

EXHIBIT D

Correspondence between Charles R. Nesson and Eve G. Burton, dated
November 10, 2008.

Correspondence among Charles R. Nesson, Eve G. Burton, and Timothy M.
Reynolds, dated January 2, 2009 through January 9, 2009.



Charles Nesson <nesson@gmail.com>

deposition of Matt Oppenheim

2 messages

Charles Nesson <nesson@gmail.com>

Mon, Nov 10, 2008 at 3:42 PM

Reply-To: nesson@law.harvard.edu

To: Eve Burton <Eve.Burton@hro.com>

Hi Eve,

We would like to depose Matt Oppenheim. Before sending out a notice and subpoena, we would like to discuss logistics, such as a mutually convenient time and place. Is there a time when we could talk by telephone to discuss these matters?

Thanks.

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when appropriate (in my judgment) to an open project and not sensitive (in my judgment) in terms of privacy, i may post email to my blog. all privacy requests respected.

Eve Burton <Eve.Burton@hro.com>

Mon, Nov 10, 2008 at 4:11 PM

To: "nesson@law.harvard.edu" <nesson@law.harvard.edu>

Cc: Timothy M Reynolds <Timothy.Reynolds@hro.com>, Anne Allen <Anne.Allen@hro.com>

Charlie:

We have a couple of matters to confer on as well, including the final pretrial order and our motion for leave to reply. Please give me a call this afternoon any time. Thanks.

Eve

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From: Charles Nesson [mailto:nesson@gmail.com]

Sent: Monday, November 10, 2008 1:43 PM

To: Eve Burton

Subject: deposition of Matt Oppenheim

[Quoted text hidden]

Charles Nesson <nesson@gmail.com>

Fri, Jan 2, 2009 at 9:13 AM

Reply-To: nesson@law.harvard.edu

To: Eve Burton <Eve.Burton@hro.com>

eve, when would be a convenient date to depose matt oppenheim in boston

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[Quoted text hidden]

Eve Burton <Eve.Burton@hro.com>

Fri, Jan 2, 2009 at 11:23 AM

To: "nesson@law.harvard.edu" <nesson@law.harvard.edu>

Cc: Timothy M Reynolds <Timothy.Reynolds@hro.com>

Charlie.

Happy new year. I had my twins on dec 30 and will be taking a few months leave. Please communicate with tim going forward. Thanks.

Eve

Eve Burton

3038660551

From: Charles Nesson

To: Eve Burton

Sent: Fri Jan 02 07:13:15 2009

Subject: Re: Depositions and Discovery

[Quoted text hidden]

nesson@gmail.com <nesson@gmail.com>

Fri, Jan 2, 2009 at 1:35 PM

Reply-To: nesson@gmail.com

To: Eve Burton <Eve.Burton@hro.com>

Congratulations Eve! I'll email Tim.

Sent via BlackBerry from T-Mobile

From: Eve Burton

Date: Fri, 2 Jan 2009 09:23:42 -0700

To: 'nesson@law.harvard.edu' <nesson@law.harvard.edu>

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Timothy M Reynolds <Timothy.Reynolds@hro.com>

Fri, Jan 2, 2009 at 4:03 PM

To: Eve Burton <Eve.Burton@hro.com>, "nesson@law.harvard.edu" <nesson@law.harvard.edu>

Charlie: I will consult with my client and let you know. In the meantime, let me know if you have any proposed dates, or dates that do not work for you. Thanks. Tim

From: Eve Burton
Sent: Friday, January 02, 2009 9:24 AM
To: 'nesson@law.harvard.edu'
Cc: Timothy M Reynolds

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Charles Nesson <nesson@gmail.com>
Reply-To: nesson@law.harvard.edu
To: Timothy M Reynolds <Timothy.Reynolds@hro.com>

Mon, Jan 5, 2009 at 4:55 PM

request january 20, 2009

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Timothy M Reynolds <Timothy.Reynolds@hro.com>
To: "nesson@law.harvard.edu" <nesson@law.harvard.edu>

Fri, Jan 9, 2009 at 2:41 PM

Charles: I just received a notice for this date. Unfortunately, January 20 does not work. Tim

From: Charles Nesson [<mailto:nesson@gmail.com>]
Sent: Monday, January 05, 2009 2:56 PM
To: Timothy M Reynolds

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Charles Nesson <nesson@gmail.com>
Reply-To: nesson@law.harvard.edu
To: Timothy M Reynolds <Timothy.Reynolds@hro.com>

Fri, Jan 9, 2009 at 3:53 PM

what about jan 21 or 23. i take it matt is planning to be in town for the argument on the 22nd

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