

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

COLLEEN A. GRAHAM,

Case No. 2019-SOX-00040

Complainant,

**DECLARATION OF JOSEPH D.
LOCKINGER**

v.

**CREDIT SUISSE SECURITIES, ET AL.,
Respondents.**

I, Joseph D. Lockinger, declare as follows:

1. I am an associate at the law firm Cooley LLP, counsel to Signac LLC (“Signac”) and respectfully submit this Declaration in support of Respondent Signac’s Opposition to Graham’s Motion to Compel and For Leave to Amend and Cross-Motion to Extend Signac’s Time to Respond. I have personal knowledge of the facts set forth herein.

2. On January 30, 2020, the parties collectively discussed discovery deadlines and Signac and Credit Suisse Securities (USA) LLC (“Credit Suisse”) made clear to Complainant that no additional documents would be produced until a protective order was put in place. A copy of this e-mail correspondence is annexed hereto as Exhibit 1.

3. Following this conversation, and based on the belief that a motion for a protective order was forthcoming in place of initial responses to the RFPs, Signac did not respond to the RFPs on the February 17, 2020 deadline.

4. During the scheduling call with the Court on February 27, 2020, it was made clear to counsel for Signac that Credit Suisse had responded to the RFPs, by interposing responses and objection, despite not having made a motion for a protective order.

5. As such, on March 13, 2020, Signac interposed its own Responses and Objections (the “Responses”) to the RFPs. A copy of the Responses and the e-mail sending them to Complainant is annexed hereto as Exhibit 2.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 1, 2020
Clarksville, Tennessee

/s/ Joseph D. Lockinger
Joseph D. Lockinger
COOLEY LLP
55 Hudson Yards
New York, NY 10001-2157
Telephone: (212) 479-6736
jlockinger@cooley.com

EXHIBIT 1

Lockinger, Joseph D

From: Robert Kraus <rk@kzlaw.net>
Sent: Thursday, January 30, 2020 7:27 PM
To: Lockinger, Joseph D; 'Kuan.Huang@lw.com'
Cc: Joseph.Serino@lw.com; Fulton, Jim; Zuckerman, Steven A; Shannon.McLaughlin@lw.com; Nathan.Taylor@lw.com
Subject: RE: Graham F2019-884165

[External]

Gentlemen,

The last two weeks in April are not acceptable for a number of reasons. I also do not agree to a protective order, nor do I think there is much chance the Court will issue one.

Under the circumstances, I suggest we write to Judge Timlin and request a pre-hearing conference at her earliest convenience. I am out tomorrow but we should confer beginning of next week regarding witnesses, discovery, and any other relevant issues. Let me know what works for a conference call.

In terms of the date defendants document responses are due, it looks like it is February 17th, not the 14th. I am operating under the assumption that responsive documents also will be made available simultaneously and in accordance with 29 C.F.R. sect. 18.61 (b)(2)(v). Please correct me if I'm mistaken. And since that date is a little more than two full weeks away, I suggest you interpose your motion for a protective order immediately.

I also asked whether you have any objections to the requests, which you have now had for months. In connection with setting any schedule, the parties and the Court obviously need to consider if you have objections and if so what they are. I renew my request.

Given my schedule and the parties apparent differences on a number of issues, I suggest hearing dates the first two weeks in June.

Thank you

Robert

Robert Kraus
Kraus & Zuchlewski LLP
One Grand Central Place
Suite 2534
New York, N.Y. 10165
Ph. 212.869.4646
m. 917.705.3297

From: Lockinger, Joseph D <jlockinger@cooley.com>
Sent: Thursday, January 30, 2020 6:21 PM
To: 'Kuan.Huang@lw.com' <Kuan.Huang@lw.com>; Robert Kraus <rk@kzlaw.net>
Cc: Joseph.Serino@lw.com; Fulton, Jim <FULTONJF@cooley.com>; Zuckerman, Steven A <szuckerman@cooley.com>; Shannon.McLaughlin@lw.com; Nathan.Taylor@lw.com
Subject: RE: Graham F2019-884165

Robert,

For Signac (going forward), please copy Jim Fulton, Steve Zuckerman (both cc'd), and myself.

The hearing dates proposed by Credit Suisse Securities work for Signac as well. Signac agrees with the necessity of a protective order and joins in the request.

