

EXHIBIT D

From: Taylor, Nathan (NY)
Sent: Wednesday, December 9, 2020 11:53 AM
To: 'Robert Kraus'
Cc: Jonathan Sclar; jlockinger@cooley.com; Serino, Joseph (NY); Huang, Kuan (NY); Putta, Neethu (NY)
Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Robert,

Our production is not incomplete in any way. As set out below, we have now twice conducted searches for documents in response to Complainant's requests, including the five categories of documents you identified on our November 17 call, and produced all non-privileged responsive documents located from those searches. To the extent we found responsive and non-privileged documents after a good faith search, those documents have been produced. To the extent our production does not include documents you wanted or hoped for, that is because no such non-privileged documents were located after a good faith search for same. By any measure, that more than satisfies Credit Suisse USA's obligations under the discovery rules and the Court's order on Complainant's motion to compel.

We also note that your email provides no details or specifics as to why you believe Credit Suisse USA's production is somehow incomplete. You have not identified a single document that (a) you have reasonable grounds to believe exists in Credit Suisse's possession, custody, or control, (b) is not privileged, and (c) has not been produced.

For these reasons and more, Complainant cannot use purported "discovery disputes" as a pretext to refuse to produce Ms. Graham for deposition. As noted above, there are no genuine discovery disputes – you have everything you asked for to the extent it was located in Credit Suisse's files after a reasonable and good faith search.–The deadline for summary decision motions is approaching, and we need to complete the deposition in advance of that deadline to avoid wasting the Court's time. Please provide Ms. Graham's availability for the deposition. If we do not receive her availability by close of business today, we will be forced to notice her deposition for a date and time that is workable for us.

Thank you,

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com
<https://www.lw.com>

From: Robert Kraus <rk@kzlaw.net>
Sent: Tuesday, December 8, 2020 7:47 PM
To: Taylor, Nathan (NY) <Nathan.Taylor@lw.com>
Cc: Jonathan Sclar <JS@kzlaw.net>; jlockinger@cooley.com; Serino, Joseph (NY) <Joseph.Serino@lw.com>; Huang, Kuan (NY) <Kuan.Huang@lw.com>; Putta, Neethu (NY) <Neethu.Putta@lw.com>
Subject: Re: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Nathan,

Our emails apparently crossed. Please advise when your client intends to produce the documents required by the the June 26th. Although i am not required to do so, once the court ordered production is completed by you, i will agree to produce my client for a deposition. And, if you dont want to produce Barkley, i will depose Lara warner in his place, whose deposition i did notice.

Thank you,

Robert

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From: Nathan.Taylor@lw.com <Nathan.Taylor@lw.com>

Sent: Tuesday, December 8, 2020 7:25 PM

To: Robert Kraus

Cc: Jonathan Sclar; jlockinger@cooley.com; Joseph.Serino@lw.com; Kuan.Huang@lw.com; Neethu.Putta@lw.com

Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Robert,

Following up on the below, we still have not received Ms. Graham's availability for deposition. As a courtesy, we had agreed to reschedule her deposition so you had the opportunity to review our most recent production on December 4, but you have not responded to our requests for her availability for the rescheduled deposition. Given that we first noticed her deposition back in October, we need to get a date set for her deposition before we will proceed with Complainant's later (and untimely) requested deposition of Jim Barkley. By close of business tomorrow, please kindly provide us her availability for the deposition later this week and next week.

Thank you,

Nathan Taylor

LATHAM & WATKINS LLP

885 Third Avenue

New York, NY 10022-4834

Direct Dial: +1.212.906.1315

Fax: +1.212.751.4864

Email: nathan.taylor@lw.com

<https://www.lw.com>

From: Taylor, Nathan (NY)

Sent: Monday, December 7, 2020 9:27 AM

To: 'Robert Kraus' <rk@kzlaw.net>

Cc: 'Jonathan Sclar' <JS@kzlaw.net>; 'jlockinger@cooley.com' <jlockinger@cooley.com>; Serino, Joseph (NY)

<Joseph.Serino@lw.com>; Huang, Kuan (NY) <Kuan.Huang@lw.com>; Putta, Neethu (NY) <Neethu.Putta@lw.com>

Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Robert,

Hope you all had a nice weekend. Following up on my email below, please let us know Ms. Graham's availability for a deposition later this week.

