

4.b. Warrant

United States District Court

FOR THE

In the Matter of the Search of
(Name, address or brief description of the person or property to be searched)

PEANUT CORPORATION OF AMERICA
2121 Wiggington Road
Lynchburg, VA 24502
being more particularly described in Attachment A
hereto

SEARCH WARRANT

CASE NUMBER: 7:09m150

TO: _____ and any Authorized Officer of the United States

Affidavit(s) having been made before me by PAUL PIERCE who has reason to
Affiant

believe that on the person or on the premises known as (name, description and/or location)

PEANUT CORPORATION OF AMERICA
2121 Wiggington Road
Lynchburg, VA 24502 being more particularly described in Attachment A hereto

in the Western District of Virginia there is now
concealed a certain person or property, namely (describe the person or property)
See Attachment B which are the fruits, evidence and instrumentalities of crimes against the United States,
concerning violations of Title 21, U.S.C., Sections 331, 333(a), and 342(a), and Title 18, U.S.C., Section 1001.

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or
property so described is now concealed on the person or premises above-described and establish grounds for the
issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before FEBRUARY 19, 2009
Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this
warrant and making the search (in the daytime—6:00 A.M. to 10:00 P.M.) (at any time in the day or night ~~as I find
reasonable cause has been established~~), and if the person or property be found there to seize same, leaving a
copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or
property seized and promptly return this warrant to JAMES OR MAGISTRATE JUDGE
as required by law. U.S. Judge or Magistrate

FEBRUARY 9, 2009 @ 12:30 pm at RIANOKE, VIRGINIA
Date and Time Issued City and State
GLEN E. CONRAD
Name and Title of Judicial Officer U.S. DISTRICT JUDGE
[Signature]
Signature of Judicial Officer

02/09/09 MON 11:51 FAX 540 857 5125 US DISTRICT JUDGE CONRAD

002/006
003

AO 93 (Rev. 2/80) Search Warrant

RETURN		
DATE WARRANT RECEIVED <i>2/9/09</i>	DATE AND TIME WARRANT EXECUTED <i>2/9/09; 1:20pm</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>placed on desk in office</i>
INVENTORY MADE IN THE PRESENCE OF		
INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT <i>See Attached.</i>		
CERTIFICATION		
I swear that this inventory is true and detailed account of the person or property taken by me on the warrant.		
_____ Subscribed, sworn to, and returned before me this date.		
_____ U.S. Judge or Magistrate		_____ Date

The following items were seized pursuant to search warrant executed at 2121 Wiggington Road, Lynchburg, VA, on February 9, 2009:

Envelope containing PCA Customers list from the GA Plant; PCA Detail A/R Aging Report 1/18/09; PCA Invoice/bill to Harrell Pecan; W-2's PCA, Tidewater; and 2006 Amended tax return dated 10/1/08.

Envelope containing shipping records (Tidewater); and copies of checks to PCA 2008 and 2009.

Box labeled A004, containing file folders labeled, in part, Golden Peanut; Hialeah Products; Hershey Import; Glory Bee Foods; Madelaine Chocolate; American Peanut Growers; Blakely Tire; Blakeley Texaco; Days Inn; and Multiban Foods.

Box labeled A003 containing hanging files labeled, in part, All Star Dairy; Austin Nut; Bear Naked; Country Maid; South Blend; Farley and Suthers; and Georgia Cold Storage.

Box labeled A005 containing hanging files labeled, in part, Early Trucking Co; GFA Peanut Association; Golden Peanuts; Federal Express Corp.; Joint Ventures; Global Bottom Line; Haysser Mfg.; and Jones Welding and Supply.

Box labeled A006 containing various hanging files entitled, in part, Motion Industries; Nampac; PP Sales; OCIA International; Pitney Bowes; Reed Marketing; Ridden Sales; Ropac Packaging; Natural Foods; Natural Organic Labs; Nutbar; Palmer Candy Co.; PP Sales; Rick Ice Cream; and Pem Baker Supply.

Box labeled A002 containing various hanging folders entitled, in part, PCA Building Expansion-Blakely; Georgia Open Orders; Business Plan; Organic Certification; Georgia Important; PP Sales; High Performance Staffing; J Leek; Golden Peanut; FDA; and Customer Complaints.

Box labeled A009 containing file folders labeled, in part, Due Invoices; A through Mc; White Foods; and Golden Peanuts.

Box labeled A008 containing hanging file folders labeled, in part, Sensory Effects; Season Produce; South Blend Chocolate; Standard Candy Co.; Summerdale Peanut; Star Kay White; Thomasville Dairy Queen; Tree of Life; Twin Bakery; Whole Foods; and Western Trade Group.

Box containing Financial Statements; Line of Credit Loan PCA; Texas Plant Appraisals/Loan Documents; Tidewater Weekly Financials/Plainview Weekly Financial; PCA Weekly Financials; Non-Disclosure Agreement Dairy Queen/Collection Notices; 2008 Peanut Invoices and Sales Receipts.

