

U.S. Department of Labor

Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

(856) 486-3800
(856) 486-3806 (FAX)



Issue Date: 12 September 2019

Case No.: 2019-SOX-00040

In the Matter of:

COLLEEN A. GRAHAM
Complainant

v.

CREDIT SUISSE SECURITIES, et al.
Respondents

**ORDER DENYING RESPONDENT CREDIT SUISSE SECURITIES' APPLICATION
FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS**

This matter arises under the employee protection provision of Section 806 of the Corporate and Criminal Fraud, Accountability Act of 2002, Title VII of the Sarbanes Oxley Act of 2002 (hereinafter, "SOX" or "the Act"), 18 U.S.C. § 1514A.

On July 30, 2019, this office received Respondent Palantir Technology Inc.'s Motion for a Stay of the Case and for Dismissal or Summary Decision. On July 31, 2019, this office received Respondent Signac's Motion for a Stay of the Case and for Dismissal or Summary Decision. On July 31, 2019, this office received Respondent Credit Suisse Securities' Motion to Stay and Motion to Dismiss.

On August 20, 2019, this office received Complainant's Response to all Motions listed above.

This office received Respondent Credit Suisse Securities' Application for Leave to File Reply in Support of its Motion for Summary Decision on August 27, 2019. On August 28, 2019, the undersigned then received Complainant's Opposition to the Application.

Upon consideration of both Application and Opposition, I hereby **DENY** Respondent Credit Suisse Securities' Application for Leave to File Reply in Support of its Motion for Summary Decision.

SO ORDERED.



Digitally signed by THERESA TIMLIN
DN: CN=THERESA TIMLIN,
OU=Administrative Law Judge, C=US
DCL Office of Administrative Law
Judges, L=CHERRY HILL, S=NJ, C=US
Location: CHERRY HILL NJ

THERESA C. TIMLIN
Administrative Law Judges

Cherry Hill, New Jersey

SERVICE SHEET

Case Name: GRAHAM_COLLEEN_A_v_CREDIT_SUISSE_SECURI_

Case Number: 2019SOX00040

Document Title: **ORDER DENYING RESPONDENT CREDIT SUISSE SECURITIES' APPLICATION FOR LEAVE TO FILE REPLY IN SUPPORT OF**

I hereby certify that a copy of the above-referenced document was sent to the following this 12th day of September, 2019:



Digitally signed by KELLY HOSSLER
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HILL, BN=NJ, CN=US
Location: CHERRY HILL, NJ

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Colleen A Graham

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Case No.: 2019-SOX-00040

In the Matter of:

COLLEEN A. GRAHAM
Complainant

v.

CREDIT SUISSE SECURITIES, et al.
Respondents

**ORDER GRANTING PARTIES' JOINT MOTIONS TO STAY PENDING DECISION
ON MOTIONS FOR SUMMARY DECISION, AND CANCELLING HEARING**

This matter arises under the employee protection provision of Section 806 of the Corporate and Criminal Fraud, Accountability Act of 2002, Title VII of the Sarbanes Oxley Act of 2002 (hereinafter, "SOX" or "the Act"), 18 U.S.C. § 1514A. On June 19, 2019, the undersigned issued an Initial Notice of Hearing and Pre-Hearing Order scheduling this matter for hearing on December 16, 2019 in New York, New York.

On July 30, 2019, this office received Respondent Palantir Technology Inc.'s Motion for a Stay of the Case and for Dismissal or Summary Decision. On July 31, 2019, this office received Respondent Signac's Motion for a Stay of the Case and for Dismissal or Summary Decision. On July 31, 2019, this office received Respondent Credit Suisse Securities' Motion to Stay and Motion to Dismiss.

On August 20, 2019, this office received Complainant's Response to all Motions listed above.

Accordingly, following a pre-hearing conference call conducted on September 5, 2019 and after a review of the file, the joint Motions to Stay are **GRANTED** pending the outcome of the Motions for Summary Decision. The hearing scheduled for December 16, 2019 in New York, NY is hereby **CANCELLED**.

SO ORDERED.