Thanks,

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com
<https://www.lw.com>

From: Taylor, Nathan (NY)
Sent: Friday, December 4, 2020 10:50 AM
To: 'Robert Kraus' <rk@kzlaw.net>
Cc: 'Jonathan Sclar' <JS@kzlaw.net>; 'jlockinger@cooley.com' <jlockinger@cooley.com>; Serino, Joseph (NY) <Joseph.Serino@lw.com>; Huang, Kuan (NY) <Kuan.Huang@lw.com>; Putta, Neethu (NY) <Neethu.Putta@lw.com>
Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Robert,

Following up on my email below, we have looked into each of the issues you raised during our November 17 call, as outlined in my email below. We are making a production today of the additional responsive documents that we were able to locate from these supplemental searches. To the extent certain documents you have requested cannot be found in our multiple productions to date, that is either because the documents (a) were withheld on privilege grounds, or (b) could not be located after a good faith search for same. With that, I trust that this production resolves any remaining disputes Complainant has regarding Credit Suisse USA's document production. Accordingly, please promptly provide us with a date for Ms. Graham's deposition during the week of December 7, so we can make arrangements.

Thanks,

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com
<https://www.lw.com>

From: Taylor, Nathan (NY)
Sent: Monday, November 30, 2020 10:29 AM
To: 'Robert Kraus' <rk@kzlaw.net>
Cc: Jonathan Sclar <JS@kzlaw.net>; jlockinger@cooley.com; Serino, Joseph (NY) <Joseph.Serino@lw.com>; Huang, Kuan (NY) <Kuan.Huang@lw.com>; Putta, Neethu (NY) <Neethu.Putta@lw.com>
Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Robert,

Thank you for your note, and I hope you all had an enjoyable, safe holiday as well. As an initial matter, we disagree with your suggestion that Credit Suisse has not completed its production, including any documents ordered to be produced by the Court. As we pointed out in our November 9, 2020 email below, and as I reiterated during our November 17 call, Credit Suisse has produced all of the materials that were the subject of the order and that were located after a good faith search of Credit Suisse's files.

That said, on our call on November 17, you asked us to look into certain categories of documents to see if we were able to locate additional responsive documents that could be produced. As a courtesy, and to avoid any unnecessary disputes between the parties and further burdens on the Court, we agreed to look into those matters and are doing so. Those items included looking into:

1. Additional weekly status reports for THS;
2. Responsive emails from Lara Warner to the Credit Suisse AG executive committee;
3. Documents regarding meetings with regulators;
4. Documents regarding maintenance by Palantir of THS; and
5. Due diligence leading up to the December 12, 2018 Investor Day presentation.

I also mentioned in my email last week on November 24 (attached here) that we would continue to look into these matters – which we have been and are doing – but that you should not expect a response until this week, i.e., the week of November 30, due to the Thanksgiving holiday.

There also are remaining open items, regarding your demands and ours, on which we still have not heard from Complainant. In particular, on our November 17 call, we noted that we produced the THS dashboard as ordered by the Court. While on the call you suggested you were seeking some other document(s) in addition to the dashboard we produced, you were unable to describe what those documents were when we asked. Instead, you told us that you would check on it and get back to us with a description, but we still have not heard from you. We are willing to do another search to see if such documents exist, but we need to understand what documents Claimant is seeking to do so. In addition, we noted on the call that the email record Complainant produced regarding her pursuit of employment with Blackrock appears to be incomplete. You indicated that you would check whether additional emails existed, but again, we have not heard from you and you did not mention those in your latest note of Sunday, November 29. Please promptly provide us this information so that we have it for Ms. Graham's deposition.

