



that all deadlines in the Court's scheduling order be extended by 45 days from the date of production.

Dated: April 14, 2026

Respectfully submitted,

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORTH WORTH DIVISION**

DATA MARKETING PARTNERSHIP, LP, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 4:19-cv-00800-O
	)	
UNITED STATES DEPARTMENT OF LABOR, ET AL.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Defendants’ Motion to Compel Discovery from Plaintiffs Data Marketing Partnership, LP and L.P. Management Services, LLC, filed April 14, 2026. Having considered the motion, memorandum in support, and applicable law, the Court finds that Plaintiffs failed to respond to discovery requests, failed to produce responsive documents, and failed to participate in good-faith conference efforts. Such failures are not substantially justified. Defendants’ Motion to Compel should be and is hereby **GRANTED**.

It is therefore **ORDERED** that:

1. Within 7 days of this order, Plaintiffs shall produce all responsive, non-privileged documents requested in discovery, including:
  - a. those identified in the chart on pages 5–6 of Defendants’ Memorandum in Support (ECF No. \_\_); and
  - b. those identified on pages 9–13 of Defendant’s Memorandum in Support related to Requests for Production 1, 6–7, 10–11, 13, 18–19, 23, 25–26, 28, and 32–34.

2. Defendants are entitled to their reasonable expenses, including attorneys' fees, incurred in bringing this Motion.

**SO ORDERED** on this the \_\_\_\_ day of April, 2026.

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**Reed O'Connor**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORTH WORTH DIVISION**

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	)	
UNITED STATES DEPARTMENT OF	)	
LABOR, ET AL.,	)	
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Defendants.	)	

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**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL  
DISCOVERY RESPONSES FROM PLAINTIFFS, FOR EXPEDITED HEARING AND  
BRIFING SCHEDULE, AND EXTENSION OF ALL DEADLINES**

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## INTRODUCTION

Defendants' motion to compel seeks complete answers to requests for production that have been pending since June 2025. Plaintiffs have engaged in ongoing dilatory tactics throughout the discovery period and have refused to produce all responsive documents to the outstanding requests. Most recently, during Defendants' deposition of six individuals affiliated with DMP and LPMS, several deponents identified documents responsive to Requests for Production that were served last summer but never produced to Defendants. Accordingly, Defendants respectfully request that the Court set an expedited briefing schedule and hearing on this motion and compel Plaintiffs to produce the identified documents responsive to Defendants' First and Second set of Requests for Production.

Further, due to Plaintiffs' delays, Defendants seek a 45-day extension of all deadlines in this matter from the date Plaintiffs produce the delinquent documents.

## BACKGROUND

After the Parties submitted a Joint Status Report (ECF No. 76) on May 5, 2025, they began engaging in discovery related to the facts underlying the "analysis of the terms 'working owner' and 'bona fide partner' as those terms relate to Data Marketing Partnership's (DMP) limited partners." ECF No. 76 at 1. This Court issued a scheduling order setting the fact discovery period from May 6, 2025 to January 16, 2026. ECF No. 77. On June 5, 2025, Defendants served Plaintiffs with Defendants' First Requests for Production ("First Requests"). *See* Defendants' First Request for Production, attached as Exhibit A (App'x at 1-9).

Plaintiffs persistently delayed their response and production to the First Requests, only responding after multiple extensions on August 12, 2025. Email Exchange Requesting Extension for Production of Documents (July 22, 2025), attached as Exhibit B (App'x at 10-16). In their

responses, Plaintiffs did not object to a single definition, instruction, or request. Instead, Plaintiffs provided the following response to requests numbered 1–4, 19–20, 23–26, 34–35:

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

To the remaining requests 5–8, 11, 13–15, 17–18, 21–22, 27, 29–33 and 36, Plaintiffs responded as follows:

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

Plaintiffs’ responses further indicated that Plaintiffs had not located any documents responsive to requests 9–10, 12, 16 and 28. *See* Plaintiffs’ Responses to Defendants’ First Requests for Production, attached as Exhibit C (App’x at 17-25).

Plaintiffs also unilaterally established a two-week rolling production schedule to begin Friday, August 15, 2025. Email Regarding Plaintiffs’ Responses (Aug. 12, 2025), attached as Exhibit D (App’x at 26-27). Between August 15, 2025 and September 17, 2025, Plaintiffs produced only 190 pages of documents, largely related only to Requests 17, 29, 30, 31, and 32—and nothing relevant to the majority of the First Requests seeking records concerning the definition of the terms “working owner” and “bona fide partner” as related to Data Marketing Partnership’s limited partners. *See* Discovery Deficiency Letter sent to Plaintiffs (Aug. 29, 2025), attached as Exhibit E (App’x at 28-30).

In an effort to substantiate Plaintiffs’ claim that many of the requested documents were in the possession of third parties—and given that Defendants lacked sufficient information to seek documents directly from those third parties—Defendants served Plaintiffs with Second Requests

for Production (“Second Requests”) on September 25, 2025. *See* Letter to Plaintiffs and Defendants’ Second Requests for Production (September 25, 2025), attached as Exhibit F (App’x at 31-38). The Second Requests sought to identify the third parties allegedly responsible for Plaintiffs’ discovery delays.

As the Court is aware, a lapse in appropriations occurred from October 1, 2025 to November 13, 2025 furloughing Defendants. While Plaintiffs served responses and objections to the Second Requests on October 27, 2025, they failed to produce a single document during that period. *See* Plaintiffs’ Response to Defendants’ Second Requests for Production, attached as Exhibit G (App’x at 39-43). Plaintiffs’ only explanation, after appropriations were restored, was that they interpreted Defendants’ furlough status “to mean that nothing in the case would proceed until funding was restored.” *See* Email Exchange related to Deficient Production during the Shutdown (Nov. 20, 2025), attached as Exhibit H (App’x at 44-48).

On November 26, 2025, Plaintiffs produced 51 pages responsive to the Second Requests that largely consisted of copies of the same email chain between counsel and a single third party in July 2025. *See* Examples of Duplicative Production, attached as Exhibit I (App’x at 49-64). Defendants repeatedly asked if that latest production constituted Plaintiffs’ final production; in response, Plaintiffs advised that another production would be forthcoming later that week including “information related to and data generated by the software programs used by LPMS to capture partner generated data.” *See* Email Exchange between Jonathan Crumly and Kathleen Jacobs (Dec. 5, 2025), attached as Exhibit J (App’x at 65-74).

Due to the inconsistencies between Plaintiffs’ responses and productions, along with the insubstantial production, the undersigned subsequently requested a conference with Plaintiffs’ counsel. *See* Email Exchange Regarding Joint Extension (Dec. 18, 2025), attached as Exhibit K

(App'x at 75-95). The parties agreed, given the inconsistencies between Plaintiffs' responses and document productions, to request a 120-day extension of the discovery period and submitted a joint request on December 26, 2025. ECF No. 86. The Court partially granted that request, directing Plaintiffs to amend their responses to the First and Second Requests by January 16, 2026 and extending the fact discovery deadline to March 17, 2026. ECF No. 87.

After the extension, Plaintiffs forgot to amend their responses, and after Defendants' prompting, provided the amended responses to the First and Second Requests after the court-ordered deadline on February 6, 2026. *See* Supplemental Responses to Defendants' First and Second Requests for Production, attached as Exhibit L (App'x at 96-111). The amended responses identified (i) whether Plaintiffs located responsive documents to each request and (ii) any responsive documents produced by Bates numbers. *Id.* Because the close of discovery was approaching, the parties also agreed to request a four-week extension of the fact discovery deadline for depositions. Email Exchange Regarding Extension of Discovery Period for Depositions (March 4, 2025), attached as Exhibit M (App'x at 112-22); ECF No. 89. On March 5, 2026, the Court granted the motion, extending the discovery deadline to April 14, 2026. ECF No. 90. Plaintiffs made another supplemental production on March 18, 2026, which included documents that were created between March 11, 2026 and March 15, 2026, and another supplemental production of nine documents on March 26, 2026.<sup>1</sup>

Between March 26, 2026 and April 7, 2026, Defendants deposed six individuals associated with DMP and/or LPMS: John Fiedler (a limited partner of DMP); Alexander Renfro; Benjamin Clear (a limited partner of DMP); Randall Johnson (a former owner/manager of LPMS); Adam

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<sup>1</sup> Additionally, Defendants subsequently identified, and advised Plaintiffs during the deposition of Steven Lazarou, that Plaintiffs failed to answer, via propounded interrogatory, why Request for Admission 62 was denied and additionally request that that response be supplemented.

Rochester (DMP's employee); and Steven Lazarou (the current owner/manager of LPMS). *See* transcript excerpts from the depositions of Steven Lazarou, Randall Johnson, Jonathan Fiedler, and Adam Rochester, attached as Exhibits N (App'x at 123-69), O (App'x at 170-81), P (App'x at 182-91), & Q (App'x at 192-206), respectively. From the testimony of these individuals, Defendants identified numerous documents responsive to their First Requests that Plaintiffs had not produced in discovery, specifically:

<b>Document</b>	<b>Referenced In</b>	<b>Responsive To</b>
All source documents for DMP tax returns, including bank statements, payroll records, credit card statements, and records of payments relating to health plan	Lazarou Tr. 32:14-33:23	RFPs 30, 33
All source documents for DMP balance sheet and income statement, including bank statements, payroll records, credit card statements, records of payments relating to health plan, and profit and loss statements	Lazarou Tr. 96:5-97:3; 99:11-24; 100:8-9	RFPs 33
The Legends data procured by Rochester and given to Lazarou	Lazarou Tr. 38:2-16	RFPs 6, 7, 18, 19, 23
Emails from Lazarou to Rochester (including emails sent during 2025-2026)	Lazarou Tr. 38:2-16	RFP 7
LPMS operating agreement signed by Lazarou	Lazarou Tr. 111:23-112:1	RFP 13
Communications between Johnson and Lazarou related to DMP and verifying Adam Rochester's work hours	Lazarou 39:14-42:6	RFP 7
Documents and communications reflecting sale of LPMS limited partnerships' data to Distributed Data, including contract entered into on or about July 2025, records of payments from Distributed Data	Lazarou Tr. 54:7-65:19	RFPs 4, 6, 7, 25, 33
Emails from Lazarou to Analytics 8 reflecting transmission of data	Lazarou Tr. 55:3-56:7	RFPs 6, 23, 25, 26, 33
Data files sent by Lazarou to Analytics 8	Lazarou Tr. 55:3-56:7	RFPs 6, 18, 19, 23, 26
Data sent to Lazarou from Suffolk	Lazarou Tr. 80: 17-81:21	RFPs 6, 18, 19, 23, 26

Emails from Suffolk to Lazarou relating to sent data (including communications with Juan [last name unknown] about data)	Lazarou 140:21-141:4	RFPs 6, 26
Data files provided to Distributed Data (including those referenced in Lazarou's deposition testimony as occurring in March 2026 and weekly following first transmission of data)	Lazarou Tr. 67:7-13	RFPs 6, 18, 19, 23, 26
Wire records to third party administrators of DMP plan reflecting DMP premium payments	Lazarou Tr. 91:5-93:12	RFPs 10, 11
Bank statements from Wells Fargo account (opened in or about 2023 or 2024)	Lazarou Tr. 93:3-16	RFP 33
Bank statements from Chase account (that was open prior to Wells Fargo account)	Lazarou Tr. 93:3-16	RFP 33
Documents relating to loan used to fund DMP's business expenses (including loan agreement, invoices, payments, and payment confirmation)	Lazarou Tr. 108:12-112:1	RFPs 7, 13, 33
Statements and/or invoices submitted to Keith Berglund, Esq.	Lazarou Tr. 108:12-112:1	RFPs 7, 13, 33
Spreadsheets provided by Suffolk for use in preparing Form 5500s	Lazarou Tr. 163:18-165:18	RFPs 10, 33
Emails from Suffolk with invoices relating to health plan	Lazarou Tr. 167:5-168:10; 182:19-183:12	RFPs 10,11, 33
Responsive emails from <a href="mailto:steve.lazarou@lpmgmtservices.net">steve.lazarou@lpmgmtservices.net</a> , <a href="mailto:stevlaz@comcast.net">stevlaz@comcast.net</a> , <a href="mailto:zeusbiz@comcast.net">zeusbiz@comcast.net</a> , <a href="mailto:laz@zbizcpa.com">laz@zbizcpa.com</a> , or <a href="mailto:laz@zbizcpa.net">laz@zbizcpa.net</a>	Lazarou Tr. 182:6-18	RFPs 7, 13, 34
Group chats between Rochester, Johnson, and W-2 employees of other LPMS limited partnerships	Johnson Tr. 104:11-24; 106:1-23	RFPs 7, 34
Documents relating to UDMC loan, including invoices submitted by Johnson	Johnson 111:5-114:4 117:7-19; 140:3-7	RFPs 13, 15, 33
Group text related to meeting of DMP limited partners at La Madeleine	Rochester Tr. 24:21-25:22	RFPs 7, 28, 34
Communications between Rochester and Renfro	Rochester 45:6-46:2; 86:7-19	RFPs 7, 34
Texts from Rochester to DMP limited partners relating to EASE app	Rochester Tr. 67:25-68:14	RFPs 7, 26, 34
2025 W-2 for Adam Rochester	Rochester Tr. 77:7-78:5	RFP 32
Communications between Lazarou and Rochester relating to DMP (including email requesting limited partners' Venmos)	Rochester Tr. 108:24-109:13	RFPs 7, 10, 11, 34
Records of payments to Limited Partners	Fiedler Tr. 31:21-32:7	RFPs 10, 11
Meeting invitations / Meeting minutes relating to LP meetings	Fiedler Tr. 66:12-67:1	RFP 28
2019 Membership Packet	Fiedler Tr. 51:5-15; 66:12-67:1	RFP 1

Importantly, Mr. Lazarou's testimony on April 7, 2026 disclosed for the very first time that an agreement for the purchase of data (including data generated by DMP's limited partners) existed between LPMS and an entity named Distributed Data, LLC as of July 2025—nine months ago and well within the time that Plaintiffs were responding to Defendants' First and Second Requests. Yet Plaintiffs have not produced a single document or communication regarding such agreement.<sup>2</sup> Moreover, Plaintiffs represented in their amended responses to the First and Second Requests that no responsive documents existed to Requests 1, 4, 10, 19, and 34 (which relate to several of the documents identified above). When presented with this list of missing documents identified through testimony, along with the relevant Requests, Plaintiffs did not respond and refused to produce the documents, despite their failure to ever raise any objection to any of the operative Requests. Accordingly, given *Plaintiffs' repeated, persistent delays in production* and the rapidly approaching discovery deadline, Defendants move to compel production of the documents identified above.

