



Elizabeth C. Inglis
+1 617 937 2366
einglis@cooley.com

VIA FEDEX

July 1, 2019

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

RE: Colleen A. Graham v. Credit Suisse Securities (USA) LLC, et al.; ALJ No. 2019-SOX-00040

Dear Judge Timlin:

Enclosed for filing in the above-referenced action please find *Notices of Appearance for Elizabeth C. Inglis and Elizabeth L. Lewis on behalf of Signac LLC.*

Please do not hesitate to contact me with any questions.

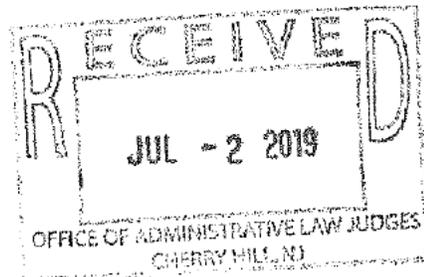
Very truly yours,

(b) (6)

Elizabeth C. Inglis

Enclosures

cc: Counsel of Record (via US Mail and electronic mail)



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 Elizabeth C. Inglis, an attorney of Cooley LLP, and enters her appearance as representative in the above-titled cause of action on behalf of Respondent, Signac LLC.

Dated: July 1, 2019
Boston, Massachusetts

(b) (6)

Elizabeth C. Inglis
Cooley LLP

By:

Elizabeth C. Inglis
Massachusetts BBO #678349

500 Boylston Street
Boston, MA 02116
(617) 937-2366
einglis@cooley.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 1, 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

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Elizabeth C. Inglis

U.S. DEPARTMENT OF LABOR
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COLLEEN A. GRAHAM

Complainant,

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CREDIT SUISSE FIRST BOSTON NEXT
FUND, PALANTIR TECHNOLOGIES, INC.,
and SIGNAC LLC,

Respondents.

ALJ No. 2019-SOX-00040

NOTICE OF APPEARANCE

COMES NOW Elizabeth L. Lewis, an attorney of Cooley LLP, and enters her appearance as representative in the above-titled cause of action on behalf of Respondent, Signac LLC.

Dated: July 1, 2019
Reston, Virginia

(b) (6)

Elizabeth L. Lewis
Cooley LLP

By:

Elizabeth Lewis
Virginia Bar No. 14117
Washington, DC Bar No. 447874

Reston Town Center
11951 Freedmon Drive, 14th Fl.
Reston, VA 20190
(703) 456-8015
elewis@cooley.com

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OFFICE OF ADMINISTRATIVE LAW JUDGES

COLLEEN A. GRAHAM

Complainant,

ALJ No. 2019-SOX-00040

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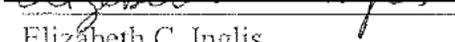
Respondents.

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Dated: July 1, 2019
Boston, Massachusetts

(b) (6)


Elizabeth C. Inglis
Cooley LLP

By:

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Massachusetts BBO #678349

500 Boylston Street
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Elizabeth C. Inglis

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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 Elizabeth L. Lewis, an attorney of Cooley LLP, and enters her appearance as representative in the above-titled cause of action on behalf of Respondent, Signac LLC.

Dated: July 1, 2019
Reston, Virginia

(b) (6)

Elizabeth L. Lewis
Cooley LLP

By:

Elizabeth Lewis
Virginia Bar No. 14117
Washington, DC Bar No. 447874

Reston Town Center
11951 Freedom Drive, 14th Fl.
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(b) (6)

Elizabeth C. Inglis

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

NOTICE OF APPEARANCE

Case No. 2019-SOX-00040

PLEASE TAKE NOTICE that Kraus & Zuchlewski LLP hereby appears as counsel of record on behalf of the Complainant Colleen Graham in the above-captioned case.

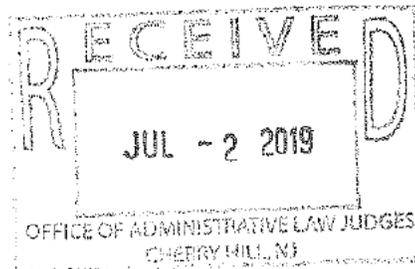
Dated: New York, New York
June 28, 2019

KRAUS & ZUCHLEWSKI LLP

(b) (6)
[Redacted]

Robert D. Kraus, Esq. (RK9354)
Desiree J. Gustafson, Esq. (DG2646)
Attorneys for Complainant
60 East 42nd Street, Suite 2534
New York, New York 10165
(212) 869-4646
(212) 869-4648 (Facsimile)

To: 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
(856) 486-3800
(856) 486-3806 (fax)



Joseph Serino, Jr., Esq.
Latham & Watkins LLP
885 Third Avenue
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Jay Lefkowitz, Esq.
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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,

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 Joseph Serino, Jr., 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: June 28, 2019
New York, New York

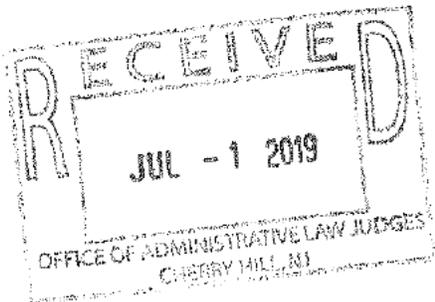
LATHAM & WATKINS LLP

(b) (6)

By: _____

Joseph Serino, Jr. (JS)
N.Y. Reg. # 2407492

885 Third Avenue
New York, New York 10022-4802
(212) 906-1200
Joseph.Serino@lw.com



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 28, 2019, the original and a copy of the
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Elizabeth Lewis, Esq.
COOLEY LLP
Reston Town Center
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5640

(b) (6)
By: 

Michael W. Jin

**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

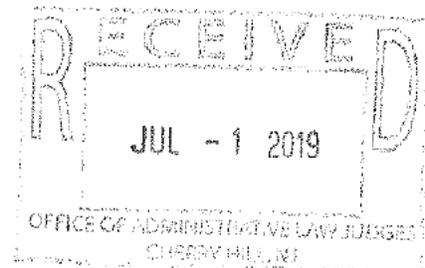
COMES NOW Kuangyan Huang, an attorney of Latham & Watkins LLP, and enters his appearance as representative in the above-titled cause of action on behalf of Respondents, Credit Suisse Securities (USA) LLC and Credit Suisse First Boston Next Fund, Inc.

Dated: June 28, 2019
New York, New York

LATHAM & WATKINS LLP

By: (b) (6)
Kuangyan Huang
N.Y. Reg. # 5073705

885 Third Avenue
New York, New York 10022-4802
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Kuan.Huang@lw.com



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Reston, VA 20190-5640

By: 
Michael W. Jin

**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 Michael W. Jin, 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: June 28, 2019
New York, New York

LATHAM & WATKINS LLP

(b) (6)

By: _____

Michael W. Jin
N.Y. Reg. # 5484563

885 Third Avenue
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(212) 906-1200
Michael.Jin@lw.com



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Michael W. Jin

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
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Respondents.

