

# **Exhibit D**

# **Redacted**

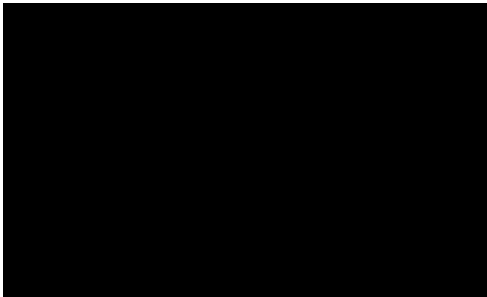
**From:** [Steven S. Biss](#)  
**To:** [Boyer, Nathaniel](#); "[Joe Feller](#)"  
**Cc:** [Donnellan, Jonathan](#); [Sitwala, Ravi](#); [Shah, Nina](#); [Park, Sarah](#); "[Elgin, Susan P.](#)"; "[Klinefeldt, Nicholas A.](#)"; "[Giudicessi, Michael A.](#)"  
**Subject:** Re: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14  
**Date:** Thursday, May 6, 2021 10:58:34 AM

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Nate,

Thanks for this long email.

1. I will accept service of subpoenas for the depositions of the following NuStar employees:



2. [REDACTED] has left employment with NuStar. I do not have a forwarding address.
3. [REDACTED] died recently [REDACTED].
4. You will need to bring a certified third-party translator.
5. We will need take the depositions at times on May 12-14 that do not interfere with the workers' schedules and Dairy operations. NuStar is sending me a schedule, which I will forward upon receipt. For purposes of issuing the subpoenas, I would indicate a start time of 10:00 a.m. on all of them. We can set specific times once I get the workers' schedules.
6. Please let us know the location of the depositions. Joe Feller is not set up to host the depositions, so it will have to be at some other location. Lantern? Mayor's Office?
7. Finally, your ex-Marshall continue to sniff around Sibley. Please remind them that we are watching everything.

**From:** Boyer, Nathaniel  
**Sent:** Thursday, May 06, 2021 9:21 AM  
**To:** 'Steven S. Biss' ; 'Joe Feller'  
**Cc:** Donnellan, Jonathan ; Sitwala, Ravi ; Shah, Nina ; Park, Sarah ; 'Elgin, Susan P.' ; 'Klinefeldt, Nicholas A.' ; 'Giudicessi, Michael A.'  
**Subject:** RE: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Steve,

Circling back on the issue of accepting service of the subpoenas.

When we spoke on Tuesday, you at first said that you would accept the deposition subpoenas on behalf of the eight employees we identified, but added that you wouldn't represent them at their depositions. When I asked if this meant that you would, at least, be ensuring that the employees appear for their depositions, you said that you wanted to discuss this again with your client, and that you'd do so by yesterday.

As you know, the employees' depositions begin on Wednesday. That is only six days from now. If you will not accept service, then we must immediately arrange to personally serve each of them.

So, by 2 p.m. ET today, please confirm that (i) you have been engaged to represent the eight employees for, at least, the purposes of accepting the subpoenas on their behalf; (ii) you agree to accept the subpoenas on their behalf, by email; and (iii) delivery of the subpoenas to you by email is therefore good and effective service on the eight employees.

If we don't have that confirmation by 2 p.m. today, then we will assume that you will not accept the subpoenas as described above, and we will proceed to arrange for personal service on each of the eight employees.

Best,

Nate

**Nathaniel S. Boyer** | Counsel | The Hearst Corporation | Office of General Counsel | 300 W. 57th St. - 40th Fl. | New York, NY 10019 | Tel. 212 649 2030 | Fax. 212 649 2035 | [nathaniel.boyer@hearst.com](mailto:nathaniel.boyer@hearst.com)

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**From:** Boyer, Nathaniel

**Sent:** Tuesday, May 4, 2021 4:11 PM

**To:** 'Steven S. Biss' <[stevenbiss@earthlink.net](mailto:stevenbiss@earthlink.net)>; 'Joe Feller' <[jfeller@kkfellerlaw.com](mailto:jfeller@kkfellerlaw.com)>