As indicated in the certificate of conference accompanying this motion, Defendants contacted Plaintiffs via email on Wednesday, April 8, 2026 to resolve these deficiencies and proposed a joint motion for extension of time so that the Plaintiffs could produce the missing documents. *See* Email Requesting Joint Motion for Extension (April 8, 2026), attached as Exhibit R (App'x at 207-08). Plaintiffs did not respond to Defendants' proposal. After Plaintiffs failed to respond, Defendants contacted them again on the morning of April, 10, 2026 to request a meet and

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<sup>2</sup> It is worthy to note that this fact was revealed in Steven Lazarou's deposition last week and appears to have been, at best, conveniently omitted, if not concealed by Alex Renfro during his deposition the week prior. The Court will recall that Alex Renfro authored the advisory opinion request before DMP came into existence, appeared to have been part of the creation of DMP as a result of this litigation, and now is the purchaser of DMP's data, all facts anticipated to be briefed in further detail in Defendants' cross motion for summary judgment.

confer for that afternoon related to this motion. *See* Jacqueline Colemand Snead Email Requesting meet and Confer (April 10, 2026), attached as Exhibit S (App’x at 209-11). As of this filing, Plaintiffs have not responded to either email.

### ARGUMENT

The Federal Rules of Civil Procedure permit discovery of “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). The discovery rules are to be construed broadly and liberally. *Burns v. Thiokol Chemical Corp.*, 483 F.2d 300, 304 (5th Cir. 1973) (citing *Hickman v. Taylor*, 329 U.S. 495, 500 (1947)). “[I]n general, the rules dealing with discovery in federal cases are to be self-executing.” *Dondi Properties Corp. v. Commerce Sav. & Loan Ass’n*, 121 F.R.D. 284, 289 (N.D. Tex. 1988) (per curiam). Under Rule 34, parties may serve requests for production “within the scope of Rule 26(b).” Fed. R. Civ. P. 34(a). Further, “[u]nder Federal Rule of Civil Procedure 34, ‘documents are considered to be under a party’s control for discovery purposes when that party has the right, authority, or practical ability to obtain the documents from a nonparty to the suit.’” *Trench Tech International, Inc. v. Tech Con Trenching, Inc. et al.*, 2020 WL 11772530 at \*2 (N.D. Tex. Mar. 20, 2020) (quoting *Shell Global Solutions (US) Inc. v. RMS Eng’g, Inc.*, 2011 WL 3418396, at \*2 (S.D. Tex. Aug. 3, 2011)). “For each item or category, the response must either state that inspection and related activities will be permitted as requested or state with specificity the ground of objecting to the request, including the reasons. The responding party may state that it will produce copies of documents or of electronically stored information instead of permitting inspection. The production must be completed no later than the time for inspection specified in the request or another reasonable time specified in the response.” Fed. R. Civ. P. 34(b)(2)(A). “If a party fails to produce documents . . . under Federal Rule[] of Procedure . . . 34, then Rule 37(a)(3)(B) allows

the other party to ‘move for an order compelling an answer, designation, production, or inspection.’” *Spectrum WT v. Wendler*, 2025 WL 3228239, at \*1 (N.D. Tex. 2025) (quoting Fed. R. Civ. P. 37(a)(3)(b)); Fed. R. Civ. P. 37(a)(1) (“On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery.”). Thereafter, the party resisting the motion to compel “‘must show specifically how each discovery request is not relevant or otherwise objectionable.’” *Wendler*, 2025 WL 3228239, at \*1 (quoting *Areizaga v. ADW Corp.*, 314 F.R.D. 428, 434 (N.D. Tex. 2016) (internal citations omitted)). Plaintiffs cannot make that showing here.

As directed by this Court, Defendants have diligently pursued “the issue prescribed by the Fifth Circuit’s mandate on remand of the facts related to analysis of the terms ‘working owner’ and ‘bona fide partner’ as those terms relate to Data Marketing Partnership’s [] limited partners.” ECF No. 27 at 1; *see also* Defendants’ First and Second Requests for Production Ex. A & B. All requests have been reasonable and proportional to the needs of this case, so that Defendants may understand the nature of DMP’s limited partnerships and the Court may appropriately rule on the legal questions presented. As evidenced below, these requests sought to identify Limited Partners, their roles and responsibilities, how they differed from regular employees, and any administrative roles so that Defendants can determine how these Limited Partners compare to “bona fide partners” and/or “working owners.” Plaintiffs did not object to a single definition, instruction, or request, intimated that production was complete, and in many instances stated that no responsive documents were identified. Nevertheless, deposition testimony made it clear that Plaintiffs possess responsive documents that they have not produced.

Deponents' testimony between March 26, 2026 and April 7, 2026 directly contradicts Plaintiffs' assertions, detailed below, that responsive documents have been produced or do not exist.

1. All documents relating to the recruitment, selection, and solicitation of Limited Partners.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

**Summary of Outstanding Responsive Documents: Membership materials provided to Benjamin Fiedler in 2019 or 2020.**

6. Documents sufficient to identify administrative and/or revenue generating services performed by Limited Partners.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.

**Summary of Outstanding Responsive Documents: Data generated by the DMP Limited Partners through the Legends browser; data files sold or transmitted to Distributed Data, LLC; documents relating to the sale of LPMS limited partnerships' data to Distributed Data, LLC, including a contract entered into with Distributed Data on or about July 2025, and records of payment advances from Distributed Data to LPMS or DMP; communications with third parties regarding data generated by DMP Limited Partners.**

7. Documents sufficient to identify administrative and/or revenue generating services performed by DMP employees who are not Limited Partners, such as common-law employees and non-owner employees.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.

**Summary of Outstanding Responsive Documents: Communications with and to DMP's W-2 employee; records (email and phone) sufficient to verify hours allegedly worked by W-2 employee.**

10. All Documents showing payments made by DMP to Limited Partners, including but not limited to, guaranteed payments, premium payments made on their behalf, income distributions, or earned income.

RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

**Summary of Outstanding Responsive Documents: Records relating to health plan premium payments made on behalf of DMP's limited partners, and records of monthly payments made to DMP's Limited Partners.**

11. All Documents showing how payments to Limited Partners are calculated.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-197, 244-256, 420-426.

**Summary of Outstanding Responsive Documents: Records relating to health plan premium payments made on behalf of DMP's limited partners, and records of monthly payments made to DMP's Limited Partners.**

13. All Documents relating to DMP's formation and delegation of authority, including but not limited to agreements appointing a general partner and agreements delegating business management decisions.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000257-263.

**Summary of Outstanding Responsive Documents: LPMS operating agreement, signed by Stephen Lazarou and communications from Mr. Lazarou.**

18. All Documents relating to Plan eligibility.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 00209-243, 264-415, 428-452.

**Summary of Outstanding Responsive Documents: Files documenting collection of electronic data from DMP Limited Partners.**

19. All Documents relating to tracking and monitoring Limited Partners' Plan eligibility, including Documents relating to verification and audit processes.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

**Summary of Outstanding Responsive Documents: Data generated by the DMP Limited Partners through the Legends browser; and data files sold or transmitted to Distributed Data, LLC.**

23. All Documents relating to how Limited Partners' data is captured, including all Documents relating to software or applications used to capture Limited Partners' data (including the Legend Browser App and any similar applications).

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.

**Summary of Outstanding Responsive Documents: Data generated by the DMP Limited Partners through the Legends browser; communications with third parties regarding data generated by DMP Limited Partners; and data files sold or transmitted to Distributed Data, LLC.**

25. All Documents and Communications relating to Limited Partners' exercise of their control or management of the capture, segregation, aggregation, or sale of their data.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.

**Summary of Outstanding Responsive Documents: Data generated by the DMP Limited Partners through the Legends browser; and data files sold or transmitted to Distributed Data, LLC.**

26. All Documents relating to DMP's monitoring or tracking of Limited Partners' data capture.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.

**Summary of Outstanding Responsive Documents: Data generated by the DMP Limited Partners through the Legends browser, communications with third parties regarding data generated by DMP Limited Partners, and data files sold or transmitted to Distributed Data, LLC.**

28. All Documents and Communications relating to Limited Partners' exercise of partnership rights, including all documents and communications relating to votes by Limited Partners regarding DMP operations or meetings in which Limited Partners participated.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been located and produced as per Bates numbers DMP 000191-197, 244-256, 420-426.

**Summary of Outstanding Responsive Documents: records of meetings of the limited partners, including communications about meetings.**

32. All tax documents provided by DMP to its employees, including W-2s.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000001-2, 37-43, 66-79, 141-2.

**Summary of Outstanding Responsive Documents: Adam Rochester's 2025 Form W-2.**

33. All financial statements for both DMP and the Plan, audited or unaudited, draft or final, including but not limited to income statements, balance sheets, and statements of cash flow.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000003-7, 10-12, 416-19.

**Summary of Outstanding Responsive Documents: All source documents for DMP tax returns, balance sheets, income statements, and Form 5500s (including bank statements, payroll records, credit card statements, records of premium payments, and profit and loss statements); records of cash advances from Distributed Data, LLC; records of payments received from Distributed Data, LLC; documents relating to loan(s) used to fund DMP's business expenses; statements and invoices submitted to or received from Keith Berglund; and invoices relating to health plan premiums.**

34. All Documents relating to instructions, standards, policies, or procedures provided to Limited Partners.

SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

**Summary of Outstanding Responsive Documents: Communications from Steven Lazarou and Adam Rochester to DMP Limited Partners.**

Plaintiffs utilized obstructionist tactics throughout the discovery period, but the extent of their obfuscation was only recently made clear during the depositions. As explained above, Defendants have been diligent in their attempts to obtain discovery sufficient to evaluate whether the Limited Partners of DMP constitute "bona fide partners" and/or "working owners." And while Plaintiffs averred that many of the documents Defendants sought either did not exist or had already

been produced, it is now clear that Plaintiffs have failed to produce many relevant documents in their possession. For these reasons, Defendants respectfully request the Court to order Plaintiffs to produce all responsive documents to the Requests, including the outstanding responsive documents that have been identified above based on deponents' testimony.

#### **MOTION FOR EXPEDITED HEARING AND BRIEFING SCHEDULE**

Given that the filing of this motion coincides with the end of fact-discovery, Defendants respectfully request that any briefing or hearing on this motion be expedited or alternatively that the Court stay all deadlines in this case until this motion is heard and resolved.

#### **MOTION FOR EXTENSION OF DISCOVERY PERIOD**

For the reasons already explained, Defendants also request an extension of the discovery deadline of 45 days after Plaintiffs produce the delinquent responsive documents and a corresponding extension of the summary judgment schedule in this matter. This extension will afford Defendants a limited window of opportunity to reopen depositions to examine witnesses on those documents, if necessary.

#### **CONCLUSION**

For the foregoing reasons, the Court should grant this motion and enter the proposed order filed herewith.