ALJ No. 2019-SOX-00040

SERVICE COPY

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Dated: June 28, 2019
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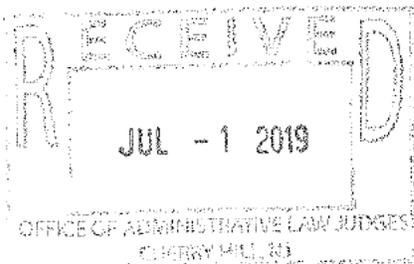
LATHAM & WATKINS LLP

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By

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By:  _____

Michael W. Jin

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COLLEEN A. GRAHAM

Complainant,

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Respondents.

ALJ No. 2019-SOX-00040

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NOTICE OF APPEARANCE

COMES NOW Kuangyan Huang, 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: June 28, 2019
New York, New York

LATHAM & WATKINS LLP

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By: _____

Kuangyan Huang
N.Y. Reg. # 5073705

885 Third Avenue
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Michael W. Jin

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Complainant,

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Respondents.

ALJ No. 2019-SOX-00040

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COMES NOW Michael W. Jin, 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: June 28, 2019
New York, New York

LATHAM & WATKINS LLP

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(b) (6)
By: 

Michael W. Jin

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: 19 June 2019

Case No.: 2019-SOX-00040

In the Matter of:

COLLEEN A. GRAHAM
Complainant

v.

CREDIT SUISSE SECURITIES, et al.
Respondents

INITIAL PREHEARING ORDER AND NOTICE OF HEARING

1. This matter has been docketed for a hearing before the United States Department of Labor, Office of Administrative Law Judges ("OALJ") pursuant to Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 ("SOX"), as amended, 18 U.S.C. § 1514A, and the implementing regulations at 29 C.F.R. Part 1980.

This hearing will take place as follows:

**DATE: MONDAY, DECEMBER 16, 2019 AND
TUESDAY, DECEMBER 17, 2019**

TIME: 10:30 AM

**PLACE: U.S. DEPARTMENT OF LABOR
201 VARICK STREET, ROOM 905A
NEW YORK CITY, NEW YORK**

A request by a party to continue the hearing or to change the place of the hearing must be made by motion. 29 C.F.R. § 18.41(b).

NOTICE OF ASSIGNMENT

2. This matter has been assigned to Theresa C. Timlin, Administrative Law Judge ("ALJ") of the U.S. Department of Labor, for hearing and decision. All filings in this matter should be addressed to me at the address shown in the letterhead above. Telephone inquiries should be directed to Kelly Hossler, Legal Assistant, at (856) 486-3800 Ext. 122. When contacting my office, please note that parties, their representatives, or other interested persons

must not engage in ex parte communications on the merits of a case with the judge. 29 C.F.R. § 18.14.

3. This Initial Prehearing Order states the basic schedule for the proceeding and provides notice of several procedural matters and requirements. This Initial Prehearing Order does not purport to cover all applicable procedural rules and requirements, and therefore the parties must become familiar with and adhere to the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges at 29 C.F.R. Part 18, Subpart A and with the SOX regulations at 29 C.F.R. Part 1980. These regulations, which were significantly revised effective June 18, 2015, may be found at www.ecfr.gov and at www.oalj.dol.gov/LIBRULES.HTM. See 80 Fed. Reg. 28767 (May 18, 2015).

NOTICE OF PREHEARING CONFERENCE

4. The parties shall be available, by telephone, to participate in a pre-hearing conference at **3:00 p.m.** (Eastern Standard Time) on **Thursday, September 5, 2019**.

At the designated time for the pre-hearing conference, please **dial 1-866-793-8793** (You must use a touch-tone phone to participate in this conference call). When prompted, use the **Participant Passcode 47228682 followed by a “#”**.

The principal purposes of the pre-hearing conference are to discuss the progress of settlement discussions and, if settlement is not possible, to discuss the upcoming hearing. Consistent with their pre-hearing statements, the parties should be prepared to identify the witnesses they will call and state, in general terms, the substance of their testimony. The parties should also be prepared to discuss, in general terms, what documents will be proffered at the hearing.

ENTRY AND WITHDRAWAL OF APPEARANCE BY REPRESENTATIVES

5. When first making an appearance, each representative must file a notice of appearance that indicates on whose behalf the appearance is made and the proceeding name and docket number. Any attorney representative must include in the notice of appearance the license registration number(s) assigned to the attorney. 29 C.F.R. § 18.22(a). An individual who is not an attorney must obtain the presiding judge's approval to serve as a representative by filing a written request to serve as a non-attorney representative that sets forth the name of the party or subpoenaed witness represented and certifies that the party or subpoenaed witness desires the representation. 29 C.F.R. § 18.22(b)(2).

PRE-HEARING PROCEDURE

6. The following sets the schedule for the pre-hearing procedure:

a. **DISCOVERY**. A party may seek discovery immediately upon issuance of this Initial Prehearing Order. 29 C.F.R. § 18.50(a)(1). The time for responding to any discovery requests made prior the initial conference may be extended by the parties in the discovery plan agreed to during the initial conference referenced below.

29 C.F.R. § 18.50(a)(1)(i). Parties must complete all discovery at least 40 days prior to the date of the evidentiary hearing. Parties should note that most discovery requests and responses are not filed with the presiding judge until they are used in the proceeding or the judge orders filing. 29 C.F.R. § 18.30(b)(1).

b. **INITIAL CONFERENCE.** Within fourteen (14) days from the date of this Initial Prehearing Order, the parties must meet and confer regarding the matters set forth in 29 C.F.R. § 18.50(b)(2). The initial conference may be held in person, via telephone or video conference, or other means mutually acceptable to the parties. The representatives of record and any unrepresented parties that have appeared in the case are jointly responsible for arranging the conference. For the instant case, the parties will not be required to submit a written discovery plan to the presiding judge.

c. **INITIAL DISCLOSURES.** Within twenty-one (21) days from the date of this order, and without awaiting a formal discovery request, the parties must provide to all other parties the documents and information set forth in 29 C.F.R. § 18.50(c)(1)(i).

All disclosures must be made in writing, signed, and served. The parties must supplement the disclosures when required by 29 C.F.R. § 18.53(a). A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures. 29 C.F.R. § 18.50(c)(1)(vi).

