

# **EXHIBIT D**

**From:** [Leo.Wise@usdoj.gov](mailto:Leo.Wise@usdoj.gov)  
**To:** [clark@csvgllp.com](mailto:clark@csvgllp.com); [Leo.Wise2@usdoj.gov](mailto:Leo.Wise2@usdoj.gov); [Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com); [Brian.McManus@lw.com](mailto:Brian.McManus@lw.com); [matthew.salerno@lw.com](mailto:matthew.salerno@lw.com)  
**Cc:** [Derek.Hines@usdoj.gov](mailto:Derek.Hines@usdoj.gov); [Benjamin.Wallace2@usdoj.gov](mailto:Benjamin.Wallace2@usdoj.gov)  
**Subject:** RE: call this afternoon  
**Date:** Friday, August 11, 2023 12:00:49 PM  
**Attachments:** [image001.png](#)

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Mr. Clark,

The United States declines to extend the time in which we have asked for your position on the motions we identified in our letter. We also do not think a conference with the Court is warranted since you can inform the Court of your position on our motions when you arrive at one.

Thank you,  
Leo Wise

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**From:** Christopher Clark <[clark@csvgllp.com](mailto:clark@csvgllp.com)>  
**Sent:** Thursday, August 10, 2023 3:05 PM  
**To:** Wise, Leo (CRM) <[Leo.Wise2@usdoj.gov](mailto:Leo.Wise2@usdoj.gov)>; [Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com); [Brian.McManus@lw.com](mailto:Brian.McManus@lw.com); [matthew.salerno@lw.com](mailto:matthew.salerno@lw.com)  
**Cc:** Hines, Derek (USAPAE) <[DHines@usa.doj.gov](mailto:DHines@usa.doj.gov)>; Wallace, Benjamin (USADE) <[BWallace1@usa.doj.gov](mailto:BWallace1@usa.doj.gov)>; Wise, Leo (USAMD) <[lwise@usa.doj.gov](mailto:lwise@usa.doj.gov)>  
**Subject:** [EXTERNAL] Re: call this afternoon

AUSA Wise,

We have your letter and are discussing it with our client. Your letter asks for our input on two potential applications to the Court and demands my client's position on these applications by Friday August 11, 2023, essentially two days after your letter was sent.

Our client is giving serious consideration to his position on your proposed applications, and may consent to one or both of them. However, he would like this weekend to think through the issues your proposed applications present. Accordingly, we propose to relay our positions to your applications by noon on Monday August 14, 2023. It is difficult to think of any prejudice this short delay could present given that briefs are not due in this matter until Friday, August 25, 2023.

Please let me know if you agree to this short delay by tomorrow morning so we can proceed accordingly. If you do not, we propose a conference with the Court to see if the Court prefers having all parties' positions on your proposed applications to come in at one time or piecemeal.

Best,

Christopher J. Clark

Clark Smith Villazor LLP  
250 West 55<sup>th</sup> Street  
New York, NY 10019  
(212) 582-4400(o)

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**From:** Wise, Leo (CRM) <[Leo.Wise2@usdoj.gov](mailto:Leo.Wise2@usdoj.gov)>  
**Sent:** Wednesday, August 9, 2023 4:04 PM  
**To:** [Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com) <[Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com)>; Christopher Clark <[clark@csvgllp.com](mailto:clark@csvgllp.com)>; [Brian.McManus@lw.com](mailto:Brian.McManus@lw.com) <[Brian.McManus@lw.com](mailto:Brian.McManus@lw.com)>; [matthew.salerno@lw.com](mailto:matthew.salerno@lw.com) <[matthew.salerno@lw.com](mailto:matthew.salerno@lw.com)>  
**Cc:** Hines, Derek (USAPAE) <[Derek.Hines@usdoj.gov](mailto:Derek.Hines@usdoj.gov)>; Wallace, Benjamin (USADE) <[Benjamin.Wallace2@usdoj.gov](mailto:Benjamin.Wallace2@usdoj.gov)>; Wise, Leo (USAMD) <[Leo.Wise@usdoj.gov](mailto:Leo.Wise@usdoj.gov)>  
**Subject:** [EXTERNAL EMAIL] RE: call this afternoon

Counsel,

Our response is attached.