Digitally signed by THERESA TIMLIN
DN: CN=THERESA TIMLIN,
OU=Administrative Law Judge, O=US
DOL Office of Administrative Law
Judges, L=CHERRY HILL, S=NJ, C=US
Location: CHERRY HILL NJ

THERESA C. TIMLIN
Administrative Law Judges

Cherry Hill, New Jersey

SERVICE SHEET

Case Name: **GRAHAM_COLLEEN_A_v_CREDIT_SUISSE_SECURI_**

Case Number: **2019SOX00040**

Document Title: **ORDER GRANTING PARTIES' JOINT MOTIONS TO STAY PENDING
DECISION ON MOTIONS FOR SUMMARY DECISION, AND**

I hereby certify that a copy of the above-referenced document was sent to the following this 12th day of September, 2019:



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Colleen A Graham

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SERVICE SHEET continued (2019SOX00040 Hearing Cancelled) Page: 2

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Kraus & Zuchlewski LLP

August 27, 2019

VIA UPS

Honorable Theresa C. Timlin
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

Re: Colleen A Graham v. Credit Suisse Securities (USA) LLC, et al.
Case No. 2019-SOX-0040

Dear Judge Timlin:

This firm represents Complainant Colleen Graham in the above-mentioned proceeding. Enclosed please find Complainant's Opposition to the Credit Suisse Respondents' Application for Leave to File a Reply in Support of Motion to Dismiss.

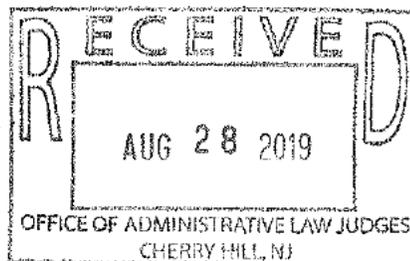
Thank you for your consideration.

Respectfully submitted,

(b) (6)

Desiree J. Gustafson

cc: Joseph Serino, Jr., Esq. [via email]
Jay Lefkowitz, Esq. [via email]
Elizabeth L. Lewis, Esq. [via email]



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3. Further, to the extent the Credit Suisse Respondents seek leave to file a reply on the motions for summary decision because Graham included in her opposition papers additional evidence and allegations outside of the complaint, the request lacks merit because motions for summary decision plainly allow for the submission of additional evidence not in the Complaint. As the Board stated in *Merten v Berkshire Hathaway, Inc.*, ARB Case No. 09-025, ALJ No. 2008-SOX-040, (June 16, 2011),

ALJ's should freely grant parties the opportunity to amend their initial pleadings to provide more information about their complaint prior to consideration of summary dismissal, and dismissals should be a last resort.
Id. at 4

Citing *Sylvester*, the Board explained further that:

Dismissal is even less appropriate when the parties submit additional documents that justify an amendment or further evidentiary analysis under 29 C.F.R. 18.40, the ALJ rule governing motions for summary decision. See also *Sylvester v. Parexel, id.*

4. Finally, Respondents' motion should be denied because Graham agreed to a stay of discovery based on the assumption that respondents' several motions would be "fully submitted" upon Graham filing her opposition papers, without reply by Respondents in accordance with the governing rules. The Credit Suisse Respondents knew that Graham's opposition papers would include material outside of her complaint, yet they failed to even advise Graham that they might request an extension based on such evidence. That is unfair.

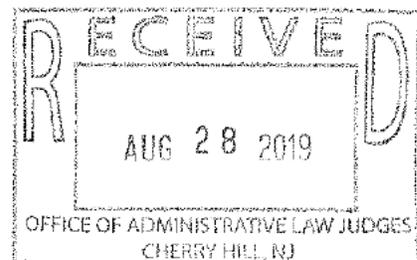
Dated: New York, New York
August 23 2019

KRAUS & ZUCHLEWSKI LLP

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**U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

COLLEEN A. GRAHAM

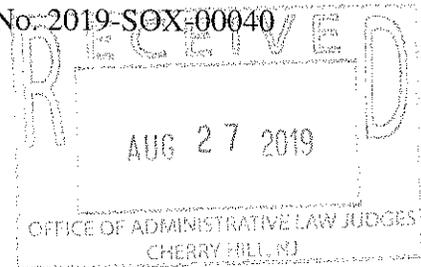
Complainant,

v.

CREDIT SUISSE SECURITIES (USA) LLC,
CREDIT SUISSE FIRST BOSTON NEXT
FUND, INC., PALANTIR TECHNOLOGIES,
INC., and SIGNAC LLC,

Respondents.

ALJ No. 2019-SOX-00040



**CREDIT SUISSE RESPONDENTS' APPLICATION FOR LEAVE
TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS**

Pursuant to 29 C.F.R. § 18.33, Respondents Credit Suisse Securities (USA) LLC and Credit Suisse First Boston Next Fund, Inc. (collectively, the "Credit Suisse Respondents") respectfully request leave to file a short memorandum of law, not to exceed ten pages, in reply to Complainant's Opposition to Respondents' Motions for Dismissal or for Summary Decision and her accompanying declaration.¹

It is well settled that leave to reply may be granted to respond to new arguments or to correct mischaracterizations. *See, e.g., Garvey v. Morgan Stanley*, OALJ 2017-SOX-00030, slip op. at 2-3 (OALJ Nov. 15, 2018); *Marshall v. Herndon Capital Mgmt., LLC*, OALJ 2018-SOX-00039, slip op. at 1 (OALJ Nov. 7, 2018). Replies are especially important where, as here, they pertain to a case-dispositive motion to dismiss. *See Sivakumar v. Cognizant Tech. Solution*, OALJ 2018-SOX-00024, slip op. at 3 (OALJ Dec. 11, 2018).