The initial disclosures are not filed with the presiding judge unless used in supporting a motion or other request, or if the judge orders filing.

d. **PRE-HEARING DISCLOSURES AND EXCHANGES.** At least thirty (30) days before the date of the hearing the parties must:

- (1) Pre-mark and exchange copies of exhibits, along with a preliminary exhibit list. Each page of multi-page exhibits must be numbered. Exhibits must be offered at the hearing. This evidence should **not** be submitted to the presiding judge before trial. An extra set of exhibits for witnesses to use as they testify must be provided at trial.
- (2) Stipulate as to the authenticity and content of all documents which they agree should be made a part of the record. Each of the stipulated documents must be properly marked for identification at the bottom of each page as Joint Exhibit 1, 2, 3, etc., paginated, and either placed in a three-ring binder or be bound together in some other acceptable form. Stipulated joint exhibits must be offered at the hearing unless the presiding judge directs earlier submission.
- (3) Exchange preliminary witness lists along with a precise statement of what the testimony of each will prove.

- (4) Designate expert witnesses on the witness list, with a brief statement concerning the field of expertise and proposed testimony. Any testifying expert must have submitted a written report, which is to be marked and exchanged as indicated above. 29 C.F.R. § 18.50(c)(2).
- (5) Confer on agreed facts and execute "Joint Stipulation of Agreed Facts" as appropriate. 29 C.F.R. § 18.83.

Objections to any of the proposed testimony or documentary evidence exchanged must be filed within seven (7) days from the date of receipt of the pre-hearing exchange of materials. **Failure without good cause to file an objection within the prescribed period may result in a waiver of all objections with respect to the introduction of the testimonial or documentary evidence.**

e. **PREHEARING STATEMENT.** For receipt by **no later than November 16, 2019**, each party must complete and deliver to the other parties *and the presiding judge* a Prehearing Statement containing all the information and the signature required by 29 C.F.R. § 18.80.

MOTIONS AND OTHER REQUESTS FOR RELIEF

7. All written motions and other requests for relief from the presiding judge, including requests for extensions of time or continuances, must be submitted in motion form, with a caption, and not by letter. The motion or other request must conform to the rules governing captions and other matters of form. 29 C.F.R. §§ 18.33, 18.34 and 18.35.

8. If the motion is opposed, the motion must contain a declaration that the parties have made a good faith effort but were unable to resolve the dispute giving rise to the motion before filing such motions with the presiding judge. Any motion failing to contain the required declaration may be summarily denied. The declaration is not required for unrepresented parties and for motions specified in 29 C.F.R. § 18.33(c)(3).

9. Motions for Summary Decision are required to be filed **at least six (6) weeks** prior to the date fixed for formal hearing. 29 C.F.R. § 18.72.

PUBLIC HEARING

10. OALJ conducts public hearings. 29 C.F.R. § 18.81. A presumption of public access applies to the entire hearing process. Transcripts and documents filed with OALJ are subject to inspection under the Freedom of Information Act regardless of whether those documents are moved into evidence at the formal hearing. The judge's final decision and selected orders are published on the agency website. **Parties are responsible for redacting filings and exhibits as required under 29 C.F.R. § 18.31.** Failure to redact or to obtain an order sealing a record prior to filing with the judge may result in waiver of protection from disclosure of information contained in those documents. For good cause, the judge may order protection of material pursuant to 29 C.F.R. §§ 18.85 (privileged, sensitive or classified material) and 18.52 (protective orders). In limited circumstances authorized by law, the judge may close a hearing.

29 C.F.R. § 18.81(a). *See also* 29 C.F.R. § 70.26(b) (designation of confidential business information at time of submission or reasonable time thereafter).

SERVICE ON OSHA, THE ASSOCIATE SOLICITOR, AND THE SEC

11. In Sarbanes-Oxley Act Section 806 proceedings, parties are required to send a copy of their hearing request and objections to the OSHA official who issued the findings and order, the Assistant Secretary for OSHA, and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor. 29 C.F.R. § 1980.106(a). However, after the matter is docketed at OALJ, parties must send copies of documents to OSHA and to the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, *only* upon request of OSHA, or when OSHA is participating in the proceeding. 29 C.F.R. § 1980.108(a)(2).

12. At the request of the Securities and Exchange Commission, copies of all documents in a case must be sent to the Commission, whether or not the Commission is participating in the proceeding. 29 C.F.R. § 1980.108(b).

SUBPOENAS

13. Requests for subpoenas must be in writing and comply with the provisions of 29 C.F.R. § 18.56. Information about obtaining subpoenas can be found at www.oalj.dol.gov/SUBPOENAS.HTM. Parties, and not OALJ, are responsible for preparing and serving subpoenas upon any witness and for tendering any required costs and expenses.

ALTERNATIVE DISPUTE RESOLUTION

14. OALJ offers two forms of court-sponsored alternative dispute resolution: settlement judges or mediation by a neutral. *See* 29 C.F.R. § 18.13 (settlement judge rule); Alternative Dispute Resolution Act of 1996, 5 U.S.C. §§ 572 and 573 (agency may appoint employee as a neutral to conduct mediation). For additional information see www.oalj.dol.gov/SETTLEMENT_JUDGE.HTM. Any requests for appointment of a settlement judge or a mediator in this case must be a joint request, submitted in writing to the Chief Judge Administrative Law Judge. By mail, send the request to U.S. Department of Labor, Office of Administrative Law Judges, 800 K St. NW - Suite 400N, Washington, DC 20001. By fax, send the request to (202) 693-7365. By email, send the request to oalj-settlement-judge@dol.gov.

SETTLEMENT AGREEMENTS

15. Any settlement agreement must be filed with the presiding judge for review and approval. 29 C.F.R. § 1980.111(d)(2).

TRANSLATORS AND INTERPRETERS; REASONABLE ACCOMMODATIONS

16. The parties must advise the undersigned promptly if a translator or an interpreter will be needed at the hearing. Parties may provide their own translator or interpreter or may request provision of a translator or an interpreter by the Department of Labor. Parties needing assistance with translation or interpretation services, or a reasonable accommodation, must inform the undersigned no less than 30 days before the date of the hearing.

LEGIBLE COPIES

17. The parties are directed to conduct a review of all documents which are to be made a part of the formal record. Any documents received which are not clearly legible will have limited evidentiary value, and may be given no weight.

Documents sent by FAX to this office are limited to twelve (12) pages, including cover sheet. 29 C.F.R. §§ 18.30(b)(3)(i).

CONSEQUENCES OF FAILURE TO COMPLY

18. Failure to comply with the provisions of this prehearing order may result in the imposition of sanctions including, but not limited to, the following: the exclusion of evidence, the dismissal of the claim, the entry of a default judgment, or the removal of the offending representative from the case. 29 C.F.R. §§ 18.12(b), 18.35(c), 18.57 and 18.87.