**Cc:** Donnellan, Jonathan <[JDonnellan@hearst.com](mailto:JDonnellan@hearst.com)>; Sitwala, Ravi <[RSitwala@hearst.com](mailto:RSitwala@hearst.com)>; Shah, Nina <[Nina.Shah@hearst.com](mailto:Nina.Shah@hearst.com)>; Park, Sarah <[Sarah.Park@hearst.com](mailto:Sarah.Park@hearst.com)>; 'Elgin, Susan P.' <[susan.elgin@faegredrinker.com](mailto:susan.elgin@faegredrinker.com)>; 'Klinefeldt, Nicholas A.' <[nick.klinefeldt@faegredrinker.com](mailto:nick.klinefeldt@faegredrinker.com)>; 'Giudicessi, Michael A.' <[michael.giudicessi@faegredrinker.com](mailto:michael.giudicessi@faegredrinker.com)>

**Subject:** RE: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Steve,

I'm awaiting your call.

Nate

**From:** Boyer, Nathaniel  
**Sent:** Tuesday, May 4, 2021 11:20 AM  
**To:** Steven S. Biss <stevenbiss@earthlink.net>; 'Joe Feller' <jfeller@kkfellerlaw.com>  
**Cc:** Donnellan, Jonathan <JDonnellan@hearst.com>; Sitwala, Ravi <RSitwala@hearst.com>; Shah, Nina <Nina.Shah@hearst.com>; Park, Sarah <Sarah.Park@hearst.com>; 'Elgin, Susan P.' <susan.elgin@faegredrinker.com>; 'Klinefeldt, Nicholas A.' <nick.klinefeldt@faegredrinker.com>; 'Giudicessi, Michael A.' <michael.giudicessi@faegredrinker.com>  
**Subject:** RE: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Sure, call me then at 917-526-1297.

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**From:** Steven S. Biss <stevenbiss@earthlink.net>  
**Sent:** Tuesday, May 4, 2021 11:20 AM  
**To:** Boyer, Nathaniel <Nathaniel.Boyer@hearst.com>; 'Joe Feller' <jfeller@kkfellerlaw.com>  
**Cc:** Donnellan, Jonathan <JDonnellan@hearst.com>; Sitwala, Ravi <RSitwala@hearst.com>; Shah, Nina <Nina.Shah@hearst.com>; Park, Sarah <Sarah.Park@hearst.com>; 'Elgin, Susan P.' <susan.elgin@faegredrinker.com>; 'Klinefeldt, Nicholas A.' <nick.klinefeldt@faegredrinker.com>; 'Giudicessi, Michael A.' <michael.giudicessi@faegredrinker.com>  
**Subject:** Re: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Nate,

How about 4PM today?

**From:** Boyer, Nathaniel  
**Sent:** Monday, May 03, 2021 2:50 PM  
**To:** Steven S. Biss ; 'Joe Feller'  
**Cc:** Donnellan, Jonathan ; Sitwala, Ravi ; Shah, Nina ; Park, Sarah ; 'Elgin, Susan P.' ; 'Klinefeldt, Nicholas A.' ; 'Giudicessi, Michael A.'  
**Subject:** RE: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Steve,

Okay, great, we'll proceed with May 12-14.

I can speak today after 4:30 p.m. ET, or any time tomorrow. Just let me know what works. Thanks.

Best,  
Nate

**Nathaniel S. Boyer** | Counsel | The Hearst Corporation | Office of General Counsel | 300 W. 57th St. - 40th Fl. | New York, NY 10019 | Tel. 212 649 2030 | Fax. 212 649 2035 | [nathaniel.boyer@hearst.com](mailto:nathaniel.boyer@hearst.com)

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**From:** Steven S. Biss <stevenbiss@earthlink.net>