Regards,

Joseph D. Lockinger

Cooley LLP
55 Hudson Yards
New York, NY 10001-2157
+1 212 479 6736 office
+1 212 479 6275 fax
jlockinger@cooley.com

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From: Kuan.Huang@lw.com <Kuan.Huang@lw.com>
Sent: Thursday, January 30, 2020 6:00 PM
To: rk@kzlaw.net
Cc: Joseph.Serino@lw.com; Lockinger, Joseph D <jlockinger@cooley.com>; Fulton, Jim <FULTONJF@cooley.com>; Zuckerman, Steven A <szuckerman@cooley.com>; Shannon.McLaughlin@lw.com; Nathan.Taylor@lw.com
Subject: RE: Graham F2019-884165

[External]

Robert,

I called you and left a voicemail. Please copy me, Nate Taylor, and Shannon McLaughlin (cc'd) on all emails about this matter.

As for potential hearing dates, Credit Suisse Securities proposes the last two weeks in April 2020. Let us know your position on these dates. We don't think the hearing will take more than 5 days total.

With regard to discovery, we'll serve responses and objections to your discovery requests shortly. It's not clear to us where the February 14th deadline in your email comes from, but we are happy to discuss a workable schedule for any discovery that needs to be done prior to the hearing. Before we can produce any additional documents, however, we request that the remaining parties enter a standard protective order. We are happy to take the pen on that and put one together. Let us know your position on this as well.

Thanks,

Kuan Huang

LATHAM & WATKINS LLP

885 Third Avenue | New York, NY 10022-4834

D: +1.212.906.1254

From: Robert Kraus <rk@kzlaw.net>

Sent: Monday, January 27, 2020 4:15 PM

To: Lockinger, Joseph D <jlockinger@cooley.com>; joseph.serino@lw.com

Subject: RE: Graham F2019-884165

[External]

Gentlemen,

Following up on Judge Timlin's January 16th Order requiring that we advise of proposed dates for the hearing, please let me know how many days you will require for your defense. My best estimate is that it will take two days for direct on Claimant's case in chief.

Please also consider that the stay on discovery was lifted with the Order and so Respondents' documents are due February 14th.

I assume timely document production will not be an issue. However, since it relates to proposing hearing dates, please let me know if I'm mistaken.

We need to propose hearing dates by C.O.B. Friday.

Thanks,

Robert

Robert Kraus
Kraus & Zuchlewski LLP
One Grand Central Place
Suite 2534
New York, N.Y. 10165
Ph. 212.869.4646
m. 917.705.3297

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EXHIBIT 2

Lockinger, Joseph D

From: Lockinger, Joseph D
Sent: Friday, March 13, 2020 4:23 PM
To: 'Robert Kraus'
Cc: Fulton, Jim
Subject: Graham v Credit Suisse AG et al - Signac Discovery Objections and Responses
Attachments: Graham v. Credit Suisse, et al. - Signac LLC Responses and Objections (3.13.20) (Copy).pdf; Graham v. Credit Suisse, et al. - Signac LLC Responses and Objections (3.13.20)(Original).pdf

Robert,

Attached are the responses and objections for Respondent Signac LLC to the document requests Complainant previously served in this action. Please feel free to contact us, if you wish to discuss anything contained therein.

Regards,
Joe

Joseph D. Lockinger

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jlockinger@cooley.com

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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

**RESPONDENT SIGNAC LLC'S RESPONSES AND OBJECTIONS TO
COMPLAINANT COLLEEN GRAHAM'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to 29 C.F.R. § 18.61, Respondent Signac LLC ("Signac") by and through its attorneys, Cooley LLP, hereby provides the following responses and objections (the "Responses") to Complainant Colleen Graham's First Request for Production Of Documents (the "Requests") in the above-captioned action (the "Action").

The Responses reflect only the current state of Signac's knowledge or information regarding the Requests. Signac reserves the right to supplement or otherwise amend the Responses based on additional information obtained through its investigation or discovery in this Action or for any other reason. Signac is willing to meet and confer with Complainant to discuss its Responses and the scope of discovery hereunder.

GENERAL RESPONSES AND OBJECTIONS

The following General Responses and Objections are incorporated into each Specific Response and Objection below. These General Responses and Objections govern the scope of any

Response made by Signac to the Requests and are neither waived nor limited by Signac's Specific Responses and Objections.

