

EXHIBIT D

From: Stefanie A. Sparks <sas@ninthstreetlaw.com>
Sent: Wednesday, August 01, 2012 6:40 AM
To: Tom Segars
Cc: Jeremy Falcone; Bob Ekstrand; Brittany Handy
Subject: Re: Archer Proposed Affidavit

Tom,

We've been in contact with Breck and he has the affidavit to sign and send. I will check in with him to see if he has sent it, etc. and will get back to you.

Thanks,

Stefanie

On Jul 25, 2012, at 11:15 PM, Tom Segars <Tom.Segars@elliswinters.com> wrote:

Stefanie,

I hope this e-mail finds you doing well. At your convenience, could you please let me know the status of this affidavit from Mr. Archer? I do not believe that we have received it, yet. I know that Mr. Archer was scheduled to be stationed overseas beginning at some point this summer, and I wanted to follow up in case that impacts the logistics of getting this done.

Thanks and best regards,
Tom

Tom Segars
Ellis & Winters LLP

tom.segars@elliswinters.com

Direct: (919) 865-7043

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<image004.jpg>

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From: Stefanie Smith [mailto:sas@ninthstreetlaw.com]
Sent: Monday, June 11, 2012 5:13 PM
To: Tom Segars
Cc: Jeremy Falcone; Bob Ekstrand; Brittany Handy
Subject: Re: Archer Proposed Affidavit

Tom,

Thank you for your response. I'm glad we were able to reach agreement on the affidavit. We will contact Breck and return the signed affidavit to you.

Best,

Stefanie

On Mon, Jun 11, 2012 at 4:24 PM, Tom Segars <Tom.Segars@elliswinters.com> wrote:

Stefanie,

Thank you for sending your message below and for proposing this revised affidavit. What you sent is acceptable to us. In consideration of your representations to us and Mr. Archer's execution of this affidavit, we would agree not to seek to re-open the April 19 deposition. If you would please have Mr. Archer execute the affidavit that you sent us and return it to us before Mr. Archer relocates overseas, we would appreciate it. Let us know if you have any questions or if we need to discuss this further.

Thanks and best regards,

Tom

Tom Segars
Ellis & Winters LLP

tom.segars@elliswinters.com

Direct: [\(919\) 865-7043](tel:(919)865-7043)

<image001.jpg>

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From: Stefanie Smith [mailto:sas@ninthstreetlaw.com]

Sent: Friday, June 08, 2012 9:50 PM

To: Jeremy Falcone; Tom Segars
Cc: Bob Ekstrand; Brittany Handy
Subject: Archer Proposed Affidavit

Jeremy and Tom,

Pursuant to our telephone call and your request that Breck sign an affidavit, attached please find our proposed affidavit for Breck Bernard Archer.

Best,

Stefanie

--

Stefanie A. Smith

Associate

EKSTRAND & EKSTRAND LLP
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--

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