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 Judge

Cherry Hill New Jersey

SERVICE SHEET

Case Name: GRAHAM_COLLEEN_A_v_CREDIT_SUISSE_SECURI

Case Number: **2019SOX00040**

Document Title: **INITIAL PREHEARING ORDER AND NOTICE OF HEARING**

I hereby certify that a copy of the above-referenced document was sent to the following this 19th day of June, 2019:



Digitally signed by Kellyanne Hossler
DN: CN=Kellyanne Hossler, OU=Legal
Assistant, O=US DOL Office of Administrative
Law Judges, L=CHERRY HILL, ST=NJ, C=US
Location: CHERRY HILL, NJ

Kellyanne Hossler
Legal Assistant

Associate Solicitor
Division of Fair Labor Standards
U. S. Department of Labor
Room N-2716, FPB
200 Constitution Ave., N.W.
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

Director
Directorate of Whistleblower Protection Programs
U S Department of Labor, OSHA
Room N 4618 FPB
200 CONSTITUTION AVE NW
WASHINGTON DC 20210

{Hard Copy - Regular Mail}

OSHA-Region 2 Regional Administrator
Regional Administrator
Region 2
U. S. Department of Labor, OSHA
Room 670
201 Varick St.
NEW YORK NY 10014

{Hard Copy - Regular Mail}

Regional Solicitor
U. S. Department of Labor
Room 983
201 Varick Street
NEW YORK NY 10014

{Hard Copy - Regular Mail}

Free State Reporting Inc
1378 Cape St. Clair Road
ANNAPOLIS MD 21409

{Hard Copy - Regular Mail}

Colleen A Graham

(b) (6)

{Hard Copy - Regular Mail}

Robert Kraus, Esq.
Kraus & Zuchlewski, LLP
One Grand Central Place
60 East 42nd Street, Suite 2534
NEW YORK NY 10165

{Hard Copy - Regular Mail}

SERVICE SHEET continued (2019SOX00040 Notice of Hearing) Page: 2

Romeo Cerutti
c/o Joseph Serino, Esq.
Latham & Watkins, LLP
885 Third Avenue
NEW YORK NY 10022

{Hard Copy - Regular Mail}

Colleen A Graham



May 22, 2019

VIA FACSIMILE AND MAIL
Chief Administrative Law Judge
US Department of Labor
Suite 400N, Techworld Building
800 K Street NW
Washington, D.C. 20001-8002
T: 202-693-7542
F: 202-693-7365

2019 50X00040

Re: Objection to Secretary's Filings and Request for a Hearing
Graham v Credit Suisse et al/2-4173-18-017
Sarbanes Oxley Complaint of Unlawful Retaliation

Dear Sir/Madam:

I am the Complainant, Colleen Graham, and I am in receipt of the Secretary's written findings from OSHA dated April 23, 2019 concluding that, based on the information gathered thus far in its investigation, OSHA is unable to conclude that there is reasonable cause to believe that a violation of the statute occurred (the "Findings").

Please accept this letter as an objection to the Findings and a request a for a hearing before an Administrative Law Judge (ALJ). I also request an award of attorney fees.

I was retaliated against by Credit Suisse Securities (USA) LLC, Credit Suisse First Boston Next Fund, Inc, Palantir Technologies, Inc. and SIGNAC LLC (collectively, the "Respondents") as a result of my objection to and failure to participate in what I reasonably believe were Securities Law Violations by Respondents. Retaliation took

many forms including withdrawal of an offer of employment, failure to pay my 2016 bonus, refusal to value my equity for payment as required under my employment agreement, interference with potential job opportunities and bullying and harassment including allegations that I violated Swiss Bank Secrecy laws and threatening to cancel approximately \$1,000,000 in deferred compensation.

Finally, I believe the retaliatory conduct by the Credit Suisse respondents continues to date in the form of refusing to follow standard operating procedures in handling of my complaints about misconduct by Senior Executive Officers, including (i) directing that I can only make complaints through Credit Suisse outside counsel (ii) disabling or failing to provide a working whistleblower/integrity hotline for at least a 6 week period from November - December 2018 and (iii) refusing to fairly investigate my complaints of misconduct.

Sincerely,

(b) (6)



COLLEEN A GRAHAM

Copy by mail to:
Robert Kraus
Kraus & Zuchlewski LLP
One Grand Central Place, Suite 2534
60 East 42nd St
New York, NY 10165

Christopher J Carlin
Regional Supervisory Investigator
U.S. Department of Labor-OSHA
201 Varick Street, Room 670
New York, NY 10014

Teri M Wigger
Assistant Regional Administrator
U.S. Department of Labor-OSHA
201 Varick Street, Room 670
New York, NY 10014

Jennifer Brand
Associate Director
Division of Fair Labor Standards
200 Constitution Avenue, NW Rm 2716
Washington, DC 20210

Assistant Secretary
Occupational Safety and Health Administration Rm 2315
200 Constitution Avenue
Washington, DC 20210

Loren Sweatt
Acting Assistant Secretary
DWPP
200 Constitution Avenue NW N4618
Washington, DC 20210

US Department of Justice
Civil Frauds Division
950 Pennsylvania Avenue NW
Washington, DC 20530

US Securities and Exchange Commission
100 F Street NE
Mail Stop 5631
Washington, DC 20549

Romeo Cerutti
Credit Suisse
General Counsel
c/o: Joseph Serino
Latham & Watkins LLP
885 Third Avenue
New York NY 10022

Matt Long
Palantir Technologies LLC
c/o: Jay Lefkowitz
Kirkland & Ellis LLP
601 Lexington Avenue
New York NY 10022

Elizabeth L. Lewis
Cooley LLP
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190 -5640

Colleen A Graham

(b) (6)

2019 MAY 20 AM 11: 53.

May 22, 2019

VIA FACSIMILE AND MAIL

Chief Administrative Law Judge
US Department of Labor
Suite 400N, Techworld Building
800 K Street NW
Washington, D.C. 20001-8002
T: 202-693-7542
F: 202-693-7365

2019 SOX 00546

Re: Objection to Secretary's Filings and Request for a Hearing
Graham v Credit Suisse et al/2-4173-18-017
Sarbanes Oxley Complaint of Unlawful Retaliation

Dear Sir/Madam:

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Please accept this letter as an objection to the Findings and a request for a hearing before an Administrative Law Judge (ALJ). I also request an award of attorney fees.

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many forms including withdrawal of an offer of employment, failure to pay my 2016 bonus, refusal to value my equity for payment as required under my employment agreement, interference with potential job opportunities and bullying and harassment including allegations that I violated Swiss Bank Secrecy laws and threatening to cancel approximately \$1,000,000 in deferred compensation.