Dated: April 14, 2026

Respectfully submitted,

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Facsimile: 214-659-8803  
Katie.Jacobs@usdoj.gov

*Counsel for Defendants*

### **CERTIFICATE OF CONFERENCE**

I hereby certify that on April 8, 2026, I made good faith efforts to come to an agreement via email related to the above-identified deficiencies and resolve this matter via a joint motion for extension of time. *See* Exhibit R (App'x 207-08). Plaintiffs did not respond to my email. In light of receiving no response, on Friday, April 10, 2026, Defendants' counsel reached out to Plaintiffs' counsel via email to request a meet and confer on Defendants' motion to compel. Plaintiffs again ignored Defendants' request. *See* Exhibit S (App'x 209-11). Thus, Plaintiffs have refused to respond or meaningfully engage in a conference to resolve the issues without court intervention. Accordingly, the parties were unable to reach an agreement and this motion is submitted for the Court's consideration.

/s/ Katie Carr Jacobs  
KATIE CARR JACOBS  
Trial Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORTH WORTH DIVISION**

DATA MARKETING PARTNERSHIP, LP,	)	
ET AL.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 4:19-cv-00800-O
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
LABOR, ET AL.,	)	
	)	
Defendants.	)	

**APPENDIX I OF II IN SUPPORT OF DEFENDANTS’ MOTION TO COMPEL**

Pursuant to Local Rules 7.1(i) and 7.2(e), Defendants file this Appendix in Support of their Motion to Compel. Each page of this Appendix is numbered sequentially in the bottom, right-hand corner. Plaintiffs rely on the following in support of their motion in addition to the filings and pleadings in this case:

<b>Exhibit</b>	<b>DOCUMENT</b>	<b>PAGES</b>
A	Defendants’ First Requests for Production of Documents	1-9
B	Email Exchange Requesting Extension for Production of Documents	10-16
C	Plaintiffs’ Responses to Defendants’ First Requests for Production	17-25
D	Email regarding Plaintiffs’ Responses	26-27
E	Discovery Deficiency Letter	28-30
F	Letter and Defendants’ Second Requests for Production	31-38
G	Plaintiffs’ Response to Defendants’ Second Requests for Production	39-43

H	Plaintiffs' Response to Defendants' Second Requests for Production	44-48
I	Example of Duplicative Production	49-64
J	Email Exchange between Jonathan Crumly and Kathleen Jacobs	65-74
K	Email Exchange Regarding Joint Extension	75-95

Dated: April 14, 2026

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General

JACQUELINE COLEMAN SNEAD  
Assistant Director  
Civil Division, Federal Programs Branch

/s/ Katie Carr Jacobs  
KATIE CARR JACOBS  
Assistant United States Attorney  
Texas Bar No. 24091154  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8600  
Facsimile: 214-659-8803  
Katie.Jacobs@usdoj.gov

*Counsel for Defendants*

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

	)	
DATA MARKETING PARTNERSHIP,	)	
LP, et al.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 4:19-cv-00800-O
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
LABOR, et al.,	)	
	)	
Defendants.	)	
	)	

**UNITED STATES DEPARTMENT OF LABOR’S FIRST REQUESTS FOR  
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF DATA  
MARKETING PARTNERSHIP, LP**

**TO: Data Marketing Partnership, LP,**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the United States Department of Labor (“Department”) requires Plaintiff Data Marketing Partnership, LP to respond to the following discovery requests. Under these requests, Plaintiff must produce the requested documents as provided under Federal Rule of Civil Procedure 34(b) and within thirty (30) days after these requests for production of documents are served on Plaintiff.

**DEFINED TERMS**

1. “Advisory Opinion Request” refers to the “Request for Advisory Opinion Concerning a Limited Partnership and Its Sponsorship of a Single-Employer Self-Insured Group Health Plan” revised as of February 28, 2019, from Alexander T. Renfro to Joseph Canary, Director, Office of Regulations and Interpretations (ECF No. 9-1).
2. “Communication” means the transmittal of information in any medium, *e.g.*, hardcopy, digital, online or other medium, in the form of facts, ideas, inquiries, or otherwise, including but not limited to voice mail, text

messages, email, internal chats, or social media.

3. “DMP” or “Plaintiff” means Data Marketing Partnership, LP, its current and former employees and partners, and all representatives and agents acting at its direction or on its behalf.
4. “Document” shall be construed herein in the broadest sense possible including, without limitation, all items identified in Rule 34(a)(1) of the Federal Rules of Civil Procedure, and shall also be construed as necessarily including, without limitation, electronically-stored information (however stored or maintained, including in native format), written, typed, printed, recorded, computer stored or generated, graphic or photographic matter or any other medium upon which intelligence or information can be recorded, stored, or retrieved, however produced or reproduced, of any kind and description, and whether an original, master, duplicate or copy, along with all attachments thereto as well as all drafts and all mechanical or electronic sound recordings or transcripts thereof, including, but not limited to, paper, notes (including Post-Its and similar notes), accounts, books, journals, advertisements, catalogs, manuals, publications, correspondence, cablegrams, mailgrams, telegrams, memoranda, letters, communications, including interoffice and intra-office communications, reports, studies, analyses, pamphlets, calculations, projections, presentations, contracts, charts, graphs, plans, specifications, drawings, sketches, surveys, agreements, working papers, corporate records, minutes of board of directors or committee meetings, books of account, ledger books, notebooks, vouchers, bank checks, cashier’s checks, receipts for cashier’s checks, canceled checks, check stubs, bills, receipts, invoices, delivery tickets, bills of lading, time sheets, desk calendars, appointment books, log books, diaries, diary entries, photographs, microfilm, microfiche, computer programs, electronic mail (e-mail), computer printouts, computer databases, information stored on computer, computer disks or other magnetic disks or tape and notes, minutes, transcriptions or sound recordings of any conversations, negotiations, meetings or conferences, conducted either in person or by telephone, or things similar to any of the foregoing, and all other papers, writings or physical things containing information, including data compilations from which information can be obtained by detection devices, and including preliminary drafts of or marginal notes appearing on any Document, however denominated or described, any metadata and any other data describing or relating to any Document, Communication, or Record, and all other means by which information is stored for retrieval in fixed form, and shall further include any and all Records or Communications.
5. “Limited Partners” means limited partners of DMP.
6. “Material” is synonymous with and equal in scope to the terms “documents,” “electronically stored information” (ESI) and “tangible things” in Rule

34(a)(1). If any material, including any document, ESI, or tangible thing requested was, but is no longer, in your possession or control or is no longer in existence, state whether it is:

- a. missing or lost;
- b. destroyed;
- c. transferred voluntarily or involuntarily to others, and, if so, to whom; or
- d. otherwise disposed of, and

in each instance, explain the circumstances surrounding the authorization of such disposition thereof, state the approximate date thereof, describe its contents or whereabouts, and identify, as defined below, each person having knowledge about the nonexistence or loss of the document, ESI, or tangible thing.

7. “Plan” means an any plan, fund, or program established or maintained by DMP for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, and any successor or merger of that plan, fund or program.
8. “Relating to” shall mean mentioning, citing, quoting, regarding, involving, representing, constituting, discussing, reflecting, identifying, describing, referring to, containing, enumerating, evidencing, supporting, or in any way concerning, in whole or in part, directly or indirectly.

### INSTRUCTIONS

1. The Department requests a written response to each Request for Production, and a copy of each document or other Material, as defined above.
2. Written Response
  - (a) Please state each Request for Production first, and then provide a written response to that request.
  - (b) Identify the label assigned to each document being produced in response to each numbered request.
3. Document Production:
  - (a) All responsive documents should be produced to the Department in response to this request for production.
  - (b) Produce information responsive to these requests in the forms or forms below, pursuant to Federal Rule of Civil Procedure 34(b)(1)(C), (E):

- i. organize and label the documents to correspond in each request;
  - ii. DMP shall produce all electronically stored information in load file types accessible for loading into Relativity.
4. If responsive information contains images, video, or other media-produced information, please produce the information in digital format with the highest possible resolution in its native format on a CD.
5. Please produce all images or other media-produced information, including but not limited to photographs, videos, and media productions, in digital format with the highest possible resolution, whether .jpeg, .tiff or other format, and if feasible, in its native format, including the document's metadata.
6. Please furnish all information and Material, as defined above, that you have not previously provided to the Department that is available to you, including information or Material in the possession, custody or control of you, your attorneys or their investigators, and all persons acting in your behalf, and not merely information based on your own personal knowledge.
7. If you cannot respond to a Request for Production in full after exercising due diligence to secure the information or Material requested, so state in your answer or response and, to the extent possible, state whatever information or knowledge you have, including what is needed to be done to be able to answer fully. Please note that an incomplete or evasive response to a Request for Production is a failure to answer pursuant to Rule 37(a)(4).
8. Documents that respond in whole or in part to any portion of a request must be produced in their entirety, including but not limited to, all attachments and enclosures.
9. For any materials you believe are privileged, protected, or otherwise exempt from discovery, provide the following:
  - a. the specific grounds for the assertion,
  - b. the type of material being withheld,
  - c. the subject matter,
  - d. the date,
  - e. the authors and their contact information,
  - f. all known recipients who received or learned the substance of the information, and their contact information,
  - g. the custodians and their contact information, and
  - h. its current location.
10. These Document Requests are continuing in nature, until further notice, and apply to

any newly discovered Document(s) or information. Any Record, Document, or Communication not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

11. Relevant Timeframe: unless otherwise stated, DMP must produce all documents and communications made, created, or in existence within the timeframe from November 8, 2018, through present.
12. Manner of Production: DMP shall produce all electronically stored information in load file types accessible for loading into Relativity.

### **REQUESTS FOR PRODUCTION**

1. All Documents relating to the recruitment, selection, and solicitation of Limited Partners.
2. All advertisements and/or job postings soliciting DMP employees who are not Limited Partners, such as common-law employees and non-owner employees.
3. All advertisements and/or job postings soliciting Limited Partners.
4. All Documents relating to advertisements intended to attract, retain, and motivate talent in service of DMP's primary business purposes, including the capture, segregation, aggregation, and sale to third-party marketing firms of electronic data generated by limited partners who share such data with DMP.
5. Documents sufficient to identify all DMP employees who are not Limited Partners, including common-law employees and non-owner employees.
6. Documents sufficient to identify administrative and/or revenue generating services performed by Limited Partners.
7. Documents sufficient to identify administrative and/or revenue generating services performed by DMP employees who are not Limited Partners, such as common-law employees and non-owner employees.
8. Documents sufficient to identify all DMP employees who are not Limited Partners, including common-law employees and non-owner employees, who participate in the Plan.
9. All employment contracts with DMP Limited Partners or DMP employees who are not Limited Partners.

10. All Documents showing payments made by DMP to Limited Partners, including but not limited to, guaranteed payments, premium payments made on their behalf, income distributions, or earned income.
11. All Documents showing how payments to Limited Partners are calculated.
12. DMP's "Standard Operating Procedures" as referenced in the Advisory Opinion Request and any subsequent amendments.
13. All Documents relating to DMP's formation and delegation of authority, including but not limited to agreements appointing a general partner and agreements delegating business management decisions.
14. All agreements between DMP and its Limited Partners, including all joinder agreements and partnership agreements.
15. All Documents relating to any and all ownership interests in DMP and the percentage of each ownership interest.
16. All resolutions relating to the addition of Limited Partners.
17. All Plan documents, including any summary plan descriptions or trust agreements.
18. All Documents relating to Plan eligibility.
19. All Documents relating to tracking and monitoring Limited Partners' Plan eligibility, including Documents relating to verification and audit processes.
20. All Documents relating to Limited Partners' loss of Plan eligibility or removal from the Plan due to ineligibility.
21. Documents sufficient to show all Limited Partners who participate in the Plan.
22. Documents sufficient to show all Limited Partners who do not participate in the Plan.
23. All Documents relating to how Limited Partners' data is captured, including all Documents relating to software or applications used to capture Limited Partners' data (including the Legend Browser App and any similar applications).
24. All Documents relating to Limited Partners' ability to control and manage the capture, segregation, aggregation, or sale of their data.
25. All Documents and Communications relating to Limited Partners' exercise of their control or management of the capture, segregation, aggregation, or sale of their data.

26. All Documents relating to DMP's monitoring or tracking of Limited Partners' data capture.
27. All Documents relating to Limited Partners' partnership rights.
28. All Documents and Communications relating to Limited Partners' exercise of partnership rights, including all documents and communications relating to votes by Limited Partners regarding DMP operations or meetings in which Limited Partners participated.
29. All Documents and Communications provided to or exchanged with the Texas Secretary of State.
30. All state and federal tax filings, including Forms 1065.
31. All tax documents provided by DMP to Limited Partners, including Schedule K-1s.
32. All tax documents provided by DMP to its employees, including W-2s.
33. All financial statements for both DMP and the Plan, audited or unaudited, draft or final, including but not limited to income statements, balance sheets, and statements of cash flow.
34. All Documents relating to instructions, standards, policies, or procedures provided to Limited Partners.
35. All Documents relating to training employees or Limited Partners.
36. All Forms 5500 filed with the Department of Labor on behalf of the Plan.