1. Defined Terms. For ease of reference, in setting forth its General and Specific Responses and Objections, Signac shall use the following defined terms:

a. "Burden" shall mean the Request (i) is overly broad and unduly burdensome; (ii) seeks discovery that is unreasonably cumulative or duplicative of other discovery Signac has offered to search for in response to a Request; and/or (iii) seeks discovery whose burden or expense outweighs its likely benefit under 29 C.F.R. § 18.51(b)(4).

b. "Proportionality" shall mean the Request seeks discovery that is not proportional to the needs of the case under 29 C.F.R. § 18.51(b)(4).

c. "Relevance" shall mean the Request seeks discovery that is not relevant to any party's claim or defense or is otherwise outside the scope of 29 C.F.R. § 18.51(a).

d. "Ambiguity" shall mean the Request (i) is vague and/or ambiguous; (ii) fails to describe the requested documents or categories of documents with reasonable particularity to allow Signac to search for and identify responsive documents, if any, without speculation or undue burden; (iii) contains terms or phrases that Signac cannot reasonably interpret or understand; and/or (iv) uses terms that are undefined or fail to distinguish meaningfully between similar (but not identical) terms and phrases used in other Requests.

e. "Privilege" shall mean the attorney-client privilege, the work product doctrine, any joint defense or common interest privilege, or any other applicable privilege, immunity, or similar protection from disclosure.

2. Signac objects to the Requests to the extent they seek to impose obligations on Signac that exceed or are different than the obligations imposed by the Code of Federal

Regulations or any applicable law, rule, or order. Subject to the General Responses and Objections, Objections to Instructions, Objections to Definitions, and Specific Responses and Objections (collectively, the “Objections”), Signac will construe and respond to the Requests consistently with 29 C.F.R. §18.51 and other applicable laws, rules, or orders of the Court, including any protective order agreed to by the parties or entered in this Action (“Protective Order”), and any Scheduling and Discovery Order issued by this Court (collectively, the “Applicable Rules”).

3. Any agreement by Signac to search for and produce documents will be made in accordance with the Applicable Rules. Signac objects to the Requests to the extent they purport to require Signac to search for, identify, retrieve, and produce documents other than as contemplated under the Applicable Rules.

4. Signac objects to the Requests on the grounds of Burden and Proportionality to the extent they purport to require Signac to conduct anything other than a reasonable and diligent search for reasonably accessible files from reasonably accessible sources where responsive documents would reasonably be expected to be found. Subject to the Objections, Signac is willing to produce certain categories of documents in response to the Requests, as set forth in the Specific Responses below, to the extent such documents exist and are identified by a good-faith reasonably tailored search. Any such offer does not indicate that (i) responsive documents exist or will be produced; (ii) the scope of such discovery is proper; or (iii) any of the Requests seek information or documents that are admissible or relevant to the claims, defenses, or subject matter of, or that are reasonably calculated to lead to the discovery of admissible evidence in, this Action. Rather, an offer of production merely indicates Signac’s offer to undertake a reasonably tailored search for such documents.

5. For purposes of these Responses, “Signac” refers solely to Signac LLC. Signac objects to the Requests to the extent they seek information or documents outside of its possession, custody or control, including documents within the possession, custody or control of Signac’s parents, affiliates, or subsidiaries that are separate legal entities and have corporate identities separate and apart from those of Signac. To the extent the Requests seek such documents or information, Signac will not produce such documents or information.

6. Signac objects to the Requests to the extent they seek the production of information or documents protected by Privilege. Signac will not produce such information or documents. Nothing in these Responses should be construed as a waiver of Privilege. Specific Objections on the ground of Privilege are provided only for emphasis. The absence of a Specific Objection on the ground of Privilege is neither intended, nor should be interpreted, as an indication that Signac does not object to a Request on the ground of Privilege. If any Privileged document or Privileged information within a document is inadvertently produced, Signac does not waive or intend to waive any Privilege pertaining to such document or information, or to any other document or information. Nor shall production of such material constitute a waiver of Signac’s rights under any applicable protective order, confidentiality agreement, and/or any applicable laws and rules, to (i) seek the return of such material or (ii) object to the use of such material at any stage of the Action or in any other proceeding.

7. Signac objects to the Requests to the extent they seek information or documents that are privileged or protected from disclosure by any domestic or foreign banking privileges, laws, or regulations. Signac further objects to the Requests to the extent they seek the production of information or documents that are protected from disclosure by any state, federal, or foreign law or prohibition, including, but not limited to, data protection directives under European Union,

English law or Swiss law, duties of confidentiality imposed by European Commission rules and policy, and other protections and limitations on discovery that should be afforded deference under principles of international comity. To the extent the Requests seek such documents or information, Signac will not produce such documents or information.

