

NEW YORK STATE DEPARTMENT OF LAW
CHARITIES BUREAU

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In the Matter of the :
Investigation by ANDREW M. CUOMO, :
Attorney General of the State of :
New York, of :
:
Congregation Shaare Zedek and
Bayside Cemetery :
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SUBPOENA DUCES TECUM

THE PEOPLE OF THE STATE OF NEW YORK:

To: Congregation Shaare Zedek
212 West 93rd Street
New York, NY 10025
Attn: Stephen Axinn, Esq.

WE COMMAND, pursuant to the laws of the State of New York, that all business and excuses being laid aside, you produce to the office of ANDREW M. CUOMO, Attorney General of the State of New York, to the attention of Assistant Attorney General Michele L. Abeles, Charities Bureau, 120 Broadway, Third Floor, New York, New York 10271 on or before the **2nd day of July, 2009**, at 10:00 a.m., any and all documents listed on the attached schedule in accordance with the instructions and definitions contained therein, that are in your possession, custody or control, including documents in the possession, custody and control of Bayside Cemetery and any agent you or it may have. Your production of documents in response to this Subpoena may be submitted by mail, provided it is received on or before the return date of the **2nd day of July, 2009** or any agreed upon adjourned date.

PLEASE TAKE NOTICE that the documents are necessary in order for the Attorney General to determine whether a proceeding or action should be instituted against Congregation Shaare Zedek (the "Congregation") and/or Bayside Cemetery (the "Cemetery") and/or any of their officers, members of the board of directors or other individuals or entities pursuant to the laws of the State of New York.

You are bound by this subpoena to produce the requested items on the above date. For a failure to comply on that date or any adjourned date, you may be liable, in addition to any other lawful punishment, for the damages sustained by the State of New York and for a penalty not to exceed Fifty (50) Dollars.

WITNESS, the Honorable ANDREW M. CUOMO, Attorney General of the State of New York, the 17th day of June, 2009.

ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway
New York, New York 10271

By 

Michele L. Abeles
Assistant Attorney General
Charities Bureau
(212) 416-8870

SCHEDULE

A. Documents to be Produced

1. All documents concerning perpetual care funds, contracts or other perpetual care obligations to the extent such documents have not already been produced to the Charities Bureau. To the extent that such documents have already been produced to the Charities Bureau, they do not need to be re-produced, provided that you provide documents sufficient to identify the date of such prior production and the sender and recipient of any transmittal letter accompanying such documents.
2. Documents concerning any action or efforts by each of the Congregation and the Cemetery or its counsel to locate all documents concerning perpetual care funds, contracts or other obligations, whether in response to this subpoena or any prior request of the Charities Bureau.
3. All documents concerning annual care funds, contracts or other annual care obligations.
4. Documents concerning any action or efforts by each of the Congregation and the Cemetery or its counsel to locate all documents concerning annual care funds, contracts or other annual care obligations.
5. Documents sufficient to identify all bank accounts maintained by each of the Congregation and the Cemetery.

B. Definitions and Instructions

The Attorney General deems all documents requested herein to be relevant and material to his inquiries.

“**Concerning**” means relating to, referring to, describing, evidencing or constituting.

As used herein, “**document**” means all original writings or copies of any kind (including non-identical copies such as drafts or markups), including, but not limited to, papers filed with public or government authorities, letters, log books, memoranda, invoices, receipts, regularly kept summaries or compilation of business records, contracts, agreements, understandings, arrangements, tabulations, records, advertisements, tape recordings, financial reports, correspondence, communications, reports, summaries, calendars, diaries, notes, file notations and charts.

As used herein, “**document**” further means electronic records, whether information is contained on floppy or hard disks, printouts, any data sheet or data processing card, other hard copies, written, recorded transcribed, taped, filmed or graphic matters, however produced or

reproduced, and any other data in form capable of transcription, translation, conversion, or being printed into hard copies.

In producing checks, both the front and back of each check shall be produced.

As used herein, "**correspondence**" means all letters, notices, messages, e-mail or other written communications or memoranda, or other records of conversations, meetings, conferences or other oral communications, whether maintained in paper or electronic form.

Each document submitted in compliance herewith shall be numbered consecutively on the face of the document and shall clearly identify the paragraph of this subpoena to which the document is responsive, unless original documents are being produced for inspection and copying. Copies of original documents shall be legible in their entirety.

If any document called for by this subpoena is withheld under any claim or privilege, you must furnish a list identifying each such document, the names and addresses of the author(s) and recipient(s) of the document, a description of the substance of the document, its physical location, and the nature or basis of the claim or privilege.