Finally, I believe the retaliatory conduct by the Credit Suisse respondents continues to date in the form of refusing to follow standard operating procedures in handling of my complaints about misconduct by Senior Executive Officers, including (i) directing that I can only make complaints through Credit Suisse outside counsel (ii) disabling or failing to provide a working whistleblower/integrity hotline for at least a 6 week period from November - December 2018 and (iii) refusing to fairly investigate my complaints of misconduct.

Sincerely,

(b) (6)

COLLEEN A GRAHAM

Copy by mail to:
Robert Kraus
Kraus & Zuchlewski LLP
One Grand Central Place, Suite 2534
60 East 42nd St
New York, NY 10165

Christopher J Carlin
Regional Supervisory Investigator
U.S. Department of Labor-OSHA
201 Varick Street, Room 670
New York, NY 10014

Teri M Wigger
Assistant Regional Administrator
U.S. Department of Labor-OSHA
201 Varick Street, Room 670
New York, NY 10014

Jennifer Brand
Associate Director
Division of Fair Labor Standards
200 Constitution Avenue, NW Rm 2716
Washington, DC 20210

Assistant Secretary
Occupational Safety and Health Administration Rm 2315
200 Constitution Avenue
Washington, DC 20210

Loren Sweatt
Acting Assistant Secretary
DWPP
200 Constitution Avenue NW N4618
Washington, DC 20210

US Department of Justice
Civil Frauds Division
950 Pennsylvania Avenue NW
Washington, DC 20530

US Securities and Exchange Commission
100 F Street NE
Mail Stop 5631
Washington, DC 20549

Romeo Cerutti
Credit Suisse
General Counsel
c/o: Joseph Serino
Latham & Watkins LLP
885 Third Avenue
New York NY 10022

Matt Long
Palantir Technologies LLC
c/o: Jay Lefkowitz
Kirkland & Ellis LLP
601 Lexington Avenue
New York NY 10022

Elizabeth L. Lewis
Cooley LLP
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190 -5640

U.S. Department of Labor

Occupational Safety and Health Administration
U.S. Department of Labor-OSHA
201 Varick Street, Room 670
New York, NY 10014



April 23, 2019

Ms. Coleen Graham
c/o Mr. Robert Kraus Esq.
Kraus & Zuchlewski LLP
One Grand Central Place, Suite 2534
60 East 42nd St.
New York, NY 10165

Via Email: rk@kzlaw.net

Re: Credit Suisse Securities et al/Graham/2-4173-18-017

2019 -
SOX - 40

Dear Ms. Graham:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by you (Complainant) against Credit Suisse Securities et al (Respondent) on November 20, 2017 under the Sarbanes-Oxley Act (SOX), 18 U.S.C. § 1514A. In brief, Complainant alleged that Respondent terminated her complainant in retaliation for her raising securities law violations.

Following an investigation by a duly-authorized investigator, the Secretary of Labor, acting through the Secretary's agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), Region II, issues the following findings:

Secretary's Findings

Complainant was terminated on July 27, 2017. On November 20, 2017, Complainant filed a complaint with the Secretary of Labor alleging that Respondent retaliated against her in violation of the Sarbanes-Oxley Act (SOX), 18 U.S.C. § 1514A. As this complaint was filed within 180 days of the alleged adverse action, it is timely.

Respondent is a company within the meaning of 18 U.S.C. § 1514A in that it is a company with a class of securities registered under Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) and is required to file reports under Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78o(d)).

Complainant is an employee within the meaning of 18 U.S.C. § 1514A.

Under 29 C.F.R. Part 1980, Section 1980.105 states that the Assistant Secretary shall issue, within 60 days of the filing of the complaint, written findings as to whether or not there is reasonable cause to believe that the respondent has retaliated against the complainant in violation of the Act. Since the filing of this complaint more than 60 days has lapsed and Complainant has requested that OSHA terminate its investigation and issue a determination. Based on the information gathered thus far in its investigation, OSHA is unable to conclude that there is reasonable cause to believe that a violation of the statute occurred. OSHA hereby dismisses the complaint.

Respondent and Complainant have 30 days from the receipt of these Findings to file objections and request a hearing before an Administrative Law Judge (ALJ). If no objections are filed, these Findings will become final and not subject to court review. Objections must be filed in writing with:

Chief Administrative Law Judge
U.S. Department of Labor
Suite 400N, Techworld Building
800 K Street NW
Washington, D.C. 20001-8002
(202)693-7542, Facsimile (202)693-7365

With copies to:

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

And:

Teri M. Wigger
Assistant Regional Administrator
U.S. Department of Labor-OSHA
201 Varick Street, Room 670
New York, NY 10014
212-337-2368

In addition, please be advised that the U.S. Department of Labor does not represent any party in the hearing; rather, each party presents his or her own case. The hearing is an adversarial proceeding before an ALJ in which the parties are allowed an opportunity to present their evidence for the record. The ALJ who conducts the hearing will issue a decision based on the evidence and arguments, presented by the parties. Review of the ALJ's decision may be sought from the Administrative Review Board (ARB), to which the Secretary of Labor has delegated responsibility for issuing final agency decisions under SOX. A copy of this letter has been sent to the Chief Administrative Law Judge along with a copy of your complaint. The rules and procedures for the handling of SOX cases can be found in Title 29, Code of Federal Regulations Part 1980 and may be obtained at www.whistleblowers.gov.

Sincerely,

(b) (6)

Christopher J. Carlin
Regional Supervisory Investigator

cc: Mr. Joseph Serrino (Via Email: Joseph.Serino@lw.com)
Chief Administrative Law Judge, USDOL
U.S. Securities and Exchange Commission
U.S. DOJ, Civil Frauds Division
DWPP

