order, you are not to disclose any information relating to this grand jury subpoena to any person (except as necessary to carry out the subpoena). Disclosure could impede or obstruct an investigation.

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 Grand Jury Subpoena, dated February 10, 2020, and signed by Assistant United States Attorney [REDACTED] [REDACTED] requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

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

Executed on _____
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

Definitions of terms used above:

As defined in Fed. R. Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed. R. Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.