

Subpoena Duces Tecum



CITY OF NEW YORK
OFFICE OF SPECIAL ENFORCEMENT
22 READE STREET, 4TH FLOOR
NEW YORK, NY 10007

To: AIRBNB, c/o Corporation Service Company
80 State Street, Albany, New York, 12207-2543

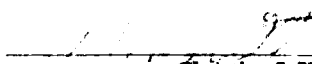
Re: 156 West 15th Street, Block 790, Lot 67, County of New York,
City and State of New York, 10011

You are hereby commanded, pursuant to Section 303(1-a) of the Multiple Dwelling Law, to appear and attend before the Mayor's Office of Special Enforcement of the City of New York at 22 Reade Street, 4th Floor, New York, NY 10007, on the **8th day of February, 2018, at 10:00 o'clock in the forenoon** and at any recessed or adjourned date thereof, to testify under oath in the matter of an investigation concerning the possible violation of Section 121 of the Multiple Dwelling Law and related provisions concerning transient rentals of multiple dwellings, and that you bring with you and produce at the time and place aforesaid:

SEE ATTACHED RIDER

now in your custody or control, and all other deeds, evidences and writings which you have in your custody, control, or power concerning the premises. FOR FAILURE TO APPEAR AND TO PRODUCE the items herein specified, an application will be made to the Supreme Court of the State of New York to compel compliance, and to impose costs, and for the issuance of a warrant directing a Sheriff to bring you before the undersigned; and you may also be subject to such other penalties and proceedings as are prescribed by law.

Witness my hand, this 11th day of January, 2018



Christian J. Klossner
Executive Director

Any inquiry concerning this subpoena should be made of:

Richard Hendrix
Special Assistant Corporation Counsel
Mayor's Office of Special Enforcement
22 Reade Street, 4th Floor
New York, NY 10007
Tel: (212) 416-5294
Email: rhendrix@justice.nyc.gov

NOTE: IN LIEU OF PERSONAL APPEARANCE AND PRODUCTION, FULL COMPLIANCE WITH THIS SUBPOENA MAY BE ACCOMPLISHED BY FORWARDING THE REQUESTED DOCUMENTS AND/OR MATERIALS TO RICHARD HENDRIX, AT THE AFOREMENTIONED ADDRESS ON OR BEFORE THE RETURN DATE.

Endorsement pursuant to the Civil Practice Law and Rules, Sec. 2305 (a): The Witness is bound by this Subpoena to appear at the Hearing or Examination, and at any recessed or adjourned date thereof.

RIDER

DEFINITIONS

1. **Document.** The term “document” shall be broadly defined to include electronically-stored information and all media on which information is recorded or stored. Furthermore, “document” means any written, recorded, or graphic material of any kind, whether prepared by you or by any other person, which is in your possession, custody, or control. The term includes but is not limited to records; instructions; specifications; notes; plans; drawings; sketches; blueprints; diagrams; photographs; photocopies; charts; graphs; descriptions; and drafts, whether or not they resulted in a final document.
2. **Communication.** The term “communication” means the written, verbal, and/or any other records of the transmission of information, in the form of facts, ideas, inquiries, or otherwise between users – either hosts or guests – of Airbnb’s service. Communication does not include the transmission of information between the listing platform and the user.
3. **Airbnb.** The term “Airbnb” means the corporation “Airbnb, Inc.,” or its parent, affiliate, or subsidiary companies, including but not limited to “Airbnb Payments, Inc.”
4. **Host.** The term “Host” means any individual who created, accessed, or maintained Airbnb accounts associated with any or all of the following user identification numbers or “host ID’s” – 1094480, 30744030, 86347763, 104144872, 77093319 – as well as any other user identification numbers as yet unknown either advertising or offering a stay at the Subject Premises (defined below), or sharing a common bank account or IP address related to or associated with in any other way of the above-referenced use identification numbers of “host ID’s.”

5. **Subject Premises.** The term “Subject Premises” refers to the following building: 156 West 15th Street, Block 790, Lot 67, County of New York, City and State of New York, 10011.
6. **Occupant.** The word occupant shall mean any individual who uses, possesses, or sleeps in, or has the right to use or possess or sleep in, any unit of the Subject Premises for one or more consecutive days or nights.
7. **Pertaining.** “Pertaining” means relating to, referring to, describing, evidencing, constituting, or in any way logically connected with the matter discussed.
8. **And/Or.** The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
9. **Any/All.** The words “any” and “all” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of a request.
10. **The use of a verb in any tense shall be construed as the use of the verb in all other tenses and the singular form shall be deemed to include the plural, and vice-versa.**
11. **Person.** The word “person” means an individual, corporation, partnership, trust, association, company, organization, or any form of entity.
12. **Identify.** The word “identify” when used with respect to an individual means to state: (a) his/her name; (b) his/her business affiliation and official title and/or position; and (c) his/her last known residential and business address. The word “identify” when used with respect to a document means to state: (a) the type of document (e.g. letter, memorandum, hand-written note, facsimile, email); (b) its date of origin or creation; (c) its author and addressee; (d) its last

known custodian or locations; and (e) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive by number. The word "identify" when used with respect to a company or other entity means to state: (a) the company's legal name, any former names, and the names under which it trades or does business; (b) the address of its principal place of business; and (c) the identity of its chief executive officer.