Whistleblower Application Online Complaint

Part 1 - Employee Information	
Online Complaint Number: ECN26035 Complaint Filed Date: 11/17/2017 Complainant Name: Graham, Colleen Complainant Address: (b) (6) Telephone Available : Complainant Home Phone: Complainant Work Phone: Complainant Cell Phone: Other Contact Person ? Name: Person filing certifies that Yes the information in this complaint is true and correct to the best of their knowledge:	Complainant Email: Best Time to Contact: Preferred Method of Contact: Worksite Address: 833 Washington StreetNew York, NY 10014 Date of Hire: Job Title: Exclusive Bargaining Representative: Phone : Person Filing Complaint is:
Part 2 - Employer Information	
ECN26035	
Employer Name: Signac, LLC Employer Type: Employer Mailing Address: 11 Madison Avenue New York, NY 10010 Sector: Private Employer Work Phone: 212-325-2000 Employer Fax: Employer Alt Work Phone: Employer Email: Different Company name :	Manager's Name Long, Matt Manager's Job Title: Board Member Manager's Work Phone: 212-691-2930 Supervisor's Name: Warner, Lara if Public : Supervisor's Job Title: Board Member Employer Alt Fax :
Part 3 - Allegation of Discrimination / Retaliation	
ECN26035	
Name of Management Person Responsible for the Retaliation: Job Title of Management Person Responsible for the Retaliation: Adverse Action: <ul style="list-style-type: none"> • Denial of Benefits • Failure to Hire / Re-Hire • Harassment / Intimidation • Other • Threat to take any of the above actions. 	
Agency Name: Other Adverse Actions: See Complaint sent to New York Regional Office Adverse Action Dates: 2017-11-15 When did you first learn that the action(s) would be taken against you?: Please describe why you believe you suffered the adverse action(s):: Other : Substantial additional information was sent via UPS to the New York Regional Office. What reason(s) did your employer give for the adverse action(s): Substantial additional information was sent via UPS to the New York Regional Office. Is there anything that your would like OSHA to know about what happened? Please include witness names or their contact information.	
Allegation Code: <ul style="list-style-type: none"> • Refusal to perform task • Complaint with management • Other 	
Allegation Code - Refused to Perform Task:	

Allegation Code - Testified or Provided Statement in Investigation or Other Proceedings:

Allegation Code - Other:

Allegation Dates:

Do you believe the employer knew you engaged in the activities described?:

**Has the Complainant Filed
Previous Complaint?**

Previous Complaint Number:

Previous Complaint Date:

Other Actions Taken by Complainant:

**How did complainant become aware
a complaint could be filed with OSHA?**

Part 4 - Identification of Representative		ECN26035	
Representative's Name:	Kraus, Robert D	Representative's Phone:	212-869-4646
Representative's Job Title:	Partner	Representative's Cell Phone:	
Representative's Organization:	Kraus & Zuchlewski LLP	Representative's Email:	rk@kzlaw.net
Union Affiliation:		Representative certifies the named employee has authorized him/her to act as their representative:	Yes
Representative's Address:	60 East 42nd Street, Suite 2534 New York, NY 10165		
Do you have authorized/designated representative(e.g., attorney, shop steward)? :	Y	Are you an authorized/designated representative (e.g., attorney, shop steward) that is filing on behalf of an employee : :	Y
Additional Comments		ECN26035	

November 17, 2017

VIA EMAIL AND OVERNIGHT MAIL

United States Department of Labor
Occupational Safety and Health Administration
Federal Building
201 Varick Street, Room 670
New York, New York 10014

OSHA-REGION 2-NYRO
2017 NOV 20 14 10:07

Re: Complaint of Retaliation

Dear Sir/Madam:

We represent Colleen Graham (“Graham”) and submit this whistleblower complaint on her behalf against Credit Suisse Securities (USA) LLC (“Credit Suisse”), Credit Suisse First Boston Next Fund Inc. (“CSFB”), Palantir Technologies Inc. (“Palantir”), and Signac LLC (“Signac”) (collectively, “Respondents”) for violations of the Sarbanes-Oxley Act of 2002 (“SOX”) 18 U.S.C. §1514A.

INTRODUCTION

Respondents first began to retaliate against Graham shortly after she refused to participate in conduct by Credit Suisse and Palantir that she reasonably believed violated securities laws. Graham refused to distort facts related to the recognition of revenue by Signac, Credit Suisse and Palantir, revenue which would have been deemed critical for Palantir relating to its widely rumored intention to go public. The adverse action began gradually as Credit Suisse and Palantir

started to exclude Graham from certain meetings and communications, made thinly veiled threats of termination, withheld her discretionary bonus for 2016, and deprived her of employment opportunities otherwise provided to substantially all of Signac Staff as the company was unwound. The initial retaliatory acts began in March and continued into June 2017. Then, when Graham's counsel asserted unlawful retaliation in early June 2017, Credit Suisse and Palantir immediately and sharply escalated their abusive conduct. Graham was singled out for conduct suffered from others. She was bullied, harassed and intimidated, and made the subject of knowingly false allegations of misconduct, including misconduct that, if true, would violate Swiss law. No less than six different (6) lawyers were called on to harass Graham in a number of different ways, including threatening to cancel substantial amounts of her deferred compensation and to pursue any and all remedies available if she didn't submit to a host of ever changing, unreasonable demands. Respondents also refused to value Graham's valuable equity, although required to do so.

Graham agreed to demand after demand, believing she would assuage the professed concern about alleged unauthorized disclosure of confidential information. After all, Credit Suisse had employed Graham for twenty years in senior compliance functions and had personal knowledge of her impeccable integrity. Respondents knew and appreciated the absence of any improper motive (like competition), or evidence of actual misconduct. Nonetheless, Graham was pursued with a singular aggressiveness, yet at the same time no action was taken against others who had used personal email for company business. Nor was any action taken against Palantir's designated representative, serving as Signac's CIO, who suggested that all Signac's laptops be reformatted so as to destroy all confidential information on them, which was plainly improper in light of the duty to preserve evidence.

Ultimately, after Graham withstood the pressurized tactics, the demands were simply abandoned. The feigned “serious concern” with unauthorized disclosure evaporated just as suddenly as it had appeared after she had first raised the issue of securities law violations.¹

BACKGROUND

1. Graham served as Chief Supervisory Officer of Signac² and a member of its Board of Managers from on or about February 29, 2016 to on or about July 27, 2017.

2. Prior to Signac, Graham was employed by Credit Suisse for more than twenty years serving in a number of senior level management positions, including heading Compliance for the Americas and acting as the Chief Control Officer of its investment bank.

3. Credit Suisse is a company with a class of securities registered under section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. §781) or that is required to file reports under section 15(d) of the SEC Act of 1934, 15 U.S.C §780 (d).

4. Credit Suisse and Palantir appointed Graham to serve as Signac’s Chief Supervisory Officer and a member of a Signac Board of Managers.

5. Signac is a Delaware Limited Liability Company. Its financial sponsors and principal equity stakeholders were CSFB and Palantir, a privately owned technology services company. CSFB and Palantir each owned 50% of the Signac voting rights.

¹ This complaint does not purport to recite all of the facts and circumstances relevant to this matter and the governing agreements contain expansive confidentiality provisions. Graham is fearful that Credit Suisse may object, however unreasonable it is, to additional disclosure.

² On or about February 29, 2016, Signac began to conduct its business. Signac was designed to leverage the financial services and trading expertise from Credit Suisse and certain technology made available by Palantir in order to build algorithms and analytics that track behavior to create a global, industry leading solution.

6. CSFB is a wholly owned subsidiary of Credit Suisse and its financial information is included in the financial statements of Credit Suisse, within the meaning of 18 U.S.C. §1514 A(a)(1).