June 5, 2025

Respectfully submitted,

YAAKOV ROTH  
Acting Assistant Attorney General

NANCY E. LARSON  
Acting United States Attorney

JACQUELINE COLEMAN SNEAD  
Assistant Director  
Civil Division, Federal Programs Branch

/s/ Katie Carr Jacobs  
KATIE CARR JACOBS  
Assistant United States Attorney  
Texas Bar No. 24091154  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8600  
Facsimile: 214-659-8803  
Katie.Jacobs@usdoj.gov

*Counsel for Defendants*

# Exhibit B

**From:** [Jonathan Crumly](#)  
**To:** [Jacobs, Kathleen C \(CIV\)](#)  
**Cc:** [Robert G. Chadwick, Jr.](#); [Emaan Ali Bangash](#)  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O  
**Date:** Tuesday, July 22, 2025 2:40:38 PM  
**Attachments:** [image001.png](#)

---

Kathleen,

That is correct. Emaan will send over the new Joint Stipulation. Thank you.

## Jonathan Crumly

Senior Counsel

Freeman Mathis & Gary, LLP

100 Galleria Parkway | Suite 1600 | Atlanta, GA 30339-5948

D: [678-996-9137](tel:678-996-9137) | C: [770-883-6344](tel:770-883-6344)

Email: [Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)

[www.fmglaw.com](http://www.fmglaw.com) | [Instagram](#) | [Twitter](#) | [Facebook](#)



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---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Tuesday, July 22, 2025 2:38 PM

**To:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>

**Cc:** Robert G. Chadwick, Jr. <[Bob.Chadwick@fmglaw.com](mailto:Bob.Chadwick@fmglaw.com)>; Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Subject:** RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Jonathan,

Can you confirm that response date will be August 12<sup>th</sup>? If so, we agree.

Thank you,  
Katie

Kathleen C. Jacobs  
Trial Attorney, Federal Programs Branch  
Civil Division, U.S. Department of Justice  
1100 L Street, N.W.  
Washington, D.C. 20005

Mobile: (202) 598-7615  
Email: [kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

---

**From:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Sent:** Tuesday, July 22, 2025 2:30 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Robert G. Chadwick, Jr. <[Bob.Chadwick@fmglaw.com](mailto:Bob.Chadwick@fmglaw.com)>; Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O

Kathleen,

Sorry to ping you again, but we have our response as due tomorrow. Can you let us know if you will agree to this extension request?

Thanks.

## Jonathan Crumly

Senior Counsel  
Freeman Mathis & Gary, LLP  
100 Galleria Parkway | Suite 1600 | Atlanta, GA 30339-5948  
D: 678-996-9137 | C: 770-883-6344  
Email: [Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)  
[www.fmglaw.com](http://www.fmglaw.com) | [Instagram](#) | [Twitter](#) | [Facebook](#)



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---

**From:** Jonathan Crumly  
**Sent:** Tuesday, July 22, 2025 9:45 AM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Robert G. Chadwick, Jr. <[Bob.Chadwick@fmglaw.com](mailto:Bob.Chadwick@fmglaw.com)>; Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Subject:** RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O

Kathleen,

We have run into some issues trying to compile responsive documents from multiple vendors as well as verifying the existence of a few categories of documents in the requests. We think we can have it all resolved if you would be willing to grant us one more extension of 20 days. Please advise at your convenience.

Thanks.

## Jonathan Crumly

Senior Counsel

Freeman Mathis & Gary, LLP

100 Galleria Parkway | Suite 1600 | Atlanta, GA 30339-5948

D: 678-996-9137 | C: 770-883-6344

Email: [Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)

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---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Tuesday, June 24, 2025 9:22 AM

**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>; Robert G. Chadwick, Jr. <[Bob.Chadwick@fmglaw.com](mailto:Bob.Chadwick@fmglaw.com)>; Janette Leddon <[Janette.Leddon@fmglaw.com](mailto:Janette.Leddon@fmglaw.com)>

**Subject:** RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hi Emaan,

Please update my email in my signature block to [kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov).

Otherwise, that looks fine, and you have permission to sign on my behalf.

Katie

Katie Carr Jacobs

Trial Attorney, Federal Programs Branch

Civil Division, U.S. Department of Justice

1100 L Street, N.W.

Washington, D.C. 20005

Mobile: (202) 598-7615

Email: [kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

---

**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Sent:** Monday, June 23, 2025 6:45 PM

**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>; Robert G. Chadwick, Jr. <[Bob.Chadwick@fmglaw.com](mailto:Bob.Chadwick@fmglaw.com)>; Janette Leddon <[Janette.Leddon@fmglaw.com](mailto:Janette.Leddon@fmglaw.com)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O

Hello Katie,

Please see attached our Joint Stipulation for Extension of Time. Let me know if any changes need to be made, and whether we're authorized to sign on your behalf.

Thank you,  
Emaan

## Emaan Ali Bangash

Attorney at Law

Freeman Mathis & Gary, LLP

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: [469-505-0686](tel:469-505-0686) | C: [682-564-2392](tel:682-564-2392)

Email: [Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)

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---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Monday, June 23, 2025 8:05 AM

**To:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>

**Cc:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Subject:** RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Good morning, Jonathan,

No problem on the 30-day extension.

Best,

Katie Carr Jacobs  
Trial Attorney, Federal Programs Branch  
Civil Division, U.S. Department of Justice  
1100 L Street, N.W.  
Washington, D.C. 20005  
Office: (202) 305-3654

Email: [kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

---

**From:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Sent:** Friday, June 20, 2025 4:02 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O

Kathleen,

Thank you for the updated contact information. We are working on gathering responsive documents and preparing the written response to the Department's document request. Could you grant us a 30 day extension for the written response and initial production? Given the requests, I suspect that we will have a rolling production following the written response but will know more as we gather all of the documents from our clients.

Thank you for your consideration of this request.

### Jonathan Crumly

Senior Counsel

Freeman Mathis & Gary, LLP

100 Galleria Parkway | Suite 1600 | Atlanta, GA 30339-5948

D: 678-996-9137 | C: 770-883-6344

Email: [Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)

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**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Sent:** Monday, June 16, 2025 1:52 PM  
**To:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** Data Marketing Partnership v. DOL, 4:19-cv-800-O

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hello Jonathan,

I have arrived at Federal Programs in DC. I was not able to keep my prior email address. Should you need to reach me, please contact me at this email address.

Thank you,

Katie Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division  
Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Office: (202) 305-3654

# Exhibit C

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

_____	)	
DATA MARKETING PARTNERSHIP, LP, et	)	
al.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 4:19-cv-00800-O
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
LABOR, et al.,	)	
	)	
Defendants.	)	
_____	)	

**DATA MARKETING PARTNERSHIP, LP.’S OBJECTIONS AND RESPONSES TO  
UNITED STATES DEPARTMENT OF LABOR’S FIRST REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

COMES NOW Plaintiff Data Marketing Partnership, LP (“DMP”) by and through their undersigned counsel and pursuant to the Federal Rules of Civil Procedure serve these following Objections and Responses to Department of Labor’s First Requests for Production of Documents. Plaintiff reserves the right to supplement these responses at any time.

/s/ Jonathan D. Crumly, Sr.  
Jonathan D. Crumly, Sr.  
*Pro Hac Vice*  
**Freeman Mathis & Gary, LLP**  
100 Galleria Parkway, Suite 1600  
Atlanta, GA 30339  
Tel: 770.8180000  
Fax: 770.937.9960  
Email: [Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)

Robert G. Chadwick, Jr.  
Texas Bar No. 04056075  
**Freeman Mathis & Gary, LLP**  
7160 Dallas Parkway, Suite 625  
Plano, Texas 75024  
Tel: 469.895.3003

Fax: 888.356.3602  
Email: [bob.chadwick@fmglaw.com](mailto:bob.chadwick@fmglaw.com)

Emaan Ali Bangash  
Texas Bar No. 24142655  
**Freeman Mathis & Gary, LLP**  
7160 Dallas Parkway, Suite 625  
Plano, Texas 75024  
Tel: 469.895.3003  
Fax: 888.356.3602  
Email: [emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

On August 12, 2025, I certify that I have served the parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/ Emaan Ali Bangash* \_\_\_\_\_

Emaan Ali Bangash

**OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

1. All Documents relating to the recruitment, selection, and solicitation of Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including electronically stored information (“ESI”), from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

2. All advertisements and/or job postings soliciting DMP employees who are not Limited Partners, such as common-law employees and non-owner employees.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

3. All advertisements and/or job postings soliciting Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

4. All Documents relating to advertisements intended to attract, retain, and motivate talent in service of DMP’s primary business purposes, including the capture, segregation, aggregation, and sale to third-party marketing firms of electronic data generated by limited partners who share such data with DMP.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

5. Documents sufficient to identify all DMP employees who are not Limited Partners, including common-law employees and non-owner employees.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

6. Documents sufficient to identify administrative and/or revenue generating services performed by Limited Partners.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

7. Documents sufficient to identify administrative and/or revenue generating services performed by DMP employees who are not Limited Partners, such as common-law employees and non-owner employees.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

8. Documents sufficient to identify all DMP employees who are not Limited Partners, including common-law employees and non-owner employees, who participate in the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

9. All employment contracts with DMP Limited Partners or DMP employees who are not Limited Partners.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

10. All Documents showing payments made by DMP to Limited Partners, including but not limited to, guaranteed payments, premium payments made on their behalf, income distributions, or earned income.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

11. All Documents showing how payments to Limited Partners are calculated.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

12. DMP's "Standard Operating Procedures" as referenced in the Advisory Opinion Request and any subsequent amendments.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

13. All Documents relating to DMP's formation and delegation of authority, including but not limited to agreements appointing a general partner and agreements delegating business management decisions.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

14. All agreements between DMP and its Limited Partners, including all joinder agreements and partnership agreements.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

15. All Documents relating to any and all ownership interests in DMP and the percentage of each ownership interest.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

16. All resolutions relating to the addition of Limited Partners.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

17. All Plan documents, including any summary plan descriptions or trust agreements.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

18. All Documents relating to Plan eligibility.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

19. All Documents relating to tracking and monitoring Limited Partners' Plan eligibility, including Documents relating to verification and audit processes.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

20. All Documents relating to Limited Partners' loss of Plan eligibility or removal from the Plan due to ineligibility.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

21. Documents sufficient to show all Limited Partners who participate in the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

22. Documents sufficient to show all Limited Partners who do not participate in the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

23. All Documents relating to how Limited Partners' data is captured, including all Documents relating to software or applications used to capture Limited Partners' data (including the Legend Browser App and any similar applications).

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

24. All Documents relating to Limited Partners' ability to control and manage the capture, segregation, aggregation, or sale of their data.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

25. All Documents and Communications relating to Limited Partners' exercise of their control or management of the capture, segregation, aggregation, or sale of their data.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

26. All Documents relating to DMP's monitoring or tracking of Limited Partners' data capture.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

27. All Documents relating to Limited Partners' partnership rights.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

28. All Documents and Communications relating to Limited Partners' exercise of partnership rights, including all documents and communications relating to votes by Limited Partners regarding DMP operations or meetings in which Limited Partners participated.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

29. All Documents and Communications provided to or exchanged with the Texas Secretary of State.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

30. All state and federal tax filings, including Forms 1065.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

31. All tax documents provided by DMP to Limited Partners, including Schedule K1s.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

32. All tax documents provided by DMP to its employees, including W-2s.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

33. All financial statements for both DMP and the Plan, audited or unaudited, draft or final, including but not limited to income statements, balance sheets, and statements of cash flow.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

34. All Documents relating to instructions, standards, policies, or procedures provided to Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

35. All Documents relating to training employees or Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

36. All Forms 5500 filed with the Department of Labor on behalf of the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

# Exhibit D

**From:** [Emaan Ali Bangash](#)  
**To:** [Jacobs, Kathleen C \(CIV\)](#)  
**Cc:** [Jonathan Crumly](#); [Robert G. Chadwick, Jr.](#); [Janette Leddon](#); [Oscar O. Rodriguez](#)  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership v. DOL, 4:19-cv-800-O  
**Date:** Tuesday, August 12, 2025 6:00:22 PM  
**Attachments:** [image001.png](#)  
[8.12.2025 DMP Discovery Responses.pdf](#)

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Hello Kathleen,

Please find attached Data Marketing Partnership's ("DMP") Responses and Objections to U.S. Department of Labor's Requests for Production of Documents. Since receiving the requests, DMP has conducted a thorough and diligent review of its files, as well as requested documents from third party vendors such as Affordable Benefit Choices and Suffolk Administrative Services, to obtain documents to review for responsiveness and privilege. This has involved requests for various documents from multiple different individuals, which has taken more time than anticipated to obtain. Additionally, as the discovery requests included requests for communications, DMP is in the process of reviewing all available communications, such as e-mails and texts, of DMP's employees and emails of third party vendors.

In light of this, we plan to produce responsive documents on a rolling basis every two-weeks. Though we cannot commit to producing the same number of documents each time, but as we receive responsive documents, we will prepare them for production by end of each Friday biweekly or otherwise inform you of our progress on production. Please expect a first set of responsive documents to be produced by this Friday, August 15. We will provide a Sharefile link for you and the list of individuals you provided earlier to access.