¹ The Credit Suisse Respondents incorporate by reference the definitions and arguments raised in the Credit Suisse Respondents' Memorandum of Law in Support of their Motion to Dismiss, dated July 29, 2019.

Complainant's opposition papers contain factual allegations and arguments not found in the Complaint. (See Compl.'s Opp. at 6-14; Compl.'s Decl. ¶¶ 7, 46-49.) The Credit Suisse Respondents respectfully seek leave to file a short reply in order to provide this Court with the legal points and authorities for ignoring these new allegations and arguments in deciding the motions to dismiss. The Credit Suisse Respondents also respectfully seek leave to file a short reply in order to explain why these new allegations and arguments, even if considered, do not address, much less rebut, the legal defects warranting dismissal of the Complaint as a matter of law. Finally, before filing this application, the Credit Suisse Respondents conferred with Complainant, who advised that she opposes the relief sought herein.

Dated: August 26, 2019

Respectfully submitted,

(b) (6)

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Joseph Serino, Jr.

Kuangyan Huang

Michael W. Jin

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New York, New York 10022

Telephone: (212) 906-1200

Facsimile: (212) 751-4864

*Attorneys for Respondents Credit Suisse
Securities (USA) LLC and Credit Suisse
First Boston Next Fund, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 26, 2019, the original and a copy of the CREDIT SUISSE RESPONDENTS' APPLICATION FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS was filed by Federal Express on the following:

Hon. Theresa C. Timlin
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

with copies by Federal Express and electronic mail on the following:

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By: 


**U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

COLLEEN A. GRAHAM

Complainant,

v.

ALJ No. 2019-SOX-00040

CREDIT SUISSE SECURITIES (USA) LLC,
CREDIT SUISSE FIRST BOSTON NEXT
FUND, INC., PALANTIR TECHNOLOGIES,
INC., and SIGNAC LLC,

Respondents.

NOTICE OF APPEARANCE

COMES NOW Nathan E. Taylor, an attorney of Latham & Watkins LLP, and enters his appearance as representative in the above-titled cause of action on behalf of Respondents Credit Suisse Securities (USA) LLC and Credit Suisse First Boston Next Fund, Inc.

Dated: September 6, 2019
New York, New York

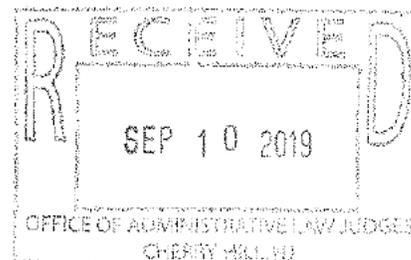
LATHAM & WATKINS, LLP

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The undersigned hereby certifies that on September 6, 2019, the original and a copy of the NOTICE OF APPEARANCE was served by Federal Express on the following:

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Issue Date: 14 August 2019

Case No.: 2019-SOX-00040

In the Matter of:

COLLEEN A. GRAHAM
Complainant

v.

CREDIT SUISSE SECURITIES, et al.
Respondents

**ORDER GRANTING COMPLAINANT'S MOTION FOR EXTENSION OF TIME TO
FILE A RESPONSE TO RESPONDENTS' MOTIONS FOR DISMISSAL OR
SUMMARY DECISION AND A STAY**

This matter arises under the employee protection provision of Section 806 of the Corporate and Criminal Fraud, Accountability Act of 2002, Title VII of the Sarbanes Oxley Act of 2002 (hereinafter, "SOX" or "the Act"), 18 U.S.C. § 1514A. On June 19, 2019, the undersigned issued an Initial Notice of Hearing and Pre-Hearing Order scheduling this matter for hearing on December 16, 2019 in New York, New York.

On July 30, 2019, this office received Respondent Palantir Technology Inc.'s Motion for a Stay of the Case and for Dismissal or Summary Decision. On July 31, 2019, this office received Respondent Signac's Motion for a Stay of the Case and for Dismissal or Summary Decision. On July 31, 2019, this office received Respondent Credit Suisse Securities' Motion to Stay and Motion to Dismiss.

Complainant's counsel submitted a Motion for Extension of Time to File a Response to all motions listed above on August 8, 2019. The request seeks a one week extension. This office subsequently received responses from all respondents advising there are no objections to the Complainant's request.