**Sent:** Monday, May 3, 2021 1:22 PM

**To:** Boyer, Nathaniel <Nathaniel.Boyer@hearst.com>; 'Joe Feller' <jfeller@kkfellerlaw.com>

**Cc:** Donnellan, Jonathan <JDonnellan@hearst.com>; Sitwala, Ravi <RSitwala@hearst.com>; Shah, Nina <Nina.Shah@hearst.com>; Park, Sarah <Sarah.Park@hearst.com>; 'Elgin, Susan P.' <susan.elgin@faegredrinker.com>; 'Klinefeldt, Nicholas A.' <nick.klinefeldt@faegredrinker.com>; 'Giudicessi, Michael A.' <michael.giudicessi@faegredrinker.com>

**Subject:** Re: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Nate,

Thanks for the email. I was waiting to see if my trial scheduled for May 20-21 was going to happen. I was informed that one of the defendants was scheduled to undergo surgery. The trial has been continued because of the defendant's medical condition.

So, we are good to go with the depositions on May 12-14. I will let you know later today (may not be COB however as I am working on 2 briefs in other matters) if I will accept service of the subpoenas. I likely will.

However, we need to meet and confer regarding the parameters for the NuStar employee depositions. For instance, you will not be permitted to ask questions that are calculated to discriminate against an employee or violate that employee's rights guaranteed by Federal Law, such as the questions your ex-Marshals posed Deputy Rosenberg - "Is he illegal"? If we can't agree on parameters, then Plaintiffs will need to seek relief under Rule 26c.

**From:** Boyer, Nathaniel

**Sent:** Monday, May 03, 2021 1:06 PM

**To:** 'Steven S. Biss' ; 'Joe Feller'

**Cc:** Donnellan, Jonathan ; Sitwala, Ravi ; Shah, Nina ; Park, Sarah ; 'Elgin, Susan P.' ; 'Klinefeldt, Nicholas A.' ; 'Giudicessi, Michael A.'

**Subject:** RE: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Steve and Joe,

We still have not heard back from you on this. To recap: On April 10, Steve told us he was available for depositions on May 12-14. On April 14, we asked Steve to confirm eight depositions of NuStar workers on those dates. At the hearing on April 15, once the Court indicated that it would allow 16 depositions, Steve told the Court that "we're going to be able to work together to schedule the depositions in a week in May, and then we'll -- we'll knock those out." You still didn't reply to the email. When asked about it on a telephone call on April 23, Steve said that he wanted to think about whether he could proceed on May 12-14, because he has a jury trial on May 20-21. When prompted on Monday, April 26, Steve said he would "let [us] know on Wednesday," April 28, if he could proceed with depositions on May 12-14. You didn't respond. On May 1, I asked Steve to confirm that you would accept service of the subpoenas for these witnesses' testimony. You didn't respond. It is now May 3.

We want to accommodate Steve's schedule, as best as we can. But that's not possible if you won't have a dialogue with us on scheduling and logistics. May 12 is only 9 days away, and we need to make arrangements. So, we are proceeding with the depositions on May 12-14.

We will plan to have the subpoenas served personally on these non-party witnesses, or you can agree to accept email service as their attorney. Please let us know by COB today if you will accept service of the subpoenas on behalf of the NuStar employees who are your clients.

Nate

**Nathaniel S. Boyer** | Counsel | The Hearst Corporation | Office of General Counsel | 300 W. 57th St. - 40th Fl. | New York, NY 10019 | Tel. 212 649 2030 | Fax. 212 649 2035 | [nathaniel.boyer@hearst.com](mailto:nathaniel.boyer@hearst.com)

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**From:** Boyer, Nathaniel

**Sent:** Saturday, May 1, 2021 9:44 AM

**To:** Steven S. Biss <[stevenbiss@earthlink.net](mailto:stevenbiss@earthlink.net)>; 'Joe Feller' <[jfeller@kkfellerlaw.com](mailto:jfeller@kkfellerlaw.com)>