With regard to Ms. Graham's deposition, while we do not believe the issues you raised warrant adjournment, as a courtesy to you and Ms. Graham we are willing to reschedule the deposition for later this week or sometime next week, but not beyond that due to scheduling issues on our end and the impending summary judgment deadline.

Thank you,

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com
<https://www.lw.com>

From: Robert Kraus <rk@kzlaw.net>
Sent: Sunday, November 29, 2020 1:02 PM
To: Taylor, Nathan (NY) <Nathan.Taylor@lw.com>
Cc: Jonathan Sclar <JS@kzlaw.net>; jlockinger@cooley.com
Subject: Re: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Nathan,

I hope you had a safe and enjoyable holiday. I still have not heard from CS on the missing discovery (particularly, the first, third and 4th bullet points below). We had our meet and confer two weeks ago. The issue was raised for the first

time about a month ago. CS should have supplemented and completed its court ordered document production by now. I will not produce Colleen for a deposition until CS completes its production.

Robert

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From: Nathan.Taylor@lw.com <Nathan.Taylor@lw.com>
Sent: Tuesday, November 17, 2020 10:16 AM
To: Robert Kraus
Cc: Jonathan Sclar; jlocking@cooley.com
Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Robert,

Joe Lockinger from Cooley will be joining our call today at noon, so I am circulating a dial in to use. Look forward to speaking then.

Thanks,

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com
<https://www.lw.com>

From: Robert Kraus <rk@kzlaw.net>
Sent: Thursday, November 12, 2020 3:13 PM
To: Taylor, Nathan (NY) <Nathan.Taylor@lw.com>
Cc: inglis@cooley.com; Huang, Kuan (NY) <Kuan.Huang@lw.com>; Serino, Joseph (NY) <Joseph.Serino@lw.com>; Putta, Neethu (NY) <Neethu.Putta@lw.com>; McLaughlin, Shannon (NY) <Shannon.McLaughlin@lw.com>; Jonathan Sclar <JS@kzlaw.net>
Subject: Re: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Nathan,

Sounds good. And to answer a questions from a prior email of yours, although we are still missing documents and need to reserve our rights as a result, we would like to depose Jim Barkley.

Thanks

Robert

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From: Nathan.Taylor@lw.com <Nathan.Taylor@lw.com>
Sent: Thursday, November 12, 2020 3:08 PM
To: Robert Kraus
Cc: inglis@cooley.com; Kuan.Huang@lw.com; Joseph.Serino@lw.com; Neethu.Putta@lw.com;

Shannon.McLaughlin@lw.com; Jonathan Sclar

Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Yes that works for me. I can call your office then if that works.

Thanks,

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com

From: Robert Kraus <rk@kzlaw.net>

Sent: Nov 12, 2020 2:54 PM

To: "Taylor, Nathan (NY)" <Nathan.Taylor@lw.com>

Cc: inglis@cooley.com; "Huang, Kuan (NY)" <Kuan.Huang@lw.com>; "Serino, Joseph (NY)" <Joseph.Serino@lw.com>; "Putta, Neethu (NY)" <Neethu.Putta@lw.com>; "McLaughlin, Shannon (NY)" <Shannon.McLaughlin@lw.com>; Jonathan Sclar <JS@kzlaw.net>

Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Nathan,

Yes. I am generally free on Tuesday as well. Does noon work for you?

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

From: Nathan.Taylor@lw.com <Nathan.Taylor@lw.com>

Sent: Thursday, November 12, 2020 2:51 PM

To: Robert Kraus <rk@kzlaw.net>

Cc: inglis@cooley.com; Kuan.Huang@lw.com; Joseph.Serino@lw.com; Neethu.Putta@lw.com; Shannon.McLaughlin@lw.com; Jonathan Sclar <JS@kzlaw.net>

Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Robert,

Thanks for your note. Do you have availability for a meet and confer on Tuesday? I am generally free. I expect to have more information regarding the depositions at that time, so we can discuss that as well. Let me know if that works.