Accordingly, Complainant's Motion is **GRANTED**. Complainant is directed to submit a response to all motions post-marked no later than **August 19, 2019**. However, the parties are advised that this extension does not otherwise stay the case. All other deadlines remain in effect and the hearing in this matter remains scheduled for **December 16, 2019** in New York, New York.

SO ORDERED.



Digitally signed by THERESA TIMLIN
DN: CN=THERESA TIMLIN,
OU=Administrative Law Judge, O=US
DOL Office of Administrative Law
Judges, L=CHERRY HILL, S=NJ, C=US
Location: CHERRY HILL NJ

THERESA C. TIMLIN
Administrative Law Judges

Cherry Hill, New Jersey

SERVICE SHEET

Case Name: **GRAHAM_COLLEEN_A_v_CREDIT_SUISSE_SECURI_**

Case Number: **2019SOX00040**

Document Title: **ORDER GRANTING COMPLAINANT'S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO RESPONDENTS' MOTIONS**

I hereby certify that a copy of the above-referenced document was sent to the following this 14th day of August, 2019:



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HILL, S=NJ, C=US
Location: CHERRY HILL NJ

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IN THE U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

COLLEEN A. GRAHAM

Complainant,

CREDIT SUISSE SECURITIES, ET AL.,

Respondents.

Case No. 2019-SOX-00040

RESPONDENT SIGNAC LLC'S RESPONSE TO COMPLAINANT'S REQUEST
FOR EXTENSION OF TIME

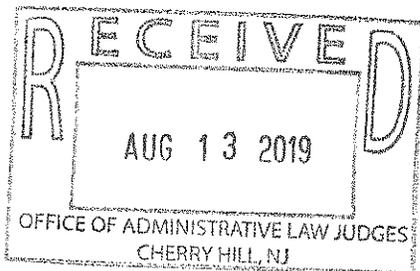
Respondent Signac LLC ("Signac" or "Respondent") does not oppose the one-week extension requested in Complainant Colleen A. Graham's Motion for Extension of Time to File a Response to Respondents' Motions for Dismissal or Summary Decision and a Stay. As the other Respondents have noted, Signac hopes and trusts that Complainant will extend similar courtesies to Respondents as needed.

Dated: August 12, 2019
New York, NY

COOLEY LLP

By: /s/ Joseph Lockinger

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 12, 2019, the original and a copy of the **RESPONDENT SIGNAC LLC'S RESPONSE TO COMPLAINANT'S REQUEST FOR EXTENSION OF TIME** was served by Federal Express on the following:

Hon. Theresa C. Timlin Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

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Joseph Serino, Jr.
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885 Third Avenue
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/s/ Joseph Lockinger
Joseph D. Lockinger

**IN THE U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

COLLEEN A. GRAHAM

Complainant,

CREDIT SUISSE SECURITIES, ET AL.,

Respondents.

Case No. 2019-SOX-00040

**RESPONDENT SIGNAC LLC'S RESPONSE TO COMPLAINANT'S REQUEST
FOR EXTENSION OF TIME**

Respondent Signac LLC ("Signac" or "Respondent") does not oppose the one-week extension requested in Complainant Colleen A. Graham's Motion for Extension of Time to File a Response to Respondents' Motions for Dismissal or Summary Decision and a Stay. As the other Respondents have noted, Signac hopes and trusts that Complainant will extend similar courtesies to Respondents as needed.

Dated: August 12, 2019
New York, NY

COOLEY LLP

By: /s/ Joseph Lockinger

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The undersigned hereby certifies that on August 12, 2019, the original and a copy of the **RESPONDENT SIGNAC LLC'S RESPONSE TO COMPLAINANT'S REQUEST FOR EXTENSION OF TIME** was served by Federal Express on the following:

Hon. Theresa C. Timlin Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
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Cherry Hill, NJ 08002

with copies by U.S. Mail and electronic mail on the following:

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Joseph Serino, Jr.
Kuangyan Huang
Michael W. Jin
LATHAM & WATKINS
885 Third Avenue
New York, NY 10022-4802

/s/ Joseph Lockinger
Joseph D. Lockinger

IN THE U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

COLLEEN A. GRAHAM,

Complainant,

v.

CREDIT SUISSE SECURITIES, ET AL.,

Respondents.