8. Signac objects to the Requests to the extent they seek information that is confidential, proprietary, commercially, or competitively sensitive to Signac and/or to its affiliates, employees, clients, customers, counterparties, customers' or counterparties' current or former officers, directors, or employees, or any third parties to whom Signac owes any duty of confidentiality. To the extent any such material is responsive to the Requests, Signac will only produce such material to the extent the parties agree to, or the Court enters, a protective order governing the disclosure and use of such material in this Action.

9. Signac objects to the Requests to the extent they seek production of information or documents protected from disclosure by any protective order, confidentiality agreement, nondisclosure agreement, or similar restriction on the use or dissemination of information or documents.

10. Signac objects on the grounds of Burden and Proportionality to Requests that seek "all" documents in a specified category where a subset of documents would be sufficient to provide the pertinent information.

11. Signac objects to the Requests on the grounds of Burden and Proportionality to the extent they seek information or documents that are publicly available, already in Complainant's possession, available from sources to which Complainant has access, or are otherwise available through more convenient, more efficient, less burdensome, or less expensive means.

12. Signac objects to the Requests to the extent they are argumentative, lack foundation, are predicated on subjective or legal conclusions or arguments, assume facts, seek to define terms or characterize evidence, contain inaccurate, incomplete, or misleading descriptions, or otherwise make, assume, or incorporate assertions that are disputed or erroneous. None of the Responses shall be construed as an admission, legal conclusion, or agreement with or acquiescence to any statement in, or any assumption underlying, the Requests.

13. Signac objects to the Requests on the ground of Ambiguity. Unless otherwise noted, where possible, Signac has made reasonable assumptions as to Complainant's intended meaning and has responded accordingly, while preserving its objection as to Ambiguity.

14. Signac objects to the Requests on the grounds of Burden, Proportionality, and Relevance to the extent they seek discovery that is not within the scope of Signac's alleged conduct in this Action, as of the date of the Responses or any subsequent date. Signac reserves the right to amend these Responses following any Court order that affects the nature or scope of appropriate discovery.

15. Signac objects to the Requests to the extent they seek documents that are not within Signac's possession, custody, or control as of the date of these Responses, or that are not maintained in the ordinary course of business. Signac will not produce such documents nor create documents in response to any of the Requests.

16. The Responses are made in good faith and are based on the information available to Signac as of the date of the Responses, which may be incomplete, and are provided without prejudice to Signac's right to alter, supplement, amend, or otherwise modify these Responses in light of additional facts revealed through subsequent inquiry and investigation. Signac reserves its right to (i) further object to the Requests; (ii) object to the use or admissibility of any information

or documents provided in response to the Requests, in any proceeding in this Action or any other action; (iii) object on any basis permitted by law to any other Request involving or relating to the subject matter of these Responses; (iv) alter, amend, or supplement its responses to the Requests; and (v) use or rely on, at any time, including trial, subsequently discovered information omitted from the Responses as a result of mistake, error, oversight, or inadvertence.

OBJECTIONS TO INSTRUCTIONS

1. Signac objects to the Instructions on the grounds of Burden and Proportionality to the extent they purport to impose obligations that exceed those imposed by the Applicable Rules, including anything more than a reasonable search for responsive information. As noted above, any agreement by Signac to produce documents in response to a Request merely indicates its offer to undertake a good-faith reasonably tailored search.

2. Signac objects to Instructions A and J to the extent they seek to impose obligations that are different than or beyond those required by 29 C.F.R. § 18.53. Signac objects to the unlimited and perpetual supplementation of Signac's productions on the grounds of Burden and Proportionality. Signac will supplement its Responses only as required by 29 C.F.R. § 18.53.

3. Signac objects to Instructions C–J on the grounds of Burden and Proportionality to the extent they purport to impose burdens and obligations that exceed or are different than those imposed by the Applicable Rules. Signac will only produce documents as required and in the format required by the Applicable Rules.

4. Signac objects to Instructions A and J on the ground of Relevance to the extent they purport to request documents from a continuing time period irrelevant to the allegations of the Complaint. As noted in the General Objections, all offers of production will be limited to good faith reasonably tailored searches, including to an appropriate time period limitation (“Relevant Time Period”), which may differ depending on the Request, custodian, and/or central repository

to be searched. Signac is prepared to meet and confer with Complainant regarding the Relevant Time Period applicable to each Request. Signac further objects to Instructions A and J on the grounds of Burden, Relevance, and Proportionality to the extent they seek information or documents that are newly created or received after the commencement of this Action or receipt of the Requests.

