

SUBPOENA

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA**

To LeRoy Carhart

You are hereby commanded to be and appear before the
Committee on Energy and Commerce
Select Investigative Panel on Infant Lives

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 316 Ford House Office Building, Washington, DC 20515

Date: May 23, 2016

Time: 5:00 p.m.

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: HVC-200 Capitol, Washington, DC 20515

Date: June 13, 2016

Time: 10:00 a.m.

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

To United States Marshals or any authorized staff member

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 15th day of May, 2016.



Chairman or Authorized Member

Attest:



Clerk

PROOF OF SERVICE

Subpoena for

LeRoy Carhart

Address Germantown Reproductive Health Services

13233 Executive Park Terrace, Germantown, MD 20874

before the Committee on Energy and Commerce

Select Investigative Panel on Infant Lives

U.S. House of Representatives
114th Congress

Served by (print name) _____

Title _____

Manner of service _____

Date _____

Signature of Server _____

Address _____

LeRoy Carhart

In accordance with the attached schedule, instructions, and definitions, you, Dr. LeRoy Carhart (“LC”), are required to produce all documents in unredacted form described below:

- 1) A copy of any chart of accounts for LC, or for any entity that provides abortion services and is owned by LC, employs or contracts with LC, accepts volunteer services from LC, or employs any member of LC’s family (collectively, “LC entities”), including but not limited to account descriptions from any financial recording system relating to LC or LC entities.
- 2) All accounting documents reflecting for LC and all LC entities the trial balance report and trial balance details for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
- 3) All documents reflecting LC’s and all LC entities’ statement of revenues (*i.e.*, a breakdown by product or service categories) for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
- 4) LC’s and all LC entities’ balance sheets for the following years: 2010, 2011, 2012, 2013, 2014 and 2015. Audited statements should be provided, if available.
- 5) LC’s and all LC entities’ income statements, including but not limited to any profit and loss statements, statements of operations and statements of activities for the following years: 2010, 2011, 2012, 2013, 2014 and 2015. Audited statements should be provided, if available.
- 6) Copies of LC’s and all LC entities’ filed tax returns for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
- 7) All of LC’s, LC’s family members (only if involved in the delivery of abortion services), and all LC entities’ bank statements from any financial institution where they have maintained an account for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
- 8) Documents Related to Fetal Tissue
 - a. All communications and documents LC and LC entities utilized or currently utilize to obtain patient consent for abortion procedures and/or donation of fetal tissue. (See Instruction ¶3 below regarding HIPAA.)
 - b. All communications and documents sufficient to show the Institutional Review Board (IRB) (as defined by Title 45 of the Code of Federal Regulations, Part 46) approval assurances and compliance for any fetal tissue transferred from LC or LC entities.
 - c. All communications and documents sufficient to show the gestation of the fetal tissue transferred to, from, or by LC or any LC entities.

- d. All communications and documents, including contracts or written agreements to which LC is a party, referring or relating to the procurement of fetal tissue from any LC entity.
- e. All communications and documents sufficient to show all entities and/or persons to which LC or LC entities transferred fetal tissue and records of these transfers.
- f. All communications and documents sufficient to show anything of value, including but not limited to money or honorarium, offered to or received by LC or LC entities from any entity to which fetal tissue was transferred.
- g. All communications and documents sufficient to show all invoices sent from LC to any entity, and any payments received by LC, from any entity referring or relating to fetal tissue for the following years: 2010, 2011, 2012, 2013, 2014 and 2015.
- h. All documents reflecting LC's and LC entities' record of costs and expenses associated with fetal tissue acquisition for the following years: 2010, 2011, 2012, 2013, 2014 and 2015. Such records should include a full description of expenses.
- i. All communications and documents sufficient to show whether any current and former personnel of LC entities had responsibilities which include(d) procuring, researching, storing, or packaging for donation, sale, or transport of any fetal tissue.
- j. All communications and documents sufficient to show the identity of persons or entities that made requests for fetal tissue and the means by which these requests are made.

9) Documents Related to LC's Work Schedule

- a. Documents sufficient to show the position and description of job responsibilities for each employee of the LC entities.
- b. All communications and documents sufficient to show LC's schedule, days and hours present, at each LC entity for May 1, 2015, through May 1, 2016.
- c. List the number of and type of abortions performed each day by LC for May 1, 2015 through May 1, 2016.
- d. All communications and documents sufficient to show any other licensed physicians who were present at Germantown Reproductive Health Services ("GRHS") while LC performed abortions in 2015 and 2016.
- e. Medical records of all patients who received services from GRHS and were subsequently transferred to any hospital. Include all communications and documents sufficient to show the reason for the transfer and the method of transportation used to transport the patient. (See Instruction ¶3 below regarding HIPAA.)
- f. All communications and documents sufficient to show all emergency numbers given to patients of GRHS.

10) Licensing and Discipline

- a. Documents sufficient to show all states where LC has an active, inactive, or expired medical license.

- b. All communications and documents sufficient to show all disciplinary actions taken, or threatened, against LC.
- c. All communications and documents sufficient to show medical practice litigation or settlement of any threatened or actual litigation in which LC or LC entities are or have been involved.

11) Payment for Abortions

- a. All communications and documents sufficient to show the initial communication made to patients regarding the pricing and method of payment for abortions; all intake forms used for patients to apply for government or private sector financial assistance related to payment for abortions; and all other documents and forms given to patients by LC or LC entities related to abortion services or the payment thereof.
- b. Documents stating, for each abortion performed at GRHS, any reimbursements from the government or private sector for abortions and related expenses. (See Instruction ¶3 below regarding HIPAA.)
- c. Documents sufficient to show all information for any account held at a financial institution on behalf of LC, including deposit slips for any cash deposits related to abortions performed at GRHS.