Case No. 2019-SOX-00040

**RESPONDENT PALANTIR TECHNOLOGIES, INC.'S RESPONSE TO
COMPLAINANT'S REQUEST FOR EXTENSION OF TIME**

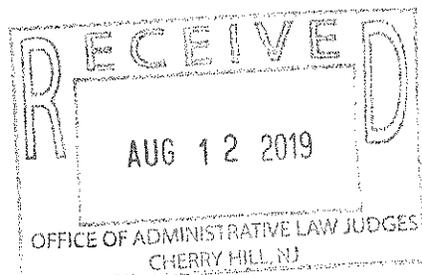
Respondent Palantir Technologies, Inc. ("Palantir" or "Respondent") does not oppose the one-week extension requested in Complainant Colleen A. Graham's Motion for Extension of Time to File a Response to Respondents' Motion for a Stay of the Case and for Dismissal or Summary Decision. As the Credit Suisse Respondents noted, Palantir hopes that Complainant Graham will extend similar courtesies to Respondent in the future as needed.

Date: August 9, 2019

/s/ Devora Allon

Devora W. Allon
Jay P. Lefkowitz
Thomas S. Burnett
KIRKLAND & ELLIS LLP
601 Lexington Ave.
New York, NY 10022

*Counsel for Respondent Palantir
Technologies, Inc.*



CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that on August 9, 2019, a true and correct copy of the attached RESPONDENT PALANTIR TECHNOLOGIES, INC.'S RESPONSE TO COMPLAINANT'S MOTION FOR EXTENSION OF TIME was served by e-mail and Federal Express upon:

Robert Kraus, Esq.
Kraus & Zuchlewski LLP
One Grand Central Place
60 East 42nd Street, Suite 2534
New York, NY 10165
rk@kzlaw.net

Joseph Serino, Jr., Esq.
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022
joseph.serino@lw.com

Elizabeth L. Lewis, Esq.
Cooley LLP
11951 Freedom Drive
Reston, VA 20190
elewis@cooley.com

Dated: August 9, 2019

(b) (6)

A large black rectangular redaction box covers the signature area of the document.

Michelle T. Denny

U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

COLLEEN A. GRAHAM

Complainant,

v.

CREDIT SUISSE SECURITIES (USA) LLC,
CREDIT SUISSE FIRST BOSTON NEXT
FUND, INC., PALANTIR TECHNOLOGIES,
INC., and SIGNAC LLC,

Respondents.

ALJ No. 2019-SOX-00040

**THE CREDIT SUISSE RESPONDENTS' RESPONSE TO
COMPLAINANT'S MOTION FOR EXTENSION OF TIME**

Pursuant to 29 C.F.R. § 18.33(d), Respondents Credit Suisse Securities (USA) LLC and Credit Suisse First Boston Next Fund, Inc. (together, the "Credit Suisse Respondents") do not oppose the extension requested in Complainant Colleen Graham's Motion for Extension of Time to File a Response to Respondents' Motions for Dismissal or Summary Decision and a Stay. The Credit Suisse Respondents hope and trust that Complainant will extend similar courtesies to Respondents as needed.

Dated: August 8, 2019

Respectfully submitted,

(b) (6)

LATHAM & WATKINS LLP

Joseph Serino, Jr.

Kuangyan Huang

Michael W. Jin

885 Third Avenue

New York, New York 10022

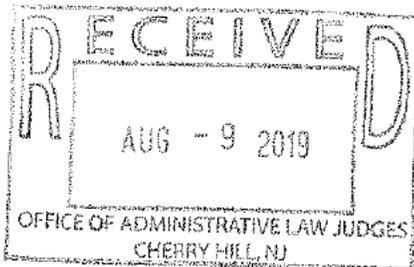
Telephone: (212) 906-1200

Facsimile: (212) 751-4864

Attorneys for Respondents Credit Suisse

Securities (USA) LLC and Credit Suisse

First Boston Next Fund, Inc.



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 8, 2019, the original and a copy of the CREDIT SUISSE RESPONDENTS' RESPONSE TO COMPLAINANT'S MOTION FOR EXTENSION OF TIME was filed by Federal Express on the following:

Hon. Theresa C. Timlin
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

with copies by Federal Express and electronic mail on the following:

Robert D. Kraus, Esq.
Desiree J. Gustafson, Esq.
KRAUS & ZUCHLEWSKI LLP
One Grand Central Place
60 East 42nd Street, Suite 2534
New York, NY 10165

Jay P. Lefkowitz, P.C.
Devora W. Allon, P.C.
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022

Elizabeth Lewis, Esq.
COOLEY LLP
Reston Town Center
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5640

Elizabeth C. Inglis, Esq.
COOLEY LLP
500 Boylston Street, 14th floor
Boston, MA 02116-3736

Joseph D. Lockinger, Esq.
COOLEY LLP
55 Hudson Yards
New York, NY 10001-2157

By: _____
/s/ [Signature]

(b) (6)

Kraus & Zuchlewski LLP

August 8, 2019

VIA FAX

Honorable Theresa C. Timlin
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

Re: Colleen A Graham v. Credit Suisse Securities (USA) LLC, et al.
Case No. 2019-SOX-0040

Dear Judge Timlin:

This firm represents Complainant Colleen Graham in the above-mentioned proceeding. Enclosed please find Complainant's Motion for Extension of Time.

