

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

COLLEEN A. GRAHAM,

Complainant,

v.

CREDIT SUISSE SECURITIES (USA)
LLC and SIGNAC LLC,

Respondents.

ALJ No. 2019-SOX-00040

DECLARATION OF NATHAN TAYLOR

Pursuant to 28 U.S.C. § 1748, I, Nathan Taylor, declare as follows:

1. I am an attorney at Latham & Watkins LLP, counsel for Respondent Credit Suisse Securities (USA) LLC ("Credit Suisse USA") in the above-captioned litigation. I respectfully submit this Declaration in support of Credit Suisse USA's Opposition to Graham's Motion to Compel and for Sanctions. This declaration is based on facts known in my personal knowledge or provided to me by those with personal knowledge, and I am competent to testify as to its contents.

2. As part of its efforts to produce documents in response to the Complainant's First Request for Production and the Court's Order on Complainant's Motion to Compel (the "Order"), Credit Suisse USA conducted an investigation to identify various sources of documents in its possession, custody, and control that were potentially responsive to Complainant's requests.

Among other things, Credit Suisse USA's counsel undertook the following efforts:

- a. Interviewed Credit Suisse USA personnel to determine the custodians likely to possess responsive documents;
- b. Investigated other potential sources on Credit Suisse USA's systems that may contain responsive documents;
- c. Conducted broad keyword searches of potential sources of electronic documents responsive to Complainant's requests;

- d. Conducted additional targeted searches for specific documents requested by Complainant; and
- e. Collected potentially responsive materials the parties exchanged as part of prior litigations.

3. In undertaking these efforts, Credit Suisse USA's counsel searched for all documents responsive to Complainant's document requests, including specifically the categories of documents outlined in the Court's Order. Credit Suisse USA began making rolling productions on July 1, 2020.

4. On September 24, 2020, I attended a teleconference held by the Court with the parties to discuss the case schedule. The Court directed that the close of discovery would be on October 30, 2020. At the teleconference, I informed both the Court and Complainant's counsel that Credit Suisse USA expected to complete its production by October 30, 2020.

5. Credit Suisse USA completed its production on October 30, 2020, which, among other things, contained the two categories of documents that Complainant requested at the hearing: the Investor Day presentation video and the THS dashboard, which were produced bearing bates number CSSO00011660. In completing its production, Credit Suisse USA's counsel reviewed more than 22,000 potentially responsive documents, totaling over 200,000 pages. Credit Suisse USA's production included each responsive, non-privileged document that it was able to locate, which ultimately totaled more than 2,200 documents comprising over 11,000 pages.

6. On November 17, 2020, I met and conferred with Complainant's counsel via teleconference regarding the parties' document production to date. During that call, Complainant's counsel requested that Credit Suisse USA undertake searches for certain additional categories of documents. Similarly, I requested that Complainant search for and produce apparently missing documents from its production. Both counsel agreed to undertake additional searches to locate and produce any non-privileged documents that were responsive to the

categories that were discussed.

7. Following that call, Credit Suisse USA commenced a second search for any additional documents responsive to the categories identified by Complainant at the meet and confer. These categories included certain additional “weekly status reports” related to THS. Following its search and review, Credit Suisse USA made another small production of non-privileged documents that were responsive to the categories requested by Complainant’s counsel, including any “weekly status reports” that Credit Suisse USA was able to locate. On November 30, 2020, Complainant made a production of more than 140 pages of emails that were responsive to Credit Suisse USA’s requests regarding Complainant’s subsequent employment efforts. Complainant did not provide an explanation for why she had failed to produce these emails during the previous months of discovery.

8. Credit Suisse USA’s production—consisting of eight volumes—includes all responsive, non-privileged documents that it was able to locate relating to Complainant’s requests. Credit Suisse USA has not withheld any responsive, non-privileged documents that it located by these searches.

9. This production includes documents relating to “whether CS AG might utilize any Signac’s [sic] products.” These documents include emails from Colleen Graham, Lara Warner, Jim Barkley, as well as numerous other Credit Suisse, Signac, and Palantir employees. In addition, Credit Suisse USA has produced documents such as Board materials and emails that show Credit Suisse USA’s and Credit Suisse AG’s dissatisfaction with Signac’s purported “products,” the decision to dissolve Signac, and the decision by Credit Suisse to develop a new trader holistic surveillance tool in-house, such as the document bearing bates number CSSO00002941.

10. Credit Suisse USA is unaware of any potentially responsive document in its possession, custody, or control that has been destroyed or not preserved.

* * *

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

Executed on: December 31, 2020

/s/ Nathan Taylor

Nathan Taylor