**Cc:** Donnellan, Jonathan <[JDonnellan@hearst.com](mailto:JDonnellan@hearst.com)>; Sitwala, Ravi <[RSitwala@hearst.com](mailto:RSitwala@hearst.com)>; Shah, Nina <[Nina.Shah@hearst.com](mailto:Nina.Shah@hearst.com)>; Park, Sarah <[Sarah.Park@hearst.com](mailto:Sarah.Park@hearst.com)>; 'Elgin, Susan P.' <[susan.elgin@faegredrinker.com](mailto:susan.elgin@faegredrinker.com)>; Klinefeldt, Nicholas A. <[nick.klinefeldt@faegredrinker.com](mailto:nick.klinefeldt@faegredrinker.com)>; Giudicessi, Michael A. <[michael.giudicessi@faegredrinker.com](mailto:michael.giudicessi@faegredrinker.com)>

**Subject:** RE: [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Steve,

Circling back on the depositions. We are preparing the subpoenas for testimony for the eight NuStar employees we previously identified. Please confirm that you will accept service of the subpoenas on behalf of NuStar's employees.

Best,  
Nate

**Nathaniel S. Boyer** | Counsel | The Hearst Corporation | Office of General Counsel | 300 W. 57th St. - 40th Fl. | New York, NY 10019 | Tel. 212 649 2030 | Fax. 212 649 2035 | [nathaniel.boyer@hearst.com](mailto:nathaniel.boyer@hearst.com)

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**From:** Steven S. Biss <[stevenbiss@earthlink.net](mailto:stevenbiss@earthlink.net)>

**Sent:** Monday, April 26, 2021 6:59 PM

**To:** Boyer, Nathaniel <[Nathaniel.Boyer@hearst.com](mailto:Nathaniel.Boyer@hearst.com)>; 'Joe Feller' <[jfeller@kkfellerlaw.com](mailto:jfeller@kkfellerlaw.com)>

**Cc:** Donnellan, Jonathan <[JDonnellan@hearst.com](mailto:JDonnellan@hearst.com)>; Sitwala, Ravi <[RSitwala@hearst.com](mailto:RSitwala@hearst.com)>; Shah, Nina <[Nina.Shah@hearst.com](mailto:Nina.Shah@hearst.com)>; Park, Sarah <[Sarah.Park@hearst.com](mailto:Sarah.Park@hearst.com)>; 'Elgin, Susan P.' <[susan.elgin@faegredrinker.com](mailto:susan.elgin@faegredrinker.com)>; Klinefeldt, Nicholas A. <[nick.klinefeldt@faegredrinker.com](mailto:nick.klinefeldt@faegredrinker.com)>; Giudicessi, Michael A. <[michael.giudicessi@faegredrinker.com](mailto:michael.giudicessi@faegredrinker.com)>

**Subject:** [EXTERNAL] Re: NuStar -- exhibits for tomorrow, and confirming May 12-14

Nate,

Will send you the Exhibits in the am.

I am still thinking about whether I can do the depositions on May 12-14, given my jury trial on May 20-21. I will let you know on Wednesday.

**From:** Boyer, Nathaniel  
**Sent:** Monday, April 26, 2021 4:47 PM  
**To:** Steven S. Biss ; 'Joe Feller'  
**Cc:** Donnellan, Jonathan ; Sitwala, Ravi ; Shah, Nina ; Park, Sarah ; 'Elgin, Susan P.' ; Klinefeldt, Nicholas A. ; Giudicessi, Michael A.  
**Subject:** NuStar -- exhibits for tomorrow, and confirming May 12-14

Steve,

I believe you said that you were going to email us exhibits that you intended to use in tomorrow's deposition of Father Callahan. I don't believe we received them. Can you please email them to us?

Also, can we confirm May 12-14 for the employees' depositions? I believe that, on Friday, you suggested that those dates should work, but you were going to confirm again with your client.

Best,  
Nate

**Nathaniel S. Boyer** | Counsel | The Hearst Corporation | Office of General Counsel | 300 W. 57th St. - 40th Fl. | New York, NY 10019 | Tel. 212 649 2030 | Fax. 212 649 2035 | [nathaniel.boyer@hearst.com](mailto:nathaniel.boyer@hearst.com)

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