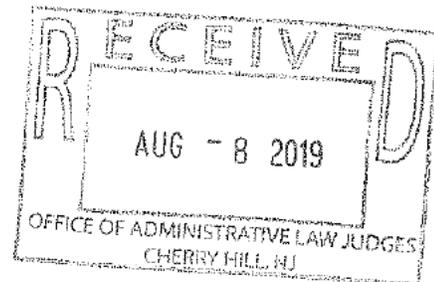
Thank you for your consideration.

Respectfully submitted,

(b) (6)

Desiree J. Gustafson

cc: Joseph Serino, Jr., Esq. [via email]
Jay Lefkowitz, Esq. [via email]
Elizabeth L. Lewis, Esq. [via email]



UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

-----X
COLLEEN A. GRAHAM, :
 :
 Complainant, :
 v. :
 :
 CREDIT SUISSE SECURITIES (USA) LLC, : Case No. 2019-SOX-00040
 CREDIT SUISSE FIRST BOSTON NEXT :
 FUND INC., PALANTIR TECHNOLOGIES :
 INC., and SIGNAC LLC :
 :
 Respondents. :
-----X

**COMPLAINANT COLLEEN GRAHAM'S MOTION FOR
EXTENSION OF TIME TO FILE A REPOSE TO RESPONDENTS'
MOTIONS FOR DISMISSAL OR SUMMARY DECISION AND A STAY**

Pursuant to the Electronic Code of Federal Regulations, 29 CFR §18.32 and Paragraph 7 of Your Honor's Initial Prehearing Order and Notice of Hearing, Complainant hereby respectfully requests a one-week extension of the time to file a response to Respondents' Motions for Dismissal or Summary Decision and a Stay. Counsel for all Respondents have not responded to Complainant's request for the extension¹.

BACKGROUND

On July 29, 2019, Respondent Credit Suisse Credit Suisse Securities (USA) LLC and Credit Suisse First Boston Next Fund, Inc. (jointly, Credit Suisse) filed their Motion to Dismiss. That same day, Respondents Palantir Technologies, Inc. ("Palantir") and Signac LLC ("Signac") each filed separate Motions for a Stay of the Case and for Dismissal or Summary Decision. On July 30, 2019, Credit Suisse also filed a Motion to Stay.

¹ On August 6, 2019, Graham's counsel asked Respondents' counsel whether they would consent to an extension. As of the date of this submission, Respondents have not responded. Counsel for Complaint is filing this application without receiving Respondents' position because she is leaving on holiday on August 8, 2019.

Pursuant to the Electronic Code of Federal Regulations, 29 CFR §18.33, Complainant's deadlines to respond to the motions filed on July 29 and July 30 are August 12 and August 13 respectively. Lead counsel for Complainant recently underwent a medical procedure which required time off to recover. In addition, Complainant's other counsel is travelling August 8-12, 2019.

CONCLUSION

For the foregoing reasons, Complainant Colleen Graham respectfully requests an extension to August 19, 2019 for the time to file responses to Respondents' Motions for Dismissal or Summary Decision and a Stay.

Dated: New York, New York
August 7, 2019

KRAUS & ZUCHLEWSKI LLP

(b) (6)

Robert D. Kraus, Esq.
Desiree J. Gustafson, Esq.
Attorneys for Complainant
60 East 42nd Street, Suite 2534
New York, New York 10165
(212) 869-4646
(212) 869-4648 (Facsimile)

To: Joseph Serino, Jr., Esq.
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022-4834

Jay Lefkowitz, Esq.
Kirkland & Ellis, LLP
601 Lexington Avenue
New York, New York 10022

Elizabeth L. Lewis, Esq.
Cooley LLP
11951 Freedom Drive
Reston, VA 20190

KRAUS & ZUCHLEWSKI LLP
ONE GRAND CENTRAL PLACE
60 E. 42ND STREET, SUITE 2534
NEW YORK, NY 10165
TEL: 212/869-4646
FAX: 212/869-4648

FACSIMILE TRANSMISSION

DATE: August 7, 2019

TO: U.S. Department of Labor – Office of Administrative Law Judges

ATTN: Kelly Hossler

FAX NO.: 856-486-3806

FROM: Desiree J. Gustafson, Esq.