Please let me know if you have any questions in the meantime. I look forward to working with you throughout this, and please do not hesitate to call me if there are any issues.

Thank you,  
Emaan

## **Emaan Ali Bangash**

*Attorney at Law*

**Freeman Mathis & Gary, LLP**

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: [Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)

[www.fmglaw.com](http://www.fmglaw.com) | [Instagram](#) | [Twitter](#) | [Facebook](#)



Freeman  
Mathis & Gary LLP  
When It Counts

AZ | CA | CO | CT | DE | FL | GA | IL | IN | KY | MA | NJ | NM | NV | NY | OH | PA | RI | TN | TX | WA

[Please read this important notice and confidentiality statement](#)

# Exhibit E



**U.S. Department of Justice**  
Civil Division

Kathleen C. Jacobs  
Trial Attorney, Federal Programs Branch

Telephone: (202) 598-7615  
Email: [kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

**August 29, 2025**

***Via Electronic Mail***

Jonathan Crumly  
Senior Counsel  
Freeman Mathis & Gary, LLP  
[jonathan.crumly@fmglaw.com](mailto:jonathan.crumly@fmglaw.com)

Re: *Data Marketing Partnership v. U.S. Department of Labor, et al.*, No. 4:19-cv-800-O

Dear Mr. Crumly,

On June 5, 2025, Plaintiff Data Marketing Partnership, LP, was served with Defendants' Requests for Production ("RFP") consisting of 36 requests. Defendants' requests can essentially be reduced to the following categories:

1. Documents related to Plaintiff's solicitation for employees and limited partners. (RFP Nos 1-4).
2. Documents identifying Plaintiff's employees and limited partners (RFP Nos 5-9 & 35).
3. Plaintiff's standard operating procedures relating to employees and/or limited partners (RFP Nos. 12 & 34).
4. All agreements with limited partners including those related to rights, payments, ownership interests and resolutions (RFP Nos. 10-11, 13-16, & 27-28).
5. All plan documents (RFP Nos. 17-22).
6. Documents related to how limited partners' data are captured, managed, controlled, aggregated or sold (RFP Nos. 23-26).
7. Documents and communications with the Texas Secretary of State (RFP No. 29).
8. All state and federal tax documents (RFP Nos. 30-32).
9. All financial statements for both DMP and the Plan (RFP No. 33).
10. All Forms 5500 filed with the Department of Labor on behalf of the Plan (RFP No. 36).

See Defendants' First Request for Production attached hereto.

Plaintiff's responses to these Requests originally were due within 30 days of service or on July 7, 2025. On June 20, 2025, Plaintiff requested its first extension as it was "working on gathering responsive documents." See Email from Jonathan Crumly to Kathleen Jacobs (June 20, 2025). The Parties agreed to a Joint Stipulation for Extension of Time to July 23, 2025. ECF No. 81. Thereafter, Plaintiff requested a second extension of 20 days because of "issues trying to

compile responsive documents from multiple vendors.” See Email from Jonathan Crumly to Kathleen Jacobs (July 22, 2025). The Parties agreed to a Joint Stipulation for Extension of Time to August 12, 2025. ECF No. 82. On August 12, 2025, Plaintiff provided responses to Defendants’ RFPs but no documents. Plaintiff did not object to a single Request and purported to have responsive documents to all but five of the Requests. Although Plaintiff advised that a document production was forthcoming on August 15, 2025, Plaintiff instead produce a mere 190 pages of incomplete tax documents the following day.

As to most of the requests, Plaintiff inexplicably contended that “[d]ocuments responsive to this request will be produced at a mutually convenient time and place.” RFP Response Nos. 5-8, 11, 13-15, 17-18, 21-22, 27, 29-33, & 36. By agreement, the “mutually convenient time and place” was the August 15 production deadline and the portal that the Parties agreed to use. See Email from Emaan Bangash to Kathleen Jacobs (July 30, 2025). And your production of only 190 pages as of this writing is woefully deficient especially since you represented that you have responsive documents. As to the remaining requests, Plaintiff continues to claim that it is “gathering documents responsive to this request” that Plaintiff has “requested potentially responsive documents . . . from various third parties”—the supposed justification for Plaintiff’s second extension request. See RFP Response Nos. 1-4, 19-20, 23-25, & 34-35.

In the 84 days since Plaintiff was initially served with Defendants’ Requests, Plaintiff has not produced a single document responsive to Requests 1-8, 11, 13-15, 17-27, 29, 33-36 and has only provided an incomplete production in response to Requests 30-32. To say that Plaintiff’s production is materially deficient and disappointing is an understatement. Simply put, Plaintiff’s dilatory tactics are inexcusable. Because Defendants have not agreed to Plaintiff’s unilaterally imposed “rolling production” schedule, we request the immediate production of all responsive documents that you have identified. In addition, we request a meet and confer next week to see if we can resolve these discovery issues without involvement of the Court. Please advise at to your availability next week. Thank you for your attention to this matter.

Sincerely,

/s/ Kathleen C. Jacobs  
Kathleen C. Jacobs

cc:

Emaan Ali Bangash [emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)  
Robert G. Chadwick, Jr. [bob.chadwick@fmglaw.com](mailto:bob.chadwick@fmglaw.com)  
Janette Leddon [janette.leddon@fmglaw.com](mailto:janette.leddon@fmglaw.com)  
Oscar O. Rodriguez [oscar.rodriguez@fmglaw.com](mailto:oscar.rodriguez@fmglaw.com)

# Exhibit F



**U.S. Department of Justice**  
Civil Division

Kathleen C. Jacobs  
Trial Attorney, Federal Programs Branch

Telephone: (202) 598-7615  
Email: [kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

**September 25, 2025**

*Via Electronic Mail*

Jonathan Crumly  
Senior Counsel  
Freeman Mathis & Gary, LLP  
[jonathan.crumly@fmglaw.com](mailto:jonathan.crumly@fmglaw.com)

Re: *Data Marketing Partnership v. U.S. Department of Labor, et al.*, No. 4:19-cv-800-O

Dear Mr. Crumly,

This letter follows up on our meet and confer on September 8, 2025 regarding outstanding and deficient production responses. As we discussed in that call, Defendants do not agree to the two-week rolling production and expressed significant concerns that documents you have identified as responsive to Defendants' First Request for Production still have not been produced in accordance with the requirements of the Federal Rules of Civil Procedure. This includes documents and communications that you have identified that are in the possession of DMP's former managing member, turned current contractor, Randall Johnson, and even alleged current managing member, Steven Lazarou.

You and Ms. Bangash attributed the over three-month production delay on supposed third parties from whom you sought information. To that end, I am serving formal discovery requests for information related to said third parties and your efforts to obtain their information responsive to Defendants' First Request for Production.

Thank you for your attention to this matter.

Sincerely,

*/s/ Kathleen C. Jacobs*  
Kathleen C. Jacobs

cc:

Emaan Ali Bangash [emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)  
Robert G. Chadwick, Jr. [bob.chadwick@fmglaw.com](mailto:bob.chadwick@fmglaw.com)  
Janette Leddon [janette.leddon@fmglaw.com](mailto:janette.leddon@fmglaw.com)  
Oscar O. Rodriguez [oscar.rodriguez@fmglaw.com](mailto:oscar.rodriguez@fmglaw.com)



3. “DMP” or “Plaintiff” means Data Marketing Partnership, LP, its current and former employees and partners, and all representatives and agents acting at its direction or on its behalf.
4. “Document” shall be construed herein in the broadest sense possible including, without limitation, all items identified in Rule 34(a)(1) of the Federal Rules of Civil Procedure, and shall also be construed as necessarily including, without limitation, electronically-stored information (however stored or maintained, including in native format), written, typed, printed, recorded, computer stored or generated, graphic or photographic matter or any other medium upon which intelligence or information can be recorded, stored, or retrieved, however produced or reproduced, of any kind and description, and whether an original, master, duplicate or copy, along with all attachments thereto as well as all drafts and all mechanical or electronic sound recordings or transcripts thereof, including, but not limited to, paper, notes (including Post-Its and similar notes), accounts, books, journals, advertisements, catalogs, manuals, publications, correspondence, cablegrams, mailgrams, telegrams, memoranda, letters, communications, including interoffice and intra-office communications, reports, studies, analyses, pamphlets, calculations, projections, presentations, contracts, charts, graphs, plans, specifications, drawings, sketches, surveys, agreements, working papers, corporate records, minutes of board of directors or committee meetings, books of account, ledger books, notebooks, vouchers, bank checks, cashier’s checks, receipts for cashier’s checks, canceled checks, check stubs, bills, receipts, invoices, delivery tickets, bills of lading, time sheets, desk calendars, appointment books, log books, diaries, diary entries, photographs, microfilm, microfiche, computer programs, electronic mail (e-mail), computer printouts, computer databases, information stored on computer, computer disks or other magnetic disks or tape and notes, minutes, transcriptions or sound recordings of any conversations, negotiations, meetings or conferences, conducted either in person or by telephone, or things similar to any of the foregoing, and all other papers, writings or physical things containing information, including data compilations from which information can be obtained by detection devices, and including preliminary drafts of or marginal notes appearing on any Document, however denominated or described, any metadata and any other data describing or relating to any Document, Communication, or Record, and all other means by which information is stored for retrieval in fixed form, and shall further include any and all Records or Communications.
5. “Limited Partners” means limited partners of DMP.

6. “LPMS” or “Plaintiff” means LP Management Services, LLC, its current and former employees and members, and all representatives and agents acting at its direction or on its behalf.
  
7. “Material” is synonymous with and equal in scope to the terms “documents,” “electronically stored information” (ESI) and “tangible things” in Rule 34(a)(1). If any material, including any document, ESI, or tangible thing requested was, but is no longer, in your possession or control or is no longer in existence, state whether it is:
  - a. missing or lost;
  - b. destroyed;
  - c. transferred voluntarily or involuntarily to others, and, if so, to whom; or
  - d. otherwise disposed of, and

in each instance, explain the circumstances surrounding the authorization of such disposition thereof, state the approximate date thereof, describe its contents or whereabouts, and identify, as defined below, each person having knowledge about the nonexistence or loss of the document, ESI, or tangible thing.

8. “Plan” means any plan, fund, or program established or maintained by DMP or LPMS for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, and any successor or merger of that plan, fund or program.
  
9. “Relating to” shall mean mentioning, citing, quoting, regarding, involving, representing, constituting, discussing, reflecting, identifying, describing, referring to, containing, enumerating, evidencing, supporting, or in any way concerning, in whole or in part, directly or indirectly.

### **INSTRUCTIONS**

1. The Department requests a written response to each Request for Production, and a copy of each document or other Material, as defined above.
  
2. Written Response
  - (a) Please state each Request for Production first, and then provide a written response to that request.
  
  - (b) In that response, please identify each document being produced in response to each numbered request.

3. Document Production: All responsive documents should be produced to the Department in response to this request for production.
4. If responsive information contains images, video, or other media-produced information, please produce the information in digital format with the highest possible resolution in its native format on a CD.
5. Please produce all images or other media-produced information, including but not limited to photographs, videos, and media productions, in digital format with the highest possible resolution, whether .jpeg, .tiff or other format, and if feasible, in its native format, including the document's metadata.
6. Please furnish all information and Material, as defined above, that you have not previously provided to the Department that is available to you, including information or Material in the possession, custody or control of you, your attorneys or their investigators, and all persons acting on your behalf, and not merely information based on your own personal knowledge.
7. If you cannot respond to a Request for Production in full after exercising due diligence to secure the information or Material requested, so state in your answer or response and, to the extent possible, state whatever information or knowledge you have, including what is needed to be done to be able to answer fully. Please note that an incomplete or evasive response to a Request for Production is a failure to answer pursuant to Rule 37(a)(4).
8. Documents that respond in whole or in part to any portion of a request must be produced in their entirety, including but not limited to, all attachments and enclosures.
9. For any materials you believe are privileged, protected, or otherwise exempt from discovery, provide the following:
  - a. the specific grounds for the assertion,
  - b. the type of material being withheld,
  - c. the subject matter,
  - d. the date,
  - e. the authors and their contact information,
  - f. all known recipients who received or learned the substance of the information, and their contact information,
  - g. the custodians and their contact information, and
  - h. its current location.
10. These Document Requests are continuing in nature, until further notice, and apply to any newly discovered Document(s) or information. Any Record, Document, or Communication not produced because it has not been located or discovered by the

return date should be produced immediately upon location or discovery subsequent thereto.

11. Relevant Timeframe: unless otherwise stated, Plaintiffs must produce all documents and communications made, created, or in existence within the timeframe from November 8, 2018, through present.
12. Manner of Production: Plaintiffs shall produce all electronically stored information in load file types accessible for loading into Relativity.
13. Third Parties: If any Document or Material that Plaintiffs produce was received from a third party, Plaintiffs must identify the third party that provided the Document or Material.