OBJECTIONS TO DEFINITIONS

5. Unless specified otherwise, Signac does not adopt Complainant's purported definitions of words and phrases. Signac objects to the "Definitions" stated in the Requests to the extent they are susceptible to more than one distinct interpretation or are inconsistent with the ordinary and customary meaning of such words and phrases or the Applicable Rules governing the permissible scope of discovery.

6. Signac objects to the Definitions on the ground of Privilege to the extent they purport to require the production or disclosure of any document or information subject to a claim of Privilege.

7. Signac objects to the Definition of "possession, custody, or control" on the ground of Ambiguity to the extent it fails to define what constitutes a "right to secure." Signac will construe this to mean that a document is within its "possession, custody or control" when Signac has the legal right to demand and receive documents from another Person.

SPECIFIC RESPONSES AND OBJECTIONS

Request No. 1:

Signac's financial statements in for [sic] 2016, 2017, 2018, 2019, and all related work papers.

Response to Request No. 1:

Signac objects to this Request on the grounds of Relevance. Signac further objects to this

Request on the grounds of Burden and Proportionality. Signac further objects to this Request because it seeks documents and information that are in Complainant's possession or available from other sources to which Complainant has access, or otherwise available through more convenient, more efficient, less burdensome, or less expensive means. Signac further objects to the phrases "financial statements" and "related work papers" on the ground of Ambiguity.

Subject to these Objections, Signac will produce the financial statements for the years in question.

Request No. 2:

The "dashboard" for the Trader Holistic Surveillance software referred to on Ex. A ("THS") on the day it was "rolled out" and on the first day of every three-month period thereafter.

Response to Request No. 2:

Signac objects to this Request on the grounds of Relevance. This Request does not pertain in any way to the claims pled in this Action. Signac further objects to this Request on the grounds of Burden and Proportionality. Signac further object to the phrases "dashboard," "Trader Holistic Surveillance," and "rolled out" on the ground of Ambiguity. Signac further objects to this Request, which involves another organization's presentation, because it seeks documents outside of Signac's possession, custody, or control. Signac will not produce any documents responsive to this Request.

Request No. 3:

The video presentation of THS showcased at the December 12, 2018 CS AG Investor Day (see Ex. B).

Response to Request No. 3:

Signac objects to this Request on the grounds of Relevance. This Request does not pertain in any way to the claims pled in this Action. Signac further objects to the phrase "video

presentation” on the ground of Ambiguity. Signac further objects to this Request because it seeks documents and information that are publicly available, in Complainant’s possession, available from other sources to which Complainant has access, or otherwise available through more convenient, more efficient, less burdensome, or less expensive means. Signac further objects to this Request, which involves another organization’s presentation, because it seeks documents outside of Signac’s possession, custody, or control. Signac will not produce any documents responsive to this Request.

Request No. 4:

Graham’s personnel file and all performance evaluations while at Signac and Credit Suisse.

Response to Request No. 4:

Signac objects to this Request on the grounds of Relevance, Burden, Proportionality, and Privilege. Signac further objects to the phrases “personnel file” and “performance evaluations” on the ground of Ambiguity. To the extent this Request seeks any “personnel file” documents for Ms. Graham from her employment at Credit Suisse or Signac, such documents have no bearing on this Action. Signac also objects to this Request, which seeks documents related to Ms. Graham’s employment at another organization, to the extent it seeks documents outside of Signac’s possession, custody, or control.

Subject to these Objections, Signac will produce any performance evaluations that exist from her employment with Signac to the extent it can locate such documents after a reasonable search.

Request No. 5:

All calendar entries for meetings or calls concerning Signac from March 1 2017 - July 2019 that included Lara Warner or James Barkley.

Response to Request No. 5:

Signac objects to this Request on the grounds of Relevance, Burden, Proportionality, and Privilege. Signac further objects to this Request because it seeks documents and information that are publicly available, in Complainant's possession, available from other sources to which Complainant has access, or otherwise available through more convenient, more efficient, less burdensome, or less expensive means. Signac further objects to this Request to the extent it seeks documents not within Signac's possession, custody, or control.

Subject to these Objections, Signac is willing to meet and confer regarding the scope of this Request.

Request No. 6:

All communications concerning Graham's attendance at an Operational Risk Conference in June 2017.

