

Issued by the  
UNITED STATES DISTRICT COURT

for the DISTRICT OF Columbia

Thomas Burnett, SR., et al.

SUBPOENA IN A CIVIL CASE

V.

Al Baraka Investment & Development Corp., et al.

CASE NUMBER: <sup>1</sup> 03 CV 9849 (RCC)  
(Consolidated in 03 MD 1570 (RCC))  
Southern District of New York

TO: Sibel Edmonds  
c/o Mark Zaid, Esq. Krieger & Zaid, PLLC  
1747 Pennsylvania Avenue, N.W. Suite 300  
Washington, D.C. 20006

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Krieger & Zaid, PLLC 1747 Pennsylvania Avenue, N.W. Suite 300 Washington, D.C. 20006	DATE AND TIME April 27, 2004 10:00AM
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE 04/13/2004
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
Michael E. Elsner, Esq.  
28 Bridgeside Blvd. Mount Pleasant, SC 29464 (843-216-9000)

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

**PROOF OF SERVICE**

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:**

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that,

subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**Attachment A to Subpoena upon Sibel D. Edmonds  
Statement of Testimony Sought from Sibel Edmonds in  
Burnett v. Al Baraka Investment & Development Corp., et al  
03 CV 9849 (RCC) consolidated in 03 MD 1570 (RCC)  
United States District Court for the Southern District of New York**

Sibel Edmonds has offered numerous public statements indicating that she has information that is significantly relevant on the following issues in the above-referenced matter. Ms. Edmonds has offered statements that indicate knowledge of other potentially responsible parties. Ms. Edmonds has offered statements relevant to the foreseeability of the terrorist attacks on September 11, 2001. Ms. Edmonds has offered statements that indicate knowledge of the means by which the terrorist attacks of September 11, 2001 were financed. Each of these areas of inquiry is a significantly relevant area of inquiry in the above-referenced matter.

Specific points upon which Ms. Edmonds will be called to testify in her deposition include, but are not limited to, the following statements attributed to Ms. Edmonds as well as any supporting information for such statements:

1. Statements disclosed in any unclassified conferences between Ms. Edmonds and Senate staff members.
2. Statements disclosed in any unclassified conferences between Ms. Edmonds and Commissioners or staff members of the National Commission on Terrorist Attacks Upon the United States ("the 9/11 Commission").
3. Statements that Ms. Edmonds made, as reported on the Washingtonpost.com website on April 8, 2004, that Ms. Edmonds read intelligence reports from the Summer of 2001 that reported that al-Qaeda operatives planned to fly hijacked airplanes into United States skyscrapers.
4. Statements that Ms. Edmonds made, as reported on the Washingtonpost.com website on April 8, 2004, that "There was general information about the time-frame, about methods to be used but not specifically about how they would be used and about people being in place and who was ordering these sorts of terror attacks."
5. Statements that Ms. Edmonds made, as reported on the Washingtonpost.com website on April 8, 2004, that Ms. Edmonds has provided the 9/11 Commission's staff with "[s]pecific dates, specific target information, and specific managers in charge of the investigations".
6. Statements that Ms. Edmonds made, as reported on the Washingtonpost.com website on April 8, 2004 and on the Salon.com website on March 27, 2004, in response to national security advisor Condoleezza Rice's Op-Ed piece wherein Dr. Rice stated that the United States had no intelligence warnings of al Qaeda's tactics, and Ms. Edmonds responded "That is impossible" and "That's an outrageous lie. And documents can prove it's a lie."
7. Statements that Ms. Edmonds made, as reported on the Salon.com website on March 27, 2004, that the FBI had detailed information well before September 11, 2001, that a

terrorist attack involving airplanes was being plotted and terrorists were likely to attack the United States with airplanes.

8. Statements that Ms. Edmonds made, as reported on the Salon.com website on March 27, 2004, that the United States "should have had orange or red-type of alert in June or July of 2001. There was that much information available."
9. Statements that Ms. Edmonds made, as reported on the Salon.com website on March 27, 2004, that information she was translating, "often connected to terrorism, money laundering or other criminal activity, provide evidence that should have made apparent that an al-Qaida plot was in the works."
10. Statements that Ms. Edmonds made, as reported on the Salon.com website on March 27, 2004, the FBI had "specific information about use of airplanes, that an attack was on the way two or three months beforehand and that several people were already in the country by May of 2001."
11. Statements that Ms. Edmonds made, as reported on the Salon.com website on March 27, 2004, that the FBI had information made available through an FBI informant, who had been a reliable informant for ten years, regarding specific terrorist plans and specific al-Qaeda cells active within the United States.
12. Statements that Ms. Edmonds made to CBS, as reported in the WorldNet Daily on August 11, 2003, that Melek Can ("Jan") Dickerson reviewed translations and omitted information crucial to the investigation of the events that occurred on September 11, 2001, such as discussions of methods to obtain U.S. military and intelligence secrets, and that Dickerson marked them as "not important to be translated."
13. Statements that Ms. Edmonds made, as reported in the New York Observer on January 26, 2004, regarding alleged FBI security lapses in hiring and monitoring translators, investigations compromised by incorrect or misleading translations sent to field agents, and thousands of pages of translations falsely labeled "not pertinent" by Middle Eastern linguists who were either not qualified in the target language or English or protecting targets of investigations.
14. Statements that Ms. Edmonds made, as reported in Ms. Edmonds' February 16, 2004 letter to Senator Charles Grassley, alleging that severe problems have existed within the FBI's translation department since before September 11, 2001.
15. Statements that Ms. Edmonds made, as reported in Ms. Edmonds' February 16, 2004 letter to Senator Charles Grassley, alleging that, within the FBI translation department, translations were being blocked, mistranslated, and delayed; and that because these translations include items related to the terrorist attacks that happened on September 11, 2001, the security of our country and our ability to discover and prevent another planned terrorist attack continues to be seriously compromised.
16. Statements that Ms. Edmonds made, as reported in Ms. Edmonds' February 16, 2004 letter to Senator Charles Grassley, alleging that, sympathizers within the FBI's language department and agents of foreign organizations within the FBI's language department could block or mistranslate information and thereby prevent information from being properly translated.