### **REQUESTS FOR PRODUCTION**

1. All Documents relating to Your requests to Third Parties for Documents Responsive to Defendants' First Requests for Production.
2. All Communications relating to Your requests to Third Parties for Documents Responsive to Defendants' First Requests for Production.
3. All Documents sufficient to identify Third Parties in possession of documents you have identified as responsive by Plaintiffs to Defendants' First Requests for Production.
4. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are "employees" and "participants" within the meaning of ERISA and the Fifth Circuit's August 17, 2022 opinion in this matter, available at ECF No. 44.
5. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are "bona fide partners" within the meaning of ERISA and the Fifth Circuit's August 17, 2022 opinion in this matter, available at ECF No. 44.
6. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are "working owners" within the meaning of ERISA and the Fifth Circuit's August 17, 2022 opinion in this matter, available at ECF No. 44.

September 25, 2025

Respectfully,

BRETT A. SHUMATE  
Assistant Attorney General

NANCY E. LARSON  
Acting United States Attorney

JACQUELINE COLEMAN SNEAD  
Assistant Director  
Civil Division, Federal Programs Branch

*/s/ Katie Carr Jacobs*

---

KATIE CARR JACOBS  
Assistant United States Attorney  
Texas Bar No. 24091154  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8600  
Facsimile: 214-659-8803  
Katie.Jacobs@usdoj.gov

*Counsel for Defendants*

# Exhibit G

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DATA MARKETING PARTNERSHIP, LP,  
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
LABOR, et al.,

Defendants.

Civil Action No. 4:19-cv-00800-O

**DATA MARKETING PARTNERSHIP, LP AND LP MANAGEMENT SERVICES,  
LLC'S OBJECTIONS AND RESPONSES TO UNITED STATES DEPARTMENT OF  
LABOR'S SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW Plaintiff Data Marketing Partnership, LP ("DMP") and LP Management Services, LLC ("LPMS") by and through their undersigned counsel and pursuant to Federal Rules of Civil Procedure serve the following Objections and Responses to Department of Labor's Second Requests for Production of Documents. Plaintiff reserves the right to supplement these responses at any time.

/s/ Jonathan D. Crumly, Sr.

Jonathan D. Crumly, Sr.

*Pro Hac Vice*

**Clark Hill PLC**

3630 Peachtree Road, NE #550

Atlanta, Georgia 30326

Tel: 470-845-0206

Fax: 678-370-4358

Jonathan.Crumly@clarkhill.com

Robert G. Chadwick, Jr.

Texas Bar No. 04056075

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Fax: 888-356-3602

Bob.Chadwick@fmglaw.com

Emaan Ali Bangash  
Texas Bar No. 24142655  
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7160 Dallas Parkway, Suite 625  
Plano, Texas 75024  
Tel: 469-895-3003  
Fax: 888-356-3602  
Emaan.Bangash@fmglaw.com

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

On October 27, 2025, I certify that I have served the parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jonathan D. Crumly, Sr.

**OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**

1. All Documents relating to Your requests to Third Parties for Documents Responsive to Defendants' First Requests for Production.

**RESPONSE:** Undersigned counsel has gathered documents responsive to this request and will produce the documents once government offices resume operation.

2. All Communications relating to Your requests to Third Parties for Documents Responsive to Defendants' First Requests for Production.

**RESPONSE:** Undersigned counsel has gathered documents responsive to this request and will produce the documents once government offices resume operation.

3. All Documents sufficient to identify Third Parties in possession of documents you have identified as responsive by Plaintiffs to Defendants' First Requests for Production.

**RESPONSE:** DMP and LPMS object to Request No. 3 on the grounds that the request is confusing and seeks documents that have previously been produced by DMP and/or LPMS and are already in the possession of the DOL. To the extent this request seeks documents responsive to Request Nos. 1 and 2 above, those responsive documents will be produced once government offices resume operation.

4. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are "employees" and "participants" within the meaning of ERISA and the Fifth Circuit's August 17, 2022 opinion in this matter, available at ECF No. 44.

**RESPONSE:** DMP and LPMS object to Request No. 4 on the grounds that same requires a legal conclusion on the part of DMP and LPMS which does not constitute a proper request under the applicable rules of procedure. DMP and LPMS further object to this request to the extent that it is duplicative of previous documents requests and pertains to documents that have previously been produced by DMP and/or LPMS and are already in the possession of the DOL.

5. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are "bona fide partners" within the meaning of ERISA and the Fifth Circuit's August 17, 2022 opinion in this matter, available at ECF No. 44.

**RESPONSE:** DMP and LPMS object to Request No. 5 on the grounds that same requires a legal conclusion on the part of DMP and LPMS which does not constitute a proper request under the applicable rules of procedure. DMP and LPMS further object to this request to the extent that it is duplicative of previous documents requests and pertains to documents that have previously been produced by DMP and/or LPMS and are already in the possession of the DOL.

6. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are "working owners" within the meaning of ERISA and the Fifth Circuit's August 17, 2022 opinion in this matter, available at ECF No. 44.

**RESPONSE:** DMP and LPMS object to Request No. 6 on the grounds that same requires a legal conclusion on the part of DMP and LPMS which does not constitute a proper request under the applicable rules of procedure. DMP and LPMS further object to this request to the extent that it is duplicative of previous documents requests and pertains to documents that have previously been produced by DMP and/or LPMS and are already in the possession of the DOL.

284235530

# Exhibit H

**From:** [Jacobs, Kathleen C \(CIV\)](#)  
**To:** [Crumly, Jonathan](#)  
**Cc:** [Nelson, Allen W.](#); [LaRoss, Diane](#); [McKemie, Tameia](#)  
**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE  
**Date:** Thursday, November 20, 2025 3:03:00 PM

---

Johnathan,

The position that the government shutdown somehow alleviated your production obligations is frankly ridiculous.

As you are aware, Defendants have repeatedly expressed significant concerns about Plaintiffs' wholly lacking production. Just as with Plaintiffs' first response to Defendants' request for production, Plaintiffs again failed to produce *a single document* in response to Defendants' second requests for production. The Court gave the Parties what seemed (at the time) to be a generous discovery period – Plaintiffs have done nothing but delay.

As you are also aware, since Defendants' first requests for production, Plaintiffs have only produced 452 pages that appear to be responsive to only a handful of requests despite allegedly "identifying" responsive documents to the vast majority of Defendants' requests.

Last week, you said that you anticipated completing your production this week. To date, I have not received a single document. Accordingly, if Plaintiffs do not complete production of all identified documents responsive to Defendants first and second requests for production by Friday, November 28, 2025, Defendants will move to compel their production on December 1, 2025.

Regards,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)



---

**From:** Crumly, Jonathan <jcrumly@clarkhill.com>  
**Sent:** Friday, November 14, 2025 6:28 PM  
**To:** Jacobs, Kathleen C (CIV) <Kathleen.C.Jacobs@usdoj.gov>

**Cc:** Nelson, Allen W. <awnelson@clarkhill.com>; LaRoss, Diane <dlaross@clarkhill.com>; McKemie, Tamela <tmckemie@clarkhill.com>

**Subject:** [EXTERNAL] RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE

Kathleen,

Welcome back. I'm sorry you believe that the Plaintiffs' "unilaterally chose" anything relative to the government shutdown. In fact, when I emailed you to provide my updated contact information in early October, your autoreply indicated "The appropriation that funds my salary has lapsed and, absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances." Since I received no further response from that autoreply, I took that to mean that nothing in the case would proceed until funding was restored.

As we noted in our written response, once there is someone to receive documents, we will produce them. You may have noted that Emaan Bangash has left Freeman Mathis & Gary and withdrawn from the case. As you know, she was the attorney that coordinated efforts with third parties to obtain responsive documents requested in both Defendant's first and second document request. Because of her departure and some unexpected technical difficulties in transitioning the ESI databases from FMG to Clark Hill, a full production is still a few days away. Diane LaRoss has taken point on preparing documents for production. Assuming all the technical issues get resolved over the weekend, we should be in a position to complete the production next week.

As I mentioned in our last video conference, Plaintiffs are not opposed to seeking a joint extension of discovery and the briefing period given prior delays from Plaintiffs' efforts to collect responsive documents from third parties, my transition of firms, the ESI difficulties and now the government's 43-day lapse in appropriation preventing you from working on this matter. I am generally available next week if you would like to schedule a call.

I hope you have a good weekend and don't have too much to dig out from under now that you are back in the office.

**Jonathan Crumly**

Attorney

**Clark Hill**

3630 Peachtree Rd NE

Suite 700

Atlanta, GA 30326

+1 470.845.0222 (office) | +1 770.883.6344 (cell) | +1 678.370.4358 (fax)

[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Thursday, November 13, 2025 2:02 PM

**To:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Cc:** Emaan Ali Bangash <[emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>

**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Good afternoon,

The government has reopened. I see that Plaintiffs unilaterally chose to use the government shutdown as an opportunity to cease production. In any event, please produce all responsive documents.

Regards,

Kathleen C. Jacobs

Trial Attorney

U.S. Department of Justice, Civil Division, Federal Programs Branch

1100 L Street, N.W., Washington, D.C. 20005

(202) 598-7615 (phone)

(202) 616-8460 (fax)

[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)



---

**From:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Sent:** Monday, October 27, 2025 10:53 AM

**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Cc:** Emaan Ali Bangash <[emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>

**Subject:** [EXTERNAL] Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE

Good morning,

Attached is your service copy of Plaintiffs' Objections and Responses to DOL's Second Requests for Production of Documents.

T.

**Tamela McKemie**

Paralegal

**Clark Hill**

3630 Peachtree Rd NE

Suite 550

Atlanta, GA 30326

+1 470,845.0203 (office)

[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

# Exhibit I

Message

**From:** Hilda Falcon [hfalcon@suffolkadmin.com]  
**Sent:** 7/31/2025 6:35:19 PM  
**To:** Emaan Ali Bangash [Emaan.Bangash@fmglaw.com]  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

Good!

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <Emaan.Bangash@fmglaw.com>  
**Sent:** Thursday, July 31, 2025 2:18 PM  
**To:** Hilda Falcon <hfalcon@suffolkadmin.com>  
**Cc:** Alex Renfro <arenfro@suffolkadmin.com>; Jonathan Crumly <Jonathan.Crumly@fmglaw.com>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

No, not that one. But weirdly enough, now it no longer gives me the same password prompt. I will include this as part of our responsive documents. Thank you for helping me through on this.

**Emaan Ali Bangash**

Attorney at Law

**Freeman Mathis & Gary, LLP**

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: [Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)

[www.fmglaw.com](http://www.fmglaw.com) | [Instagram](#) | [Twitter](#) | [Facebook](#)



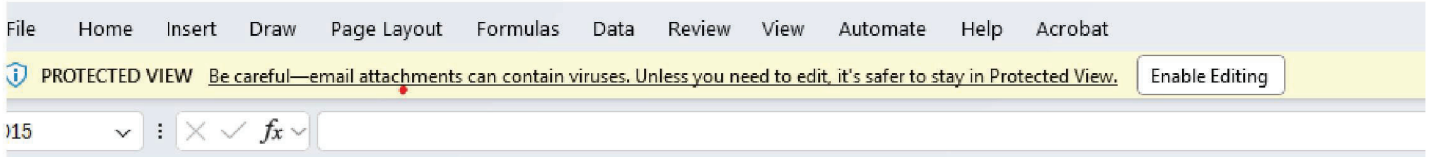
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Please read this important notice and confidentiality statement

**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Sent:** Thursday, July 31, 2025 1:04 PM  
**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Cc:** Alex Renfro <[arenfro@suffolkadmin.com](mailto:arenfro@suffolkadmin.com)>; Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.



Emaan,

Is the above, the message you see when opening the file?

Regards,

*Hilda Falcón-Reyes, Esq.*  
General Counsel  
**Suffolk Administrative Services, LLC**  
Mobile: (787) 945-7856  
[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Sent:** Thursday, July 31, 2025 1:04 PM  
**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Cc:** Alex Renfro <[arenfro@suffolkadmin.com](mailto:arenfro@suffolkadmin.com)>; Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

I tried again, and it's still password protected.

The other reason password protected documents are an issue is because they can't be properly redacted in our system.

## Emaan Ali Bangash

Attorney at Law

Freeman Mathis & Gary, LLP

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: Emaan.Bangash@fmglaw.com

www.fmglaw.com | Instagram | Twitter | Facebook



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[Please read this important notice and confidentiality statement](#)

**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>

**Sent:** Thursday, July 31, 2025 11:04 AM

**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Cc:** Alex Renfro <[arenfro@suffolkadmin.com](mailto:arenfro@suffolkadmin.com)>; Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>

**Subject:** FW: DMP/LPMS Discovery Requests from DOL

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hi Emaan,

As requested.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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**From:** Hilda Falcon

**Sent:** Thursday, July 31, 2025 11:48 AM

**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

Ohh, ok. The reason to protect the document is due to PHI, but if you believe it cannot be protected, I can send it to you without protection.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Sent:** Thursday, July 31, 2025 11:19 AM  
**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

The issue is not my access, but the DOL's since we're producing this to them, and I'm unsure that's sanctionable under the Federal Rules to produce a password protected document. Is there any way it can be not password protected?