Thank you

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**From:** [Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com) <[Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com)>  
**Sent:** Monday, August 7, 2023 10:53:23 AM  
**To:** Wise, Leo (USAMD) <[lwise@usa.doj.gov](mailto:lwise@usa.doj.gov)>; Hines, Derek (USAPAE) <[DHines@usa.doj.gov](mailto:DHines@usa.doj.gov)>; Wallace, Benjamin (USADE) <[BWallace1@usa.doj.gov](mailto:BWallace1@usa.doj.gov)>  
**Cc:** [clark@csvgllp.com](mailto:clark@csvgllp.com) <[clark@csvgllp.com](mailto:clark@csvgllp.com)>; [Brian.McManus@lw.com](mailto:Brian.McManus@lw.com) <[Brian.McManus@lw.com](mailto:Brian.McManus@lw.com)>; [matthew.salerno@lw.com](mailto:matthew.salerno@lw.com) <[matthew.salerno@lw.com](mailto:matthew.salerno@lw.com)>  
**Subject:** [EXTERNAL] RE: call this afternoon

Counsel,

Please see the attached correspondence.

Best regards,  
Tim

**Timothy H. McCarten**

**LATHAM & WATKINS LLP**  
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

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**From:** Wise, Leo (USAMD) <[Leo.Wise@usdoj.gov](mailto:Leo.Wise@usdoj.gov)>

**Sent:** Monday, July 31, 2023 3:01 PM

**To:** Christopher Clark <[clark@csvllp.com](mailto:clark@csvllp.com)>

**Cc:** Hines, Derek (USAPAE) <[Derek.Hines@usdoj.gov](mailto:Derek.Hines@usdoj.gov)>; Wallace, Benjamin (USADE) <[Benjamin.Wallace2@usdoj.gov](mailto:Benjamin.Wallace2@usdoj.gov)>; McCarten, Timothy (DC) <[Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com)>; Salerno, Matthew (NY) <[matthew.salerno@lw.com](mailto:matthew.salerno@lw.com)>; McManus, Brian (BN) <[Brian.McManus@lw.com](mailto:Brian.McManus@lw.com)>

**Subject:** RE: call this afternoon

4 works for us. Thanks

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**From:** Christopher Clark <[clark@csvllp.com](mailto:clark@csvllp.com)>

**Sent:** Monday, July 31, 2023 1:43 PM

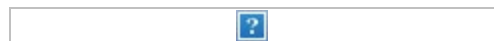
**To:** Wise, Leo (USAMD) <[lwise@usa.doj.gov](mailto:lwise@usa.doj.gov)>

**Cc:** Hines, Derek (USAPAE) <[DHines@usa.doj.gov](mailto:DHines@usa.doj.gov)>; Wallace, Benjamin (USADE) <[BWWallace1@usa.doj.gov](mailto:BWWallace1@usa.doj.gov)>; [Timothy.McCarten@lw.com](mailto:Timothy.McCarten@lw.com); [matthew.salerno@lw.com](mailto:matthew.salerno@lw.com); [Brian.McManus@lw.com](mailto:Brian.McManus@lw.com)

**Subject:** [EXTERNAL] RE: call this afternoon

I could do 4p if you and my team can. Copying the Latham team.

Christopher J. Clark  
Clark Smith Villazor LLP  
250 West 55th Street, 30th Floor  
New York, New York 10019  
O (212) 582-4400



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**From:** Wise, Leo (USAMD) <[Leo.Wise@usdoj.gov](mailto:Leo.Wise@usdoj.gov)>

**Sent:** Monday, July 31, 2023 1:30 PM

**To:** Christopher Clark <[clark@csvllp.com](mailto:clark@csvllp.com)>

**Cc:** Hines, Derek (USAPAE) <[Derek.Hines@usdoj.gov](mailto:Derek.Hines@usdoj.gov)>; Wallace, Benjamin (USADE) <[Benjamin.Wallace2@usdoj.gov](mailto:Benjamin.Wallace2@usdoj.gov)>

**Subject:** [EXTERNAL EMAIL] call this afternoon

Chris,

Do you have time for a call with us this afternoon? How about 3:30?

Thanks,  
Leo

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