7. Signac acted as a “contractor” of Credit Suisse or an affiliate thereof within the meaning of 18 U.S.C. §1514A and the regulations promulgated thereunder, 29 C.F.R. 1980.101 (f) and relevant precedent, and as such is a “covered person” subject to the provisions of SOX. Signac’s sole source of revenue was a contract under which Credit Suisse retained it to develop and provide certain software products, technology solutions, analytics and other services.

8. Graham remains an “employee” of Credit Suisse and is a “covered person” for purposes of SOX protections against retaliation because the relevant regulations define an “employee” as “an individual presently or formerly working for a covered person.” 29 C.F.R. 1980.101 (f) and (g). Credit Suisse continues to hold substantial amounts of Graham’s deferred compensation.

9. Palantir is currently a private corporation headquartered in Palo Alto, California. Palantir is a technology company that engages in the business of big data analysis. Although currently private, there has been much speculation in the financial and technology trade press that Palantir is planning an IPO of its stock, with reports speculating that it may receive a valuation of as much as Twenty Billion Dollars. Dr. Alex Karp is Palantir’s CEO. Intellectual and other property rights derived from the products developed and owned by Signac are material to that valuation.

10. Palantir and Credit Suisse each had a designated “Manager” on the Signac Board of Managers, which had exclusive and complete authority to manage and control Signac, subject to the provisions of the Signac LLC Agreement. As Managers of Signac, who together

undertook the retaliatory actions complained of herein, Palantir and Credit Suisse are also “covered persons” under the provisions of SOX, including 29 C.F.R. 1980.101(f) and relevant precedent.

GRAHAM OBJECTS TO PARTICIPATING IN UNLAWFUL PRACTICES

11. In or about March 2017, a Signac audit conducted by KPMG concluded that certain Signac revenue could not legally be recognized in calendar year 2016 under then existing software accounting rules; recognition had to be deferred until delivery of certain product.

12. Credit Suisse expressed strong frustration that it was unable to recognize the revenue in 2016. According to Credit Suisse, the lack of revenue recognition in 2016 would cause a significant loss to be recognized by it. According to Palantir, Signac’s deferral of revenue also impacted it negatively.

13. Credit Suisse, through a member of its’ Executive Board, complained that Signac was not considering the impact of the Signac accounting on Credit Suisse. Similarly, a representative of Palantir’s CEO complained among other things about the lack of alignment of interest between Signac and Palantir.

14. The Credit Suisse Executive Board Member advised Graham that the lack of revenue recognition would cause a significant loss to be recognized, and Credit Suisse and Palantir pressured Graham to distort the facts in order to convince the Signac auditor to allow the revenue recognition in 2016, revenue which was deemed critical to a widely reported potential Palantir IPO.

15. Palantir and Credit Suisse pressed Graham to adopt the knowingly false position that the product and services developed and rendered by Signac over the prior fourteen months

involved only maintenance of, or otherwise solely deployed, Palantir pre-existing technology and analytics. Graham refused.

16. Credit Suisse and Palantir expressed open frustration at Graham's objecting to their mistaken directions regarding revenue recognition.

17. After Graham objected and refused to distort the facts, Credit Suisse and Palantir began to retaliate against her, excluding her from relevant communications and meetings, making thinly veiled threats of termination and withholding her discretionary bonus for 2016. These initial retaliatory acts began in March and continued into June 2016. It also terminated Graham's physical and systems access to Credit Suisse on or about May 19, 2017. On or about May 19, 2017, Credit Suisse also withdrew the opportunity to become reemployed with Credit Suisse, an opportunity it extended to substantially all of the former Credit Suisse employees and other appropriate Signac employees.

**GRAHAM OBJECTS TO THE RETALIATION AND
THE BULLYING AND HARRASSMENT ESCALATES SHARPLY**

18. On May 23, 2017, Graham's counsel communicated by email with Credit Suisse's counsel, expressing concern that Credit Suisse had made offers of future employment to all appropriate Signac employees except Graham. He expressed a shared interest in "avoiding retaliatory conduct that would give rise to claims under Sarbanes – Oxley . . ." (Emphasis supplied)

19. On June 1, 2017, Graham's counsel specifically raised the issue of whether Graham had been discriminated against for having objected to certain accounting treatment that Signac's members, including Credit Suisse, sought to pursue.

20. On June 8, 2017, only three days after Graham had raised a claim of actual retaliation, Graham's counsel received a letter alleging that Graham "has violated her ongoing

contractual obligations to Signac and Credit Suisse Securities (USA) LLC”. The letter expressed “extreme concern” that Graham had “misappropriated Confidential and proprietary information by forwarding such information to her and her husband’s personal and non-secure email accounts” (emphasis added).

21. The letter referenced an ongoing “investigation,” demanded affidavits attesting that all confidential information had been permanently deleted from electronic devices, and demanded that all “devices and email or other electronic accounts” be submitted for a forensic inspection. Graham was afforded little more than 48 hours to comply.

22. Upon information and belief, Signac at the direction of Credit Suisse and Palantir, singled out Graham for an “investigation” although it knew, or would have known if it had conducted a simple inquiry, that other employees had “forwarded” confidential information to personal email accounts. Moreover, Respondents knew that Graham had not engaged in any unauthorized disclosure and had properly used the information solely for purposes related to her service as a manager as authorized by the relevant agreement, to ensure she had an opportunity to fulfill her own fiduciary obligations as a member of the Board of Signac, and to preserve evidence in connection with her concerns about possible securities law violations. The false allegations were intended to bully and harass Graham in retaliation for her having (a) raised the issue of securities law violations, and (b) stated her intention to pursue her remedies under SOX.

23. Despite Graham’s assurances that she had used the information properly, only for purposes related to her services as a Manager, and to preserve evidence in connection with her personal obligations, and despite having no evidence to the contrary, Respondents pressed on and with a ferocity completely inconsistent with the allegations and the assurances they were receiving from Graham (who had been an extremely well respected senior level compliance

officer at Credit Suisse for 20 years). Credit Suisse directly threatened to cancel substantial deferred compensation that she had earned and that Credit Suisse continued to hold. It accused her of breaching her obligations. Respondents demanded invasive forensic inspection of all her and her families' personal electronic devices and email and electronic accounts. Respondents demanded the return of all Signac and Credit Suisse confidential information, including that Graham had shared with counsel for purposes of getting legal advice. Unfounded claims were made that the email transmissions violated Swiss laws, which amounted possibly to allegations of criminal misconduct.

24. On or about June 19, 2017, Credit Suisse and Palantir instructed Graham not to attend or participate in the most significant operational risk industry conference scheduled for the next day. Graham was scheduled to be a panel participant.