12) Born-Alive Investigation and Disposition of Fetal Tissue

- a. All communications and documents stating the GRHS policy and procedures for infants born alive during an abortion, including any training provided to staff on how to care for an infant born alive.
- b. All communications and documents sufficient to show the presence of any equipment that serves infants born alive or persons trained to provide neonatal care for an infant born alive at LC entities.
- c. All communications and documents sufficient to show the dates on which any child was born alive at LC entities, the person(s) who assisted with the care of that child, and the disposition of the child, including any death certificates prepared for that child and any related referrals to a funeral home.
- d. All communications and documents about medical disposal, including the name of all companies LC and LC entities have used and the scheduled pickups of medical waste at LC entities.

13) Staff Training

- a. All communications and documents, whether internal or external, directing the conduct of LC's staff and the staff at LC entities.
- b. All communications and documents sufficient to show unlicensed persons who assist with abortions or who perform medical tasks at LC entities, including any rotating personnel schedule information.

Instructions

- 1) The relevant time period for above-referenced documents is January 1, 2010, to the present.
- 2) If there are no responsive documents, provide a written explanation detailing why no such documents exist.
- 3) In complying with this subpoena, you are directed that no document may be redacted in any way except that all patient information protected by the American Health Portability and Accountability Act of 1998 (HIPAA) shall be redacted.
- 4) In complying with the subpoena, be apprised that the U.S. House of Representatives and the Committee on Energy and Commerce, Select Investigative Panel on Infant Lives (“Select Panel”) do not recognize any of the non-disclosure privileges associated with the common law, with the Freedom of Information Act, with attorney client privilege, or contractual privileges such as non-disclosure agreements.
- 5) In complying with this subpoena, you are directed to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You are also directed to produce records that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as records that you have placed in the temporary possession, custody, or control of any third party.
- 6) No records, documents, data or information called for by this request shall be destroyed, modified, removed, transferred or otherwise made inaccessible to the Select Panel.
- 7) In the event that any entity, organization or individual denoted in this subpoena has been, or is also known by any other name than that herein denoted, the subpoena shall be read also to include them under that alternative identification.
- 8) Each document produced shall be produced in a form that renders the document capable of being copied.
- 9) Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served. To the extent that documents were not stored with file labels, dividers, or identifying markers, they shall be organized into separate folders by subject matter prior to production.
- 10) All documents or groups of documents, produced shall be identified by the paragraph number in the Attachment to the subpoena to which the documents, or groups of documents, are responsive.
- 11) It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.

- 12) If any of the subpoenaed information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, memory stick, or computer back-up tape), you shall consult with Select Panel staff to determine the appropriate format in which to produce the information. Documents produced in electronic format shall be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in Paragraphs 8 and 9 above. Documents produced in an electronic format shall also be produced in searchable format.
- 13) If compliance with the subpoena cannot be made in full, compliance shall be made to the extent possible, and your production shall be accompanied by a written explanation of why full compliance is not possible.
- 14) In the event that a document is withheld on any basis, provide the following information concerning each and every such document withheld from production: (a) the reason the document is not being produced; (b) type of document; (c) general subject matter; (d) date, author and addressee; and (e) relationship of author and addressee to each other.
- 15) If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipient(s)) and explain the circumstances by which the document ceased to be in your possession, custody, or control.
- 16) If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
- 17) This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.
- 18) All documents shall be Bates-stamped sequentially and produced sequentially.
- 19) Two sets of responsive records shall be produced, one set to the Majority staff and one set to the Minority staff. The Majority set shall be delivered to Majority staff in Room 316 of the Ford House Office Building and the Minority set shall be delivered to the Minority staff at 361 Ford House Office Building. You shall consult with the Select Panel staff regarding the method of delivery prior to sending any material.
- 20) Upon completion of the document production, you must submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Select Panel since the date of receiving the Select Panel's request or in anticipation of receiving the Select Panel's request, and (3) all documents identified during the search that are responsive

have been produced to the Select Panel, identified in a log provided to the Select Panel, as described in Paragraph 14 above.

Definitions

- 1) The term “document” means 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: memoranda, reports, expense reports, books, manuals, instructions, financial reports, accounting and financial records of any kind (including checks (front and back), wire transfers, cash or check payments or receipts, and check requests), working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (“e-mail”), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term “document” includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto. The term “document” also means any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. A document bearing any notation not part of the original text is considered to be a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
- 2) The term “documents in your possession, custody or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.
- 3) The term “communication” means each manner or means of disclosure, transmission, or exchange of information, in the form of facts, ideas, opinions, inquiries, or otherwise, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, e-mail, instant message, discussion, release, personal delivery, or otherwise.

- 4) The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.
- 5) The terms “entity” means natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
- 6) The term “person or persons” mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
- 7) The term “procure” includes fetal tissue procurement, which means to get, acquire, purchase, appropriate, aggregate, gather, compile, accumulate, collect, or obtain possession or control of fetal tissue by any means, whether solicited or unsolicited, and whether with or without consideration. This includes, but is not limited to gaining consent to acquire; physically identifying, separating, dissecting, cultivating, handling, and processing; and shipping fetal tissue by any methods or means.
- 8) The term “fetal tissue” means tissue, organs, body parts, and cell lines.
- 9) The terms “referring” or “relating,” with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
- 10) The term “LC” includes Dr. LeRoy Carhart whether known by this name, an alias, or a previous name.
- 11) The term “LC entity” includes all entities for which LC provides medical or abortion services and any affiliates or related entities, all referred to herein, both individually and collectively, as “LC entity”.
- 12) The term “member of LC’s family” includes LC’s spouse.