RE: Case No. 2019-SOX-0040 – Colleen Graham v. Credit Suisse Securities (USA) LLC

PAGES: 4 (including cover sheet)

HARD COPY WILL FOLLOW

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PRIVILEGED AND CONFIDENTIALITY NOTICE

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**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

-----X
COLLEEN A. GRAHAM,

Complainant,

v.

**CREDIT SUISSE SECURITIES (USA) LLC,
CREDIT SUISSE FIRST BOSTON NEXT
FUND INC., PALANTIR TECHNOLOGIES
INC., and SIGNAC LLC**

Respondents.
-----X

Case No. 2019-SOX-00040

**COMPLAINANT COLLEEN GRAHAM’S MOTION FOR
EXTENSION OF TIME TO FILE A REPOSENSE TO RESPONDENTS’
MOTIONS FOR DISMISSAL OR SUMMARY DECISION AND A STAY**

Pursuant to the Electronic Code of Federal Regulations, 29 CFR §18.32 and Paragraph 7 of Your Honor’s Initial Prehearing Order and Notice of Hearing, Complainant hereby respectfully requests a one-week extension of the time to file a response to Respondents’ Motions for Dismissal or Summary Decision and a Stay. Counsel for all Respondents have not responded to Complainant’s request for the extension¹.

BACKGROUND

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¹ On August 6, 2019, Graham’s counsel asked Respondents’ counsel whether they would consent to an extension. As of the date of this submission, Respondents have not responded. Counsel for Complaint is filing this application without receiving Respondents’ position because she is leaving on holiday on August 8, 2019.

Pursuant to the Electronic Code of Federal Regulations, 29 CFR §18.33, Complainant's deadlines to respond to the motions filed on July 29 and July 30 are August 12 and August 13 respectively. Lead counsel for Complainant recently underwent a medical procedure which required time off to recover. In addition, Complainant's other counsel is travelling August 8-12, 2019.

CONCLUSION

For the foregoing reasons, Complainant Colleen Graham respectfully requests an extension to August 19, 2019 for the time to file responses to Respondents' Motions for Dismissal or Summary Decision and a Stay.

Dated: New York, New York
August 7, 2019

KRAUS & ZUCHLEWSKI LLP

(b) (6)

Robert D. Kraus, Esq.
Desiree J. Gustafson, Esq.
Attorneys for Complainant
60 East 42nd Street, Suite 2534
New York, New York 10165
(212) 869-4646
(212) 869-4648 (Facsimile)

To: Joseph Serino, Jr., Esq.
Latham & Watkins LLP
885 Third Avenue
New York, NY 10022-4834

Jay Lefkowitz, Esq.
Kirkland & Ellis, LLP
601 Lexington Avenue
New York, New York 10022

Elizabeth L. Lewis, Esq.
Cooley LLP
11951 Freedom Drive
Reston, VA 20190

U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

COLLEEN A. GRAHAM

Complainant,

CREDIT SUISSE SECURITIES (USA) LLC,
CREDIT SUISSE FIRST BOSTON NEXT
FUND, PALANTIR TECHNOLOGIES, INC.,
and SIGNAC LLC,

Respondents.

ALJ No. 2019-SOX-00040

NOTICE OF APPEARANCE

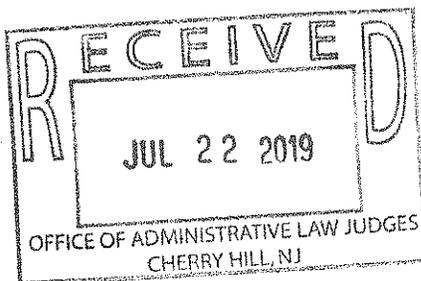
COMES NOW Joseph D. Lockinger, an attorney of Cooley LLP, and enters his appearance as representative in the above-titled cause of action on behalf of Respondent, Signac LLC.

Dated: July 19, 2019
New York, NY

COOLEY LLP

By: /s/ Joseph Lockinger

Joseph Lockinger, NY # 5216981
55 Hudson Yards
New York, NY 10001
(212) 479-6736
jlockinger@cooley.com



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 19, 2019, the original and a copy of the NOTICE OF APPEARANCE was served by Federal Express on the following:

Hon. Theresa C. Timlin Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

with copies by U.S. Mail and electronic mail on the following:

Robert D. Kraus, Esq.
Desiree J. Gustafson, Esq.
KRAUS & ZUCHLEWSKI LLP
One Grand Central Place
60 East 42nd Street, Suite 2534
New York, NY 10165

Jay P. Lefkowitz, P.C.
Devora W. Allon, P.C.
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022

Joseph Serino, Jr.
LATHAM & WATKINS
885 Third Avenue
New York, NY 10022-4802

/s/ Joseph Lockinger
Joseph D. Lockinger

by delivering the same in a properly addressed wrapper into the custody of Federal Express for overnight delivery prior to the last time designated by Federal Express for overnight delivery.