Thank you,
Nate

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com

From: Robert Kraus <rk@kzlaw.net>
Sent: Nov 12, 2020 1:51 PM
To: "Taylor, Nathan (NY)" <Nathan.Taylor@lw.com>
Cc: einglis@cooley.com; "Huang, Kuan (NY)" <Kuan.Huang@lw.com>; "Serino, Joseph (NY)" <Joseph.Serino@lw.com>; "Putta, Neethu (NY)" <Neethu.Putta@lw.com>; "McLaughlin, Shannon (NY)" <Shannon.McLaughlin@lw.com>; Jonathan Sclar <JS@kzlaw.net>
Subject: Re: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Nathan,

I called to meet and confer regarding the below and any outstanding issues you may have. Please call me when you have a moment.

Robert

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From: Nathan.Taylor@lw.com <Nathan.Taylor@lw.com>
Sent: Monday, November 9, 2020 1:53 PM
To: Anna Ambrogi
Cc: einglis@cooley.com; Robert Kraus; Kuan.Huang@lw.com; Joseph.Serino@lw.com; Neethu.Putta@lw.com; Shannon.McLaughlin@lw.com
Subject: RE: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Counsel,

Thank you for your letter of Friday, November 6, 2020. In that letter, you suggest that there are certain categories of documents that are "missing" from Credit Suisse Securities (USA) LLC's production. We are writing to let you know that is incorrect. We address each of the categories you mentioned in turn:

- The dashboard for THS on the day it was rolled out. We have produced the dashboard. In particular, the video presentation that we produced displays the THS "Super User Dashboard" at 00:48 – 01:14 of the

video. Accordingly, we have satisfied Complainant's request. We are, however, willing to meet and confer if you have any further questions.

- The Video presentation. We have also produced the video presentation Complainant requested. In particular, Complainant's Request for Production No. 3 requested "[t]he video presentation of THS showcased at the December 12, 2018 CS AG Investor Day." That is the video we produced. The remaining presentations at the CS AG Investor Day do not relate to THS and, thus, are not covered by your request (nor are they relevant to this case). That said, we are willing to meet and confer on this request in an effort to avoid any unnecessary dispute on this issue.
- All project plans, presentations, and reporting regarding the development of THS on or after July 1, 2017. We confirm that we have produced all responsive and non-privileged documents called for by this request that were located after a good-faith search for these materials. Some examples of responsive documents include CSSO00011278, CSSO00011294, and CSSO00011309. As such, we have satisfied our obligations with respect to these requests. Again, we are willing to meet and confer to discuss this matter further.
- Requests 10(b) and 10(d)-(h). Again, we confirm that we have produced all responsive and non-privileged documents called for by this request that were located after a good-faith search for these materials. Examples of such documents include CSSO00011096 and CSSO00005189. As such, we have satisfied our obligations with respect to these requests. As with the other requests, we are willing to meet and confer to discuss any questions or remaining disputes, if any, regarding these requests.

We will address your note regarding depositions by separate email in short order.

Thanks,

Nathan Taylor

LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Direct Dial: +1.212.906.1315
Fax: +1.212.751.4864
Email: nathan.taylor@lw.com
<https://www.lw.com>

From: Anna Ambrogi <aa@kzlaw.net>
Sent: Friday, November 6, 2020 5:18 PM
To: Taylor, Nathan (NY) <Nathan.Taylor@lw.com>
Cc: Inglis, Elizabeth <einglis@cooley.com>; Robert Kraus <rk@kzlaw.net>; Huang, Kuan (NY) <Kuan.Huang@lw.com>; Serino, Joseph (NY) <Joseph.Serino@lw.com>; Putta, Neethu (NY) <Neethu.Putta@lw.com>
Subject: Graham v. Credit Suisse Securities (USA) LLC; OALJ No. 2019-SOX-00040

Mr. Taylor,

Please see the attached letter regarding the above referenced case.

Thank you,

Anna Ambrogi
Kraus & Zuchlewski LLP

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