**Emaan Ali Bangash**

Attorney at Law

**Freeman Mathis & Gary, LLP**

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: [Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)

[www.fmglaw.com](http://www.fmglaw.com) | [Instagram](#) | [Twitter](#) | [Facebook](#)



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**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Sent:** Thursday, July 31, 2025 10:16 AM  
**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hi Emaan,

Did you try the password I sent you? (see attached)

Regards,

*Hilda Falcón-Reyes, Esq.*  
General Counsel  
**Suffolk Administrative Services, LLC**  
Mobile: (787) 945-7856  
[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Sent:** Thursday, July 31, 2025 11:11 AM  
**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

Just tried opening the DMP census, but it's password protected. Any way I can get the non-password protected version?

**Emaan Ali Bangash**  
Attorney at Law  
**Freeman Mathis & Gary, LLP**  
7160 North Dallas Parkway | Suite 625 | Plano, TX 75024  
D: 469-505-0686 | C: 682-564-2392  
Email: [Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)  
[www.fmglaw.com](http://www.fmglaw.com) | [Instagram](#) | [Twitter](#) | [Facebook](#)



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**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Sent:** Wednesday, July 23, 2025 3:47 PM  
**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Sounds good.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel  
**Suffolk Administrative Services, LLC**  
Mobile: (787) 945-7856  
[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Sent:** Wednesday, July 23, 2025 4:46 PM  
**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

Thank you so much! I will review and let you know if anything is missing.

**Emaan Ali Bangash**

Attorney at Law

Freeman Mathis & Gary, LLP

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: Emaan.Bangash@fmglaw.com

www.fmglaw.com | Instagram | Twitter | Facebook



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Mathis & Gary <sup>LLP</sup>  
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AZ | CA | CO | CT | DE | FL | GA | IL | IN | KY | MA | NJ | NM | NV | NY | OH | PA | RI | TN | TX | WA

[Please read this important notice and confidentiality statement](#)

---

**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Sent:** Wednesday, July 23, 2025 3:30 PM  
**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hi Emaan,

SPD/PD and Appendix B were uploaded today.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Sent:** Monday, July 21, 2025 1:02 PM  
**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>; Steven Lazarou <[laz@zbizcpa.com](mailto:laz@zbizcpa.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** DMP/LPMS Discovery Requests from DOL

Me again, but on the DMP/LPMS matter! Attached is a document showing document requests related to the DMP/LPMS litigation in Ft. Worth, Texas. The responses are due in a couple of days, but I'll ask Jonathan if another extension is possible until we can confirm we have or don't have all of these documents. The portions in red are already confirmed by Steve, or need confirmation from other individuals like Randy Johnson.

Steve, for all docs that say "Steve" next to each request, please drop whatever documents for each numbered request into the folder. The requests that correspond to Randy will need to be confirmed by him, but I don't have his email, so please feel free to forward this to him or give me his contact info, and I can. We also plan to conduct our email/text collection with you soon.

Hilda, for all docs that say "Alex" next to each request, I am assuming you will have such documents, so please drop them into whatever folder corresponds to those requests.

Below is a Sharefile folder with numbered folders corresponding to each request (same as the one for the Socios Buenos DOL subpoena) for you to drop relevant documents into. Let me know if you have any questions or concerns.

Thanks!

[DMP-LPMS DOL Request Docs](#)

Thank you,  
Emaan

## Emaan Ali Bangash

Attorney at Law

Freeman Mathis & Gary, LLP

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: Emaan.Bangash@fmglaw.com

www.fmglaw.com | Instagram | Twitter | Facebook



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Message

---

**From:** Hilda Falcon [hfalcon@suffolkadmin.com]  
**Sent:** 7/31/2025 3:47:31 PM  
**To:** Emaan Ali Bangash [Emaan.Bangash@fmglaw.com]  
**CC:** Jonathan Crumly [Jonathan.Crumly@fmglaw.com]; Alex Renfro [arenfro@suffolkadmin.com]  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

Ohh, ok. The reason to protect the document is due to PHI, but if you believe it cannot be protected, I can send it to you without protection.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <Emaan.Bangash@fmglaw.com>  
**Sent:** Thursday, July 31, 2025 11:19 AM  
**To:** Hilda Falcon <hfalcon@suffolkadmin.com>  
**Cc:** Jonathan Crumly <Jonathan.Crumly@fmglaw.com>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

The issue is not my access, but the DOL's since we're producing this to them, and I'm unsure that's sanctionable under the Federal Rules to produce a password protected document. Is there any way it can be not password protected?

**Emaan Ali Bangash**

Attorney at Law

**Freeman Mathis & Gary, LLP**

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: [Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)

[www.fmglaw.com](http://www.fmglaw.com) | [Instagram](#) | [Twitter](#) | [Facebook](#)



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**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Sent:** Thursday, July 31, 2025 10:16 AM  
**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

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Hi Emaan,

Did you try the password I sent you? (see attached)

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Sent:** Thursday, July 31, 2025 11:11 AM  
**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

Just tried opening the DMP census, but it's password protected. Any way I can get the non-password protected version?

**Emaan Ali Bangash**  
Attorney at Law

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: Emaan.Bangash@fmglaw.com

www.fmglaw.com | Instagram | Twitter | Facebook



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**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>

**Sent:** Wednesday, July 23, 2025 3:47 PM

**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Subject:** RE: DMP/LPMS Discovery Requests from DOL

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Sounds good.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Sent:** Wednesday, July 23, 2025 4:46 PM

**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>

**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>

**Subject:** RE: DMP/LPMS Discovery Requests from DOL

Thank you so much! I will review and let you know if anything is missing.

**Emaan Ali Bangash**

Attorney at Law

Freeman Mathis & Gary, LLP

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: Emaan.Bangash@fmglaw.com

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**From:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>

**Sent:** Wednesday, July 23, 2025 3:30 PM

**To:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>

**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>

**Subject:** RE: DMP/LPMS Discovery Requests from DOL

**Caution:** This email originated from outside of the FMG organization. **Do not click links or open attachments** unless you recognize the sender and know the content is safe.

Hi Emaan,

SPD/PD and Appendix B were uploaded today.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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**From:** Emaan Ali Bangash <[Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)>  
**Sent:** Monday, July 21, 2025 1:02 PM  
**To:** Hilda Falcon <[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)>; Steven Lazarou <[laz@zbizcpa.com](mailto:laz@zbizcpa.com)>  
**Cc:** Jonathan Crumly <[Jonathan.Crumly@fmglaw.com](mailto:Jonathan.Crumly@fmglaw.com)>  
**Subject:** DMP/LPMS Discovery Requests from DOL

Hello to you both,

Me again, but on the DMP/LPMS matter! Attached is a document showing document requests related to the DMP/LPMS litigation in Ft. Worth, Texas. The responses are due in a couple of days, but I'll ask Jonathan if another extension is possible until we can confirm we have or don't have all of these documents. The portions in red are already confirmed by Steve, or need confirmation from other individuals like Randy Johnson.

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Thanks!

[DMP-LPMS DOL Request Docs](#)

Thank you,  
Emaan

## Emaan Ali Bangash

Attorney at Law

Freeman Mathis & Gary, LLP

7160 North Dallas Parkway | Suite 625 | Plano, TX 75024

D: 469-505-0686 | C: 682-564-2392

Email: [Emaan.Bangash@fmglaw.com](mailto:Emaan.Bangash@fmglaw.com)

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Message

---

**From:** Hilda Falcon [hfalcon@suffolkadmin.com]  
**Sent:** 7/23/2025 8:29:31 PM  
**To:** Emaan Ali Bangash [Emaan.Bangash@fmglaw.com]  
**CC:** Jonathan Crumly [Jonathan.Crumly@fmglaw.com]  
**Subject:** RE: DMP/LPMS Discovery Requests from DOL

Hi Emaan,

SPD/PD and Appendix B were uploaded today.

Regards,

*Hilda Falcón-Reyes, Esq.*

General Counsel

**Suffolk Administrative Services, LLC**

Mobile: (787) 945-7856

[hfalcon@suffolkadmin.com](mailto:hfalcon@suffolkadmin.com)

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---

**From:** Emaan Ali Bangash <Emaan.Bangash@fmglaw.com>  
**Sent:** Monday, July 21, 2025 1:02 PM  
**To:** Hilda Falcon <hfalcon@suffolkadmin.com>; Steven Lazarou <laz@zbizcpa.com>  
**Cc:** Jonathan Crumly <Jonathan.Crumly@fmglaw.com>  
**Subject:** DMP/LPMS Discovery Requests from DOL

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Me again, but on the DMP/LPMS matter! Attached is a document showing document requests related to the DMP/LPMS litigation in Ft. Worth, Texas. The responses are due in a couple of days, but I'll ask Jonathan if another extension is possible until we can confirm we have or don't have all of these documents. The portions in red are already confirmed by Steve, or need confirmation from other individuals like Randy Johnson.

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[DMP-LPMS DOL Request Docs](#)

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Emaan

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Attorney at Law

Freeman Mathis & Gary, LLP

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Email: Emaan.Bangash@fmglaw.com

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# Exhibit J

**From:** [Crumly, Jonathan](#)  
**To:** [Jacobs, Kathleen C \(CIV\)](#)  
**Cc:** [LaRoss, Diane](#); [Ekanayake, Iresh \(CIV\)](#); [Doi, Christopher K. \(CIV\)](#); [Meyer, Thomas G. \(CIV\)](#); [Frazier, John A. \(CIV\)](#); [Nelson, Allen W.](#); [McKemie, Tamela](#)  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2  
**Date:** Friday, December 5, 2025 3:48:55 PM

---

Kathleen,

I appreciate your patience with our efforts to complete the document production. I apologize that between my transition to Clark Hill and Emaan Bangash's departure from Freeman Mathis, I have not been able to confirm whether the production earlier this week was the final batch until just today. According to information I obtained today, there will be one more production next week. This production will include information related to and data generated by the software programs used by LPMS to capture partner generated data.

Once you have had an opportunity to absorb the complete production, we are happy to discuss any reasonable extension of discovery you think would be appropriate.

I also wanted to let you know that going forward, Allen Nelson should be your primary contact for issues related to this case. I will remain on the case but with my travel schedule and other commitments, we wanted to reallocate assignments to better facilitate prompt resolution of any issues going forward.

### **Jonathan Crumly**

Attorney

#### **Clark Hill**

3630 Peachtree Rd NE

Suite 700

Atlanta, GA 30326

+1 470.845.0222 (office) | +1 770.883.6344 (cell) | +1 678.370.4358 (fax)

[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Wednesday, December 3, 2025 2:45 PM

**To:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>

**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV) <[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>; Meyer, Thomas G. (CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A. (CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>

**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

That seemed to work.

Thank you,  
Katie

---

**From:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Sent:** Wednesday, December 3, 2025 1:37 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV) <[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>; Meyer, Thomas G. (CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A. (CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Hi Ms. Jacobs,

You will not need a new link or password. Windows has changed the way to extract zipped files that contain a password. I created the attached instructions which worked for me on the link and password provided yesterday.

T.

**Tamela McKemie**

Paralegal  
**Clark Hill**  
3630 Peachtree Rd NE  
Suite 700  
Atlanta, GA 30326  
+1 470,845.0203 (office)  
[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Sent:** Wednesday, December 3, 2025 12:12 PM  
**To:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Cc:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV) <[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>; Meyer, Thomas G. (CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A. (CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>  
**Subject:** Re: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

If Tamela can provide an updated link, then I wouldn't think a call would be

necessary. Can you confirm this is Plaintiffs last-anticipated production?

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---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>

**Sent:** Tuesday, December 2, 2025 5:20:48 PM

**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Cc:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV) <[Christopher.K.Doi@usdoj.gov](mailto:Christopher.K.Doi@usdoj.gov)>; Meyer, Thomas G. (CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A. (CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>

**Subject:** [EXTERNAL] Re: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

I'm already booked at 2pm. 4pm? Thanks. AWN

**Allen W. Nelson**

Member

Chair, Fractional GC Practice

**CLARK HILL**

3630 Peachtree Rd., NE

Suite 700, Atlanta, GA 30326

+ 1 404.245.7111 (mobile — preferred) | +1 678.370.4364 (office)

[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 2, 2025, at 17:07, Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Thank you, Allen. I am unavailable at 11 but could do 2pm EST, does that work?

Also, can you please confirm that this set of production is the final set of production anticipated by Plaintiffs?

Thanks,

Kathleen C. Jacobs

Trial Attorney

U.S. Department of Justice, Civil Division, Federal Programs Branch

1100 L Street, N.W., Washington, D.C. 20005

(202) 598-7615 (phone)

(202) 616-8460 (fax)

[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

<image001.jpg>

---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, December 2, 2025 5:03 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV) <[Christopher.K.Doi@usdoj.gov](mailto:Christopher.K.Doi@usdoj.gov)>; Meyer, Thomas G. (CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A. (CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Kathleen: May I make a suggestion? Could we get on a call tomorrow with screens pulled up so that you can get access to the records? Maybe I'm being too simple, but email doesn't seem to be working. We are cooperating and it appears technology isn't supporting that effort for some reason. Maybe 11am ET of that works for folks? Thanks. AWN

**Allen W. Nelson**  
Member  
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[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 2, 2025, at 16:50, Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

This is the message I received when I attempted to download/view through recommended bypass.