Box labeled A011 containing hanging file folders labeled, in part, Georgia Receivables; All Star Dairy; American Almond Products; Garvey Nut; Standard Candy Company; and Sunrise Natural Foods.

Box labeled A010 containing file folders labeled, in part, Southern AG Carriers; GA Receipt of Revenue; Purchase Power; Adam Archer; Grief Inc.; and Letters N through Z.

Box labeled A007 containing file folders labeled, in part, Southern Ag Carriers; Suntrust Bank; Sterling Corp.; Superior Nut; USDA F&U Program; Wells Fargo; and Tifton Quality Peanuts.

Box labeled A001 containing various folders labeled, in part, Cover Over; Whole Foods; Customers; Contracts; Move Cliller; Clif Bar; All Star; Kellogs; Dollar Tree; American Import; CA Trip; Blakely EIP; EIP Project; and Notebook labeled Georgia Peanut Contracts and Purchase Orders.

Envelope containing miscellaneous documents containing phone numbers; 1099 miscellaneous info; 1099 Vendor listing; Purchase Orders that were cancelled; Bill of Lading for PCA; 1/28 and 29/2009; Finish Product Report; Thank you letter for meds and food for kids; Aug 28, 2008 Recall Customer List; Invoice due Report; Xtreme Steam Proposal, Jan 14, 2009; file folder labeled "UPS Freight LTL"; and envelope labeled GA payroll 9/11/08 - 11/26/08.

Envelope containing invoice statements for Sunland, Inc. dated 11/30/08.

Envelope containing folder labeled 7/05 - 5/06 2000-2599 containing invoices; and loose documents clipped together reflecting Customer Lists.

Envelope containing emails regarding Login and Passwords for PCA employees.

Envelope containing Invoice to Action Maintenance Supply to PCA for (1) drum Isopropyl Alcohol dated 11/17/2008; and Recall Response Insurance Quote dated 1/22/08 from AIG.

Envelope containing Letters referring to sale of peanuts from PCA to American Import Co.

Envelope containing Invoice from Commonwealth of VA for Inspection/Lab Services; Copies of checks drawn on PCA; Email copies referencing recalled peanut butter dated 1/12/09; Customer address/contact list; and detail A/R Aging Report tracking sales.

Envelope containing (2) loan (finance contracts) 2007 GMC 1500 and 2007 GMC Yukon; (1) loan agreement to PCA from Bank of Early dated 1/5/2008; email dated 1/5/09 referencing sales to Best Brands; Revolving loan fund agreement between PCA and City of Plainview, TX

Box containing shipping labels/addresses; business cards; e-mails and purchase/shipping bills.

(2) Boxes containing Plainview Peanut Accounts Receivable 2008 A-L.

Box containing shipping reports and orders.

Box containing 2004-2008 PCA Expense Reports.

(2) Boxes containing contents of file cabinet drawer labeled Plainview Peanut Accounts Receivable 2008 L-Z

Envelope containing personnel records; recall letters; news articles.

Envelope containing faxed recall letter; fax from John Palmer to Stewart and Grey; and list of names and addresses.

Envelope containing Plainview Peanut Co.; Stock Valuation Report; folder marked Suffolk Temps and GA temps.

Paper bag containing plastic blue/white folder containing e-mails relating to recall.

Envelope containing PCA Press Release Statement and Message Pad.

Envelope containing Sales Invoice and Newspaper article.

Envelope containing Message pad and note pad containing names and telephone numbers.

Envelope containing Emails and promotional materials related to PCA.

Envelope containing yellow folder marked Falcon Trading Co., containing sales invoices.

Envelope containing freight claims relating to loss and/or damage shipments.

Envelope containing invoices relating to product shipped from PCA, Blakely GA to PCA Plainview, TX – August 2007 through October 2007.

Envelope containing invoices related to products shipped from PCA, Blakely, GA to PCA, Plainview, TX – 1/2006 thru 11/2006.

Envelope containing Purchase records; Extermination Invoice; Brokerage records.

Envelope containing sales records; request for analysis forms (J. Leek); purchase invoices (Doster WHS and Universal Blanchers and PCA payment records.

(2) Boxes containing folders from file cabinet labeled 2008 Payables A-M Plainview, TX.

(2) Boxes containing folders from file cabinet labeled 2008 Payables N-Z Plainview, TX.

Box containing folders from file cabinet labeled Plainview 2009 Payables M-Z.

Box containing folders from file cabinet labeled Plainview 2009 Payables A-L.

Box containing folders from file cabinet labeled Plainview 2009 Receivables.

Box containing invoices from Tidewater 2007, L-W.

Box containing invoices from Tidewater 2007, A-K.

Box containing Tidewater 2007 invoices A-L and Miscellaneous.

Box containing Tidewater invoices 2007, M-Z.

Box containing shipping reports dated 1/08 thru 4/08.

Box containing Accounts Payable 2006, Golden Peanut A-Hi.