INSTRUCTIONS

1. Unless otherwise stated, the relevant time period for these document requests is **September 24, 2013 through the present.**

2. The City specifically requests that you search all files, records, computers, phones, hard drives, data storage, and/or other archiving systems that might reasonably be expected to contain any of the documents, email, and/or data requested in the following document requests.

3. Responsive documents shall be produced in native format or in a reasonably usable form such as a .csv or .xls file.

4. If no responsive documents exist for any particular request, please specifically state that no responsive documents exist.

5. In responding to these requests, furnish all information available to you within your custody or control, including information in the possession of your attorneys, consultants, accountants, agents, or other persons directly employed by, or connected with you or their attorneys, and not only information within your personal knowledge.

6. To the extent that any category of documents requested herein is deemed objectionable, you are requested to comply to the extent that such category is not deemed objectionable. If a privilege is asserted with respect to any document requested herein, you are

requested to identify with reasonable particularity, on or before thirty (30) days following service of these Requests, the document, the general nature of its contents, the date the document was prepared, the person who created the document, all recipients, both intended and unintended, of the document, the basis on which such privilege is claimed, and the request(s) for production to which the document is responsive.

7. In responding to these requests for production, categorize and identify documents that you produce according to the number of the request for production to which each of the documents produced is responsive.

8. For any responsive documents withheld or not produced on the basis that the document is deemed privileged, confidential, or otherwise protected from disclosure, please provide a description of each document, including the date, name, author, all recipients, type and general description of the document, sufficient to allow Plaintiff to make an independent determination with respect to the claim of privilege or protection from disclosure.

9. If any requested document was at one time in existence but no longer exists, please produce any document that may contain the same or similar information as the document requested. In addition, please specify for each such requested document:

- (a) The type of document;
- (b) The types of information contained therein;
- (c) The date upon which it ceased to exist;
- (d) The circumstances under which it ceased to exist and the identity of all persons having knowledge of the circumstances under which it ceased to exist;
- (e) The identity of all persons having knowledge or who had knowledge of the contents thereof; and
- (f) The name and address of any person or organization known or believed to have possession, custody or control of the document.

DOCUMENTS TO BE PRODUCED

1. All Documents, not including Communications, pertaining to each **Airbnb user identity** associated with the Subject Premises and the Host(s), including, for each such user identity, documents providing the Airbnb host identification number, date each user identity was created, and all user information supplied in connection with the creation or maintenance of each user identity, including but not limited to first name, last name, birthdate, address, email, phone number, bank accounts designated to receive payments for each user identity, and IP address used to create, access, modify, or otherwise maintain each user identity.

2. All Documents, not including Communications, pertaining to each **Airbnb listing** associated with the Subject Premises and the Host(s), including, for each such listing, documents providing the listing identification number, date each listing was created, and all information supplied in connection with the creation or maintenance of each listing, including but not limited to address (including specific unit if available), availability, listing name, price, room type, bed type, person capacity, neighborhood, maximum and minimum nights, beds, bathrooms, bedrooms, guests included, description, house rules, house manual, check-in and check-out time, bank accounts designated to receive payments for each listing, and IP addresses used to create, access, modify, or otherwise maintain each listing.

3. All Documents, not including Communications, pertaining to each **Airbnb reservation** for each listing associated with the Subject Premises and the Host(s), including, for each such reservation, documents providing the date the reservation was created, country, name, host identification number, listing identification number, start date, nights, number of guests, base price, host fee, security price, extras price, host currency, reservation identification number, amount, payout info, reconciled date, charge amount native, native currency, bank accounts

designated to receive payments for each reservation, and IP addresses used by the host to create, access, modify, or otherwise maintain each reservation.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: CIVIL BRANCH

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In the Matter of the Application of

THE CITY OF NEW YORK,

Petitioner,

Index No.

-against-

ACKNOWLEDGMENT

AIRBNB, INC.,

Respondent.

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STATE OF NEW YORK

SS:

COUNTY OF NEW YORK

On the 20th day of March, 2018, before me, Brian Krist, a notary public of the State of New York, personally appeared Christian Klossner, to me known and known to me to be the Executive Director of the New York City Mayor’s Office of Special Enforcement, and duly acknowledged before me that he executed the annexed subpoena *duces tecum* on behalf of the New York City Mayor’s Office of Special Enforcement, and that he had authority to sign same, and that he executed the same as the act and deed of said New York City Mayor’s Office of Special Enforcement, for the uses and purposes mentioned therein.



BRIAN JOSEPH KRIST
Notary Public, State of New York
No. 02KR6207920
Qualified in New York County
My Commission Expires June 15, 2021