

EXHIBIT D

From: Dean Boland
Sent: Friday, February 17, 2012 1:28:58 PM (UTC-05:00) Eastern Time (US & Canada)
To: Southwell, Alexander; Paul Argentieri
Subject: Consent to court order/subpoena to obtain email account information

Alex:

Mr. Ceglia will consent to a subpoena/court order enabling Defendants to have their electronic discovery firm acquire data related to the webmail accounts for which he just recently provided executed consent forms.

Mr. Ceglia had no recollection of these email accounts until they appeared in the most recent production from your electronic discovery firm, hence, his prior declarations are not invalid and we reject your use of the argumentative claim that he "concealed" these email accounts. Concealment implies he was aware of and had recalled having such accounts and chose not to disclose them when ordered. Those are not the facts and you are now on notice to withdraw any such claims of concealment as you have no good faith basis to make such a claim.

Mr. Ceglia has, at the least since my entrance into this case, and will continue to, comply with all court orders.

You have failed to respond to my request as to whether you want from him a declaration that is based on other than his personal knowledge regarding the Jason Holmberg issue. I presume you have given up on pursuing a declaration from him based entirely on hearsay unless I hear otherwise.

As you know, Judge Arcara directed Judge Foschio to initiate regular discovery. We have timely submitted to you a preservation letter and proposed ESI discovery plan to comply with the Judge's order. We will comply with the timelines in that order whether Defendants cooperate or not. The side issues of these lingering non-compliance claims are to be treated as secondary to the standing order of the court regarding those dates of compliance. While Defendants may want to linger in this netherworld of expanding non-compliance claims, we are preparing to engage in full discovery starting early April and setting a trial date in a reasonable time thereafter. It's best if we all keep our eye on the ball here realizing we are going to trial, probably within the year.

Dean.

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Please note, I typically only review my emails once daily. If there is something urgent in any email, please do not hesitate to contact my office at 216-236-8080.