Response to Request No. 6:

Signac objects to this Request on the grounds of Relevance, Burden, and Proportionality. Signac further objects to this Request because it seeks documents and information that are publicly available, in Complainant's possession, available from other sources to which Complainant has access, or otherwise available through more convenient, more efficient, less burdensome, or less expensive means.

Subject to these Objections, Signac will produce responsive, non-privileged documents in its possession, custody, or control to the extent it can locate such documents after a reasonable search.

Request No. 7:

All project plans, presentations and reporting regarding the development of THS on or after July 1, 2017.

Response to Request No. 7:

Signac objects to this Request on the grounds of Relevance. This Request does not pertain in any way to the claims pled in this Action. Signac further objects to this Request on the grounds of Burden and Proportionality. Signac further objects to the phrases “project plans,” “reporting,” and “development” on the ground of Ambiguity. Signac further objects to this Request to the extent it seeks documents outside of Signac’s possession, custody, or control. Signac will not produce any documents responsive to this Request.

Request No. 8:

The investigative file or files concerning Graham's allegations of misconduct.

Response to Request No. 8:

Signac objects to this Request on the grounds of Relevance, Burden, Proportionality, and Privilege. Signac further objects to the phrase “misconduct” on the ground of Ambiguity, and to the extent it expresses, seeks, or assumes a legal conclusion or expert opinion.

Subject to these Objections, Signac will produce responsive, non-privileged documents in its possession, custody, or control to the extent it can locate such documents after a reasonable search.

Request No. 9:

All email communications in the period beginning March 1, 2017 and continuing through the hearing in this matter, concerning Signac or Graham that were sent by or to any of the following: Tidjane Thiam, Alex Karp, Lara Warner, James Barkley, Matt Long.

Response to Request No. 9:

Signac objects to this Request on the grounds of Relevance, Burden, Proportionality, and Privilege. Signac further objects to this Request because it seeks documents and information that are in Complainant’s possession. Signac further objects to the Request to the extent it seeks

documents “beginning March 1, 2017 and continuing through the hearing in this matter.” Such a Request is overbroad on its face. Signac also objects to this Request to the extent it seeks documents outside of Signac’s possession, custody, or control.

Subject to these Objections, Signac is willing to meet and confer regarding the scope of this Request.

Request No. 10:

All documentations and communications in the period beginning March 1, 2017 and continuing through the hearing in this matter, concerning the following matters:

- a. the recognition of revenue by Signac;
- b. meetings with the Federal Reserve Bank, the Swiss Financial Market Supervisory Authority, and or the United States Securities and Exchange Commission, regarding THS;
- c. the decision to wind-down Signac;
- d. determining whether either CS AG might utilize any Signac’s products;
- e. the valuation of Signac;
- f. maintenance or other services rendered by Palantir in connection with THS;
- g. the development and roll out of the THS software identified in the chart attached as Ex A;
- h. approvals for and or diligence regarding December 12 Investor Day statements in Exs A and B related to THS, including but not limited to its having been “rolled out” in 2017;
- i. Graham's 2016 Performance Bonus; and
- j. Employment of Graham on or after April 2017.

Response to Request No. 10:

Signac objects to this Request on the grounds of Relevance, Burden, Proportionality, and Privilege. To the extent this Request seeks any documents regarding “THS,” such documents do not pertain in any way to the claims pled in this Action. Signac further objects to this Request to the extent it seeks documents outside of Signac’s possession, custody, or control. Signac further objects to this Request because it seeks documents and information that are in Complainant’s possession. Signac further objects to the phrases “might utilize,” “maintenance,” “development and roll out,” and “Performance Bonus” on the ground of Ambiguity. Signac further objects to the

Request to the extent it seeks documents “beginning March 1, 2017 and continuing through the hearing in this matter.” Such a Request is overbroad on its face.

Subject to these Objections, Signac will produce non-privileged documents in its possession, custody, or control from March 1, 2017 through August 1, 2017, that are responsive to Requests 10(a), (c), (i), and (j) to the extent it can locate such documents after a reasonable search.

Dated: March 13, 2020

Respectfully submitted,

/s/ Joseph D. Lockinger

Cooley LLP

Joseph D. Lockinger

55 Hudson Yards

New York, NY 10001

P: (212) 479-6736

F: (212) 479-6275

jlockinger@cooley.com

Attorneys for Respondent Signac LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 13, 2020, the original and a copy of Respondent Signac LLC's Responses and Objections to Complainant Colleen Graham's First Request for Production of Documents was served by electronic mail on the following:

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By: /s/ Joseph D. Lockinger