(b) (6)



Fern Skyler Copas

Sworn to before me this
10th day of July, 2019

(b) (6)



Notary Public

LAMINA E. BOWEN
NOTARY PUBLIC, State of New York
No. 01BO6124664
Qualified in New York County
Commission Expires March 28, 2021

Kraus & Zuchlewski LLP

July 10, 2019

VIA FAX

Honorable Theresa C. Timlin
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
2 Executive Campus, Suite 450
Cherry Hill, NJ 08002

Re: Colleen A Graham v. Credit Suisse Securities (USA) LLC, et al.
Case No. 2019-SOX-0040

Dear Judge Timlin:

This firm represents Complainant Colleen Graham in the above-mentioned proceeding. Pursuant to the Initial Prehearing Order and Notice of Hearing in this matter, dated June 19, 2019, the parties' initial disclosures are due today. Complainant is prepared to file and serve her disclosures but I was advised yesterday that one of the Respondents, Palantir Technologies Inc., maintains that the disclosures are confidential and should not be produced without a confidentiality order in place or clarification from Your Honor that none is required. Although we vigorously disagree with that position, we agree that Palantir should be afforded an opportunity to seek a protective order and have urged it to promptly submit an appropriate application. In the meantime, we agree to postpone the filing of our initial disclosures pending further direction from Your Honor.

Respectfully submitted,

(b) (6)

Desiree J. Gustafson

cc: Joseph Serino, Jr., Esq. [via email]
Jay Lefkowitz, Esq. [via email]
Elizabeth L. Lewis, Esq. [via email]

One Grand Central Place
60 East 42nd Street
New York, NY 10165

Tel: (212) 869-4646
Fax: (212) 869-4648
www.kzlaw.net

KRAUS & ZUCHLEWSKI LLP
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60 E. 42ND STREET, SUITE 2534
NEW YORK, NY 10165
TEL: 212/869-4646
FAX: 212/869-4648

FACSIMILE TRANSMISSION

DATE: July 10, 2019

TO: U.S. Department of Labor, Office of Administrative Law Judges

ATTN: Kelly Hossler

FAX NO.: 856-486-3806

FROM: Desiree J. Gustafson, Esq.

RE: Case No. 2019-SOX-0040 -Colleen A Graham v. Credit Suisse Securities (USA) LLC, et al.

PAGES: 2 (including cover sheet)

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:)
)
COLLEEN A. GRAHAM,)
)
Complainant,)
)
- against -)
)
CREDIT SUISSE SECURITIES, et al.,)
)
Respondents.)
)
)
)
)
)
_____)
CASE NO. 2019-SOX-00040

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that the undersigned, Dianne M. Kim, duly admitted to practice before the Courts in the State of New York, hereby enter his/her appearance as counsel on behalf of Palantir Technologies Inc., Respondent in the above-captioned matter.

Dated: July 2, 2019

(b) (6)

[License Registration No. 5661491]
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
dianne.kim@kirkland.com

Attorney for Respondent
Palantir Technologies Inc.

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:)

COLLEEN A. GRAHAM,)

Complainant,)

- against -)

CREDIT SUISSE SECURITIES, et al.,)

Respondents.)

CASE NO. 2019-SOX-00040
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

COUNTY OF NEW YORK)

) ss.:

Fern Skyler Copas, being duly sworn, deposes and says:

1. That I am over eighteen years of age, am employed by Kirkland & Ellis LLP, and am not a party to this action.

2. That on the 2nd day of July, 2019, I served a true and correct copy of the Notice of Appearance of Jay P. Lefkowitz, P.C., Notice of Appearance of Devora W. Allon, P.C., Notice of Appearance of Thomas Somerset Burnett and Notice of Appearance of Dianne M. Kim annexed hereto, by Federal Express upon:

Robert Kraus, Esq.
Kraus & Zuchlewski LLP
One Grand Central Place
50 East 42nd Street, Suite 2534
New York, N.Y. 10165

Joseph Serino, Jr., Esq.
Latham & Watkins
885 Third Avenue
New York, N.Y. 10022

Elizabeth L. Lewis, Esq.
Cooley LLP
11951 Freedom Drive
Reston, VA 20190

by delivering the same in a properly addressed wrapper into the custody of Federal Express for overnight delivery prior to the last time designated by Federal Express for overnight delivery.

(b) (6)

Fern Skyler Copas

Sworn to before me this
2nd day of July, 2019

(b) (6)

Notary Public

Maria M. Ranzazzo
Notary Public, State of New York
No. 01RAC000708
Qualified in Kings County
Commission Expires July 2, 2023