Box containing Accounts Receivable 2006 A-Z, Plainview, TX

Box containing Bills – Accounts Payable 2006 N-Z.

Box containing Tidewater Accounts Payable 2006 A-M.

Box containing Accounts payable – 2005, M-Z, Tidewater.

(2) Boxes containing files from Cabinet labeled Tidewater Blanching, Accounts Receivable 2008, A-K.

Box containing Accounts Payable 2005, Tidewater, H-XYZ.

Box containing folders from file cabinet labeled Plainview Employees – Georgia Employees.

Box containing Accounts Payable – 2005, Tidewater.

Box containing Accounts Payable – 2005, Tidewater.

Box containing Accounts Receivable Tidewater 2005.

Box containing files from file cabinet labeled Tidewater Blanching, Accounts Receivable 2008, L-Z.

Box containing Accounts Payable 2006 Tidewater, Hu-Z.

(2) Boxes from file cabinet labeled Tidewater Blanching Accounts Payable 2008 A-N.

Box containing Accounts Receivable 2005 A-Z.

Box containing Accounts Payable 2007 – Plainview.

Box containing Accounts Receivable 2006 Tidewater.

Box containing Tidewater Blanching 2006 Accounts Receivables.

Box containing Plainview Accounts Payables 2007.

Box containing files from cabinet labeled Tidewater Blanching Accounts Payable 2008 O-Z.

Box containing Plainview Accounts Receivables R-Z 2007.

Box containing Plainview Accounts Receivables 2007 A-S.

Box containing file folders from cabinet labeled Tidewater 2009 Receivables.

Envelope containing DVD-R entitled "Texas Plant" PC of A Info.

Envelope containing Batch Records and Certificate of Analysis; and Invoices showing Interstate Transportation.

Envelope containing Salmonella emails and certificates of analysis.

Envelope containing emails discussing salmonella and certificate of analysis.

Bag containing various documents related to shipping, sales and list of names and telephone numbers.

Bag containing folders containing Broker Address labels, credit checks, Payroll transfers, freight charges, GA shipping/reports, TX shipping records, Invoices, Employment Agencies, financial records; UPS records, Repairs, Peanut Waste.

Black trash bag containing shredded documents near back door.

Plastic hanging folder container containing numerous folders including three folders respectively titled Abbott Labs, A&R Wholesale and Althea's Candies.

Box containing folders from file cabinet labeled Tidewater Employees.

Box containing folders from file cabinet labeled Tidewater 2009 Payables M-Z.

Box containing folders labeled Tidewater 2009 Payable A-L.

Envelope containing assorted documents including three J. Leek Associates, Inc. Certificate of Analysis respectively numbered 19548, 19549 and 11698.

Envelope containing miscellaneous documents to include press release dated 1/28/09 from PCA, Tidewater AIBI audit report; 2/3/09 letter to congress.

Envelope containing miscellaneous documents to include: AIBI food safety report dated 10/31/05; faxed quotes for electrical work (Plainview); 3/18/07 e-mail listing costs of building repairs and maintenance.

Envelope containing narrative about PCA response to allegations.

Envelope containing profit and loss statements; income statements; manufacturing overhead statements; AIBI audit reports.

Envelope containing documents from top of desk to include J. Leek Associates, Inc. test results, letters and correspondence.

Envelope containing assorted documents including three JLA Certificate of Analysis containing JLA ID #'s 030806-0310-001; 030808-1357-001; and 030809-1239-002, respectively.

Envelope containing King Nut Folder, Contractors, Customer A-M; Wrigley Nut, Customers P-Z; Dollar Tree, Active Projects.

Envelope containing FDA Form 483.

Envelope containing contact information for PCA Management.

Bag containing Plainview Peanut Co. Transaction History List contract documents, Plainview Peanut Co., stock valuation report; Plant inventory documents.

Bag containing various folders containing shipping records; e-mails regarding orders, payments, specs/certificates.

Box containing PCA records to include binder "Texas Open Orders"; pending orders; detail A/R Aging Reports.

Box containing PCA documents in file folders marked "Texas Accounts Payable" and "Texas Accounts Receivable".

Box containing bank records for the years of 2005/2006/2007/2008 for Peanut Corporation of America and subsidiary.

Envelope containing Nestle Inspection Report.

Box containing bills of lading for PCA to Texas/Shipping orders; Bank statements for PCA and subsidiary 2006-2008.

Envelope containing possible TAINT material.

Image of Dell Dimension 3000, Service Tag 6YBOT51.

Image of E-machine T3646, S/N: KC683700D8744.

Image of Acer Laptop travel mate 2410.

Image of Dell Dimension 3000, S/N 37CJR61.

Image of Dell Power Edge SC420, S/N 4C8F581.

Image of Dell Poweredge 2900.

Image of Dell Poweredge SC1420; S/N DHS8P91.

Image of HP Pavillion, S/N CN88241D73.

Image of HP Pavillion, S/N CND8382X12.