25. Graham withstood the barrage of harassing tactics. On June 27th, with Respondents unable to secure any evidence that Graham actually had made any unauthorized disclosure and having received sworn affidavits from Graham confirming the same, Credit Suisse, by its counsel, advised that it "presently intends not to cancel Graham's outstanding" deferred compensation awards. However, as part of the ongoing campaign of harassment, Credit Suisse imposed new³ and often unreasonable conditions on Graham in order to avoid future cancellation.

26. Graham's counsel immediately expressed concern, among other things, that demanding return of a vaguely defined "CS Client Related Information" might interfere with Graham's right to pursue her SOX claims. It was agreed that Graham would attest that she held neither:

³ Graham had agreed to a forensic examination with reasonable parameters.

- 1) 'CS Client Identifying Information'. Defined as information that identifies CS clients except to the extent it is already public, thematic or illustrative.
- 2) 'CS Swiss Data'. Defined as documents that contain CS Swiss business, data or investigations except to the extent not otherwise public, thematic or illustrative.

27. Credit Suisse continued to allege that Graham had possessed two items of CS Swiss Data, essentially accusing her of violating both Swiss law and her contractual obligations. However, the two items had previously been public and or were thematic, and so did not constitute CS Swiss Data under any reasonable interpretation. Credit Suisse knew well that the items did not constitute CS Swiss Data and was making the allegations to intimidate Graham and deter her from pursuing her retaliation claim under SOX.

28. Graham's counsel offered to allow Credit Suisse's counsel to inspect any materials to confirm that they did not constitute CS Swiss Data or CS Client Identifying Information. Despite the professed "serious concern" surrounding possible legal violations, Credit Suisse elected not to review the documents.

29. With regard to the forensic examination of electronic devices and email accounts, Signac and Credit Suisse agreed that the forensic examiners would only conduct the review and access Graham's devices and email accounts in her attorney's offices. Credit Suisse and Signac expressed their clear desire "to promptly proceed and complete this important investigation."

30. Credit Suisse and Signac subsequently reneged on their agreement to access Graham's devices and email accounts only in her attorney's offices, falsely claiming it wasn't agreed upon. They then completely abandoned their "important investigation."

31. In or about July 2017, for a three-day period, Graham believes she was followed by a woman, the intention of which was to harass and intimidate Graham. The woman Graham believes, followed her to an interview at a financial institution, that is an investor in Palantir.

Shortly thereafter, upon information and belief. Credit Suisse and Palantir interfered with a significant employment opportunity being extended to Graham by the financial institution.

32. Credit Suisse also has withheld interest payments due and owing to Graham on her deferred compensation.

33. Credit Suisse and Palantir also refused to value Graham's valuable equity, although required to do so by the definitive documents.

SARBANES-OXLEY- THE RELEVANT LAW

Section 806 of SOX protects employees against retaliation where they have provided information to their supervisors that the employees "reasonably believe constitutes a violation of [18 U.S.C.] section 1341 [mail fraud], 1343 [wire fraud], 1344 [bank fraud], or 1348 [securities fraud], any rule or regulation of the Securities and Exchange Commission ["SEC"], or any provision of Federal law relating to fraud against shareholders" 18 U.S.C.S. § 1514A(a)(1). To invoke the protection of Section 806, an employee "must show by a preponderance of the evidence that (1) [he] engaged in protected activity; (2) the employer knew of the protected activity; (3) [he] suffered an unfavorable personnel action; and (4) circumstances exist to suggest that the protected activity was a contributing factor to the unfavorable action." *Fraser v. Fiduciary Trust Co. Int'l*, 2009 U.S. Dist. LEXIS 75565, 2009 WL 2601389, at *4 (S.D.N.Y. Aug. 25, 2009). There is ample evidence showing that Graham meets the four elements required to enjoy the protections of Section 806 of SOX and that Respondents, as "covered persons" under the Regulations promulgated under SOX, 29 C.F.R. 1980.100 *et. seq.*, and relevant case law, retaliated against her in violation of SOX because she had complained about securities law violations. SOX also prohibits a "covered person", like each of Credit Suisse, Signac and

Palantir, from retaliating against employees for seeking to protect their rights under SOX to be free from retaliation. In this case, Credit Suisse sharply escalated, its retaliatory conduct after Graham, through counsel complained that she was being retaliated against for having made complaints protected by SOX and intended to pursue her statutory rights and remedies.

RELIEF SOUGHT

Complainant seeks the following relief:

- A. Reinstatement to a position at Credit Suisse;
- B. Back pay, raises, bonuses, front pay, the reasonable value of her equity in Signac, deferred compensation and interest payments therein, benefits, overtime, reinstatement of seniority and tenure, and other orders and relief necessary to make complainant whole;
- C. An order: (1) requiring respondent to abate and refrain from any further violations of the whistleblower provisions of the Acts; (2) requiring respondent to explicitly rescind any and all policies that restrain or direct employees in connection with reporting of compliance issues; (3) requiring respondent to prohibit harassment of those who engage, or are suspected of engaging in protected activity; and (4) requiring respondent to take prompt and effective action against any reported violations;
- D. An order prohibiting Respondents from disclosing any disparaging information about complainant to prospective employers, or otherwise interfering with any applications he might make in the future;
- E. Compensatory monetary damages in an amount determined to be fair and equitable compensation for complainant's emotional distress and loss of reputation;

F. Exemplary damages in an amount sufficient to deter Respondents from future violations of the law;

G. Reasonable attorney fees;

H. Costs of this proceeding, including reimbursement for deposition fees, travel expenses, and other expenses to collect and produce evidence in this matter;

I. Order requiring Respondents to issue a notice, and provide copies to all its employees that: (1) the Department of Labor has found that respondent violated the rights of a whistleblower, and ordered that this person be made whole, (2) describes the laws protecting whistleblowers, setting out the ALJ's orders to respondent as policies of respondent, (3) provides the name and address where complaints of violations may be sent, and (4) informs employees that complaints must be filed within specified time limits after any adverse action;

J. Pre-judgment interest on all amounts due; and

K. Such other and further relief as may be just and proper.

Very truly yours,

Kraus & Zuchlewski LLP
Attorneys for Colleen Graham

(b) (6)
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cc: Colleen Graham

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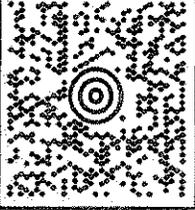
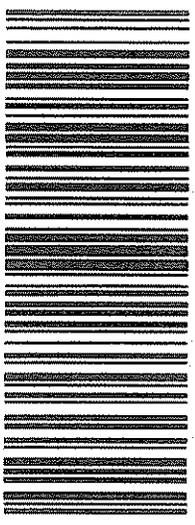
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