

# EXHIBIT D



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Via E-mail

October 17, 2011

Gregory A. Madera  
Principal  
Fish & Richardson P.C.  
One Marina Park Drive  
Boston, Massachusetts 02210-1878

Re: Gordon v. DreamWorks Animation SKG

Dear Mr. Madera:

This is in response to your letter to me of today's date, that was e-mailed to me within the last hour, regarding the investigation of Mr. Gordon, and Mr. Gordon's deposition, scheduled for two days from now, Wednesday, October 19.

I do not take lightly statements that I make to opposing counsel, and I personally resent your statement that my statement in my letter to you regarding the intent of the investigation of Mr. Gordon is "simply not true." To the contrary, the only purpose of any investigation of Mr. Gordon was in connection with the current litigation. Mr. Gordon has greatly exaggerated the extent of the investigation, and to the best of my knowledge, nothing in this investigation was improperly done or illegal. We disagree with your statement of the facts of this investigation. Further, I understand that surveillance of Mr. Gordon or conversations with Mr. Gordon's neighbors ended on before October 2, 2011, and there is no present intention to do any further surveillance or discussions with neighbors. You are of course free to bring anything you want to the attention of the court, and we will respond accordingly.

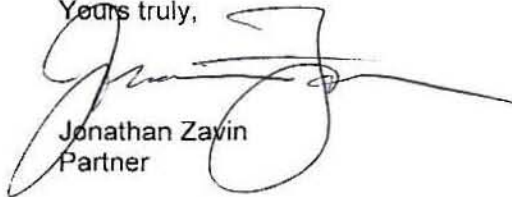
This brings us what appears to be the real purpose of your letter, which is to refuse to produce Mr. Gordon for his properly noticed deposition. This deposition was noticed on August 17 for September 22. Despite the fact that you have eight counsel of record on this matter, you informed us that the earliest that you were available to defend this deposition was Wednesday, October 19. At your request, therefore, the deposition was adjourned to that date, more than two months after it was noticed. You have now told us that Mr. Gordon will refuse to appear for his deposition on that date, for a reason that has absolutely nothing to do with his deposition. Whatever you may think about the propriety of investigating a claimant in a litigation, it has nothing to do with whether that claimant must appear for his deposition.

We have people scheduled to fly to Boston from Los Angeles in a few hours in connection with Mr. Gordon's deposition. Unless you confirm to me by no later than 5 pm EST that Mr. Gordon will appear for his deposition as noticed and agreed, we will cancel these flights and ask the



Court for sanctions in connection with his non-appearance, including but not limited to the dismissal of the plaintiff's case for failure to appear for his deposition, and the reimbursement of any costs incurred with respect to the cancelled deposition.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jonathan Zavin', with a long horizontal flourish extending to the right.

Jonathan Zavin  
Partner

cc: Julia Huston  
Juanita Brooks