<image002.png>

---

**From:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Sent:** Tuesday, December 2, 2025 4:41 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Before I refer you to our Relativity team, can you check your downloads folder for the zip file? If it's there, you can just click each folder to the last one called "IMG001" and it will contain the PDF production. If you get prompted for a password at any point, it will be the one listed in the second email. I also received an error message when attempting an extraction, but this procedure worked as a bypass and a password was not necessary.

Let me know if this doesn't work and I'll direct you to our Relativity team.

T.

**Tamela McKemie**

Paralegal  
**Clark Hill**  
3630 Peachtree Rd NE  
Suite 700  
Atlanta, GA 30326  
+1 470.845.0203 (office)  
[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Sent:** Wednesday, November 26, 2025 5:17 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Good afternoon Ms. Jacobs,

Below is a Box.com link containing documents responsive to the second requests for production. Let me know if you have any issues accessing these documents. I will send a separate email containing the password.

Production Volume: 2025.11.26 P Production  
Bates range: P\_0001000 - P\_0001050  
Document count: 12  
Page count: 51  
Download Link:  
<https://clarkhill.box.com/s/2clbr2mg4ggazyjvlnhnm7oul7hz30n5>

T.

**Tamela McKemie**

Paralegal

**Clark Hill**

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Atlanta, GA 30326

+1 470,845.0203 (office)

[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Thursday, November 20, 2025 3:04 PM

**To:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>

**Cc:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Johnathan,

The position that the government shutdown somehow alleviated your production obligations is frankly ridiculous.

As you are aware, Defendants have repeatedly expressed significant concerns about Plaintiffs' wholly lacking production. Just as with Plaintiffs' first response to Defendants' request for production, Plaintiffs again failed to produce *a single document* in response to Defendants' second requests for production. The Court gave the Parties what seemed (at the time) to be a generous discovery period – Plaintiffs have done nothing but delay.

As you are also aware, since Defendants' first requests for production, Plaintiffs have only produced 452 pages that appear to be responsive to only a handful of requests despite allegedly "identifying" responsive documents to the vast majority of Defendants' requests.

Last week, you said that you anticipated completing your production this week. To date, I have not received a single document. Accordingly, if Plaintiffs do not complete production of all identified documents responsive to Defendants first and second requests for production by Friday, November 28, 2025, Defendants will move to compel their production on December

1, 2025.

Regards,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image003.jpg>

---

**From:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>  
**Sent:** Friday, November 14, 2025 6:28 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE

Kathleen,

Welcome back. I'm sorry you believe that the Plaintiffs' "unilaterally chose" anything relative to the government shutdown. In fact, when I emailed you to provide my updated contact information in early October, your autoreply indicated "The appropriation that funds my salary has lapsed and, absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances." Since I received no further response from that autoreply, I took that to mean that nothing in the case would proceed until funding was restored.

As we noted in our written response, once there is someone to receive documents, we will produce them. You may have noted that Emaan Bangash has left Freeman Mathis & Gary and withdrawn from the case. As you know, she was the attorney that coordinated efforts with third parties to obtain responsive documents requested in both Defendant's first and second document request. Because of her departure and some unexpected technical difficulties in transitioning the ESI databases from FMG to Clark Hill, a full production is still a few days away. Diane LaRoss has taken point on preparing documents for production. Assuming all the technical issues

get resolved over the weekend, we should be in a position to complete the production next week.

As I mentioned in our last video conference, Plaintiffs are not opposed to seeking a joint extension of discovery and the briefing period given prior delays from Plaintiffs' efforts to collect responsive documents from third parties, my transition of firms, the ESI difficulties and now the government's 43-day lapse in appropriation preventing you from working on this matter. I am generally available next week if you would like to schedule a call.

I hope you have a good weekend and don't have too much to dig out from under now that you are back in the office.

**Jonathan Crumly**

Attorney

**Clark Hill**

3630 Peachtree Rd NE

Suite 700

Atlanta, GA 30326

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[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Thursday, November 13, 2025 2:02 PM

**To:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Cc:** Emaan Ali Bangash <[emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; Nelson, Allen W.

<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>

**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Good afternoon,

The government has reopened. I see that Plaintiffs unilaterally chose to use the government shutdown as an opportunity to cease production. In any event, please produce all responsive documents.

Regards,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image003.jpg>

---

**From:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Sent:** Monday, October 27, 2025 10:53 AM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Emaan Ali Bangash <[emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** [EXTERNAL] Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O ELECTRONIC SERVICE

Good morning,

Attached is your service copy of Plaintiffs' Objections and Responses to DOL's Second Requests for Production of Documents.

T.

**Tamela McKemie**

Paralegal

**Clark Hill**

3630 Peachtree Rd NE

Suite 550

Atlanta, GA 30326

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[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

# Exhibit K

**From:** [Jacobs, Kathleen C \(CIV\)](#)  
**To:** [Nelson, Allen W.](#)  
**Cc:** [Crumly, Jonathan](#); [LaRoss, Diane](#); [McKemie, Tamela](#); [Snead, Jacqueline Coleman \(CIV\)](#)  
**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2  
**Date:** Thursday, December 18, 2025 4:02:00 PM

---

Thank you, Allen. Will do in the next day or so.

Best,  
Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)



---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Thursday, December 18, 2025 1:17 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Snead, Jacqueline Coleman (CIV) <[Jacqueline.Snead@usdoj.gov](mailto:Jacqueline.Snead@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Katie: Under the circumstances, it is certainly reasonable to agree to this request. Please provide the appropriate Consent documentation to obtain court approval on the extension. Thanks. AWN

**Allen W. Nelson**  
Member  
Chair, Fractional GC Practice  
**CLARK HILL**  
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Suite 700, Atlanta, GA 30326  
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[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 18, 2025, at 11:31, Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Allen,

Hope you are well. I understand Plaintiffs' position to be that aside from one remaining joinder agreement and a privilege log, production is complete. As you are aware, Defendants have repeatedly raised concerns that Plaintiffs responses to Defendants' first requests for production appear to have identified responsive documents, yet no responsive documents to several requests have been produced. To reconcile this disparity and gain clarity, Defendants request that Plaintiffs amend their responses to identify by Bates number which documents are responsive to each request.

Additionally, as we previously discussed, we would also like to request an extension of the discovery period. Defendant's first request for production—which today remains incomplete—was served on Plaintiffs over 180 days ago. Given this, Defendants propose a reasonable extension to be 120 days from the current end of the discovery period January 16, 2026.

Please advise if you are amenable to this request.

Thank you,  
Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image001.jpg>

---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, December 16, 2025 3:05 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Snead, Jacqueline Coleman (CIV) <[Jacqueline.Snead@usdoj.gov](mailto:Jacqueline.Snead@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Great. Thanks. AWN

**Allen W. Nelson**

Member  
Chair, Fractional GC Practice  
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Suite 700, Atlanta, GA 30326  
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[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 16, 2025, at 13:41, Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

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Allen,

Yes, the last link appeared to work.

Thank you for the confirmation. I will let you know.

Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image001.jpg>

---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, December 16, 2025 1:32 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Snead, Jacqueline Coleman (CIV) <[Jacqueline.Snead@usdoj.gov](mailto:Jacqueline.Snead@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Katie: As you will have seen, I just sent you a new link. Please confirm that you can access it as we want to be sure you can see what you need to see.

And yes, as far as we know the remaining joinder agreement and PL

are the last remaining aspects of the DMP production. If you are of the view that there are outstanding items, then please let me know.

Thanks. AWN

**Allen W. Nelson**

Member

Chair, Fractional GC Practice

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[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 16, 2025, at 11:17, Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

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Allen,

I received the link to the documents, however, when put the password in and go to open them, there is no actual document there but just says "Record Produced in Native Format."

Would it be easier if I just sent you a link to upload them to our system?

Just to confirm, DMP's position is that there is only one final joinder agreement and privilege log to produce and that will complete DMP's production in this case?

Thank you,  
Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs  
Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)

(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image001.jpg>

---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, December 16, 2025 10:26 AM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Snead, Jacqueline Coleman (CIV) <[Jacqueline.Snead@usdoj.gov](mailto:Jacqueline.Snead@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Katie: Good morning. I just wanted to check and be sure that you received the records we sent to you last week. I also wanted to let you know that we are tracking down the final joinder agreement we owe you and are working on the Privilege Log that has been discussed in the past.

Please let me know if you should have any questions or concerns. Thanks. AWN

**Allen W. Nelson**  
Member  
Chair, Fractional GC Practice  
**CLARK HILL**  
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678.370.4364 (office)  
[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 8, 2025, at 08:56, Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

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message is unexpected.

Allen,

Are you available to discuss the below this afternoon anytime between 1-3pm EST?

I am concerned that a final production of “information related to and data generated by the software programs used by LPMS to capture partner generated data” seems inconsistent with prior representations made in this case so I’d like to get a better understanding of what that includes– especially given the volume of production to date.

Thank you,  
Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal  
Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image001.jpg>

---

**From:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>  
**Sent:** Friday, December 5, 2025 3:49 PM  
**To:** Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake,  
Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi,  
Christopher K. (CIV) <[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>;  
Meyer, Thomas G. (CIV)  
<[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A. (CIV)  
<[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>; Nelson, Allen W.  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>; McKemie, Tamela  
<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership, LP  
v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT  
PRODUCTION, EMAIL 1 OF 2

Kathleen,

I appreciate your patience with our efforts to complete the document production. I apologize that between my transition to Clark Hill and Emaan Bangash's departure from Freeman Mathis, I have not been able to confirm whether the production earlier this week was the final batch until just today. According to information I obtained today, there will be one more production next week. This production will include information related to and data generated by the software programs used by LPMS to capture partner generated data.

Once you have had an opportunity to absorb the complete production, we are happy to discuss any reasonable extension of discovery you think would be appropriate.

I also wanted to let you know that going forward, Allen Nelson should be your primary contact for issues related to this case. I will remain on the case but with my travel schedule and other commitments, we wanted to reallocate assignments to better facilitate prompt resolution of any issues going forward.

**Jonathan Crumly**

Attorney

**Clark Hill**

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678.370.4358 (fax)

[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C (CIV)

<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Wednesday, December 3, 2025 2:45 PM

**To:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>;

Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>

**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss,

Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV)

<[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV)

<[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>; Meyer, Thomas G.

(CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A.

(CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>

**Subject:** RE: Data Marketing Partnership, LP v US DOL,

USDC ND TX 4:19-cv-00800-O DOCUMENT

PRODUCTION, EMAIL 1 OF 2

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

That seemed to work.

Thank you,  
Katie

---

**From:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Sent:** Wednesday, December 3, 2025 1:37 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>; Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV) <[Christopher.K.Doi@usdoj.gov](mailto:Christopher.K.Doi@usdoj.gov)>; Meyer, Thomas G. (CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A. (CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>  
**Subject:** [EXTERNAL] RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Hi Ms. Jacobs,

You will not need a new link or password. Windows has changed the way to extract zipped files that contain a password. I created the attached instructions which worked for me on the link and password provided yesterday.

T.

**Tamela McKemie**

Paralegal

**Clark Hill**

3630 Peachtree Rd NE

Suite 700

Atlanta, GA 30326

+1 470.845.0203 (office)

[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Sent:** Wednesday, December 3, 2025 12:12 PM  
**To:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Cc:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV) <[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV)

<[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>; Meyer, Thomas G.  
(CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A.  
(CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>  
**Subject:** Re: Data Marketing Partnership, LP v US DOL,  
USDC ND TX 4:19-cv-00800-O DOCUMENT  
PRODUCTION, EMAIL 1 OF 2

EXTERNAL EMAIL: The sender  
([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill.  
Exercise caution with links, attachments, or replies if this  
message is unexpected.

If Tamela can provide an updated link, then I  
wouldn't think a call would be necessary. Can  
you confirm this is Plaintiffs last-anticipated  
production?

Get [Outlook for iOS](#)

---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, December 2, 2025 5:20:48 PM  
**To:** Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>;  
Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss,  
Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; Ekanayake, Iresh (CIV)  
<[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi, Christopher K. (CIV)  
<[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>; Meyer, Thomas G.  
(CIV) <[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier, John A.  
(CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Data Marketing Partnership,  
LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT  
PRODUCTION, EMAIL 1 OF 2

I'm already booked at 2pm. 4pm? Thanks. AWN

**Allen W. Nelson**  
Member  
Chair, Fractional GC Practice  
**CLARK HILL**  
3630 Peachtree Rd., NE  
Suite 700, Atlanta, GA 30326  
+ 1 404.245.7111 (mobile — preferred) | +1  
678.370.4364 (office)  
[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 2, 2025, at 17:07, Jacobs,  
Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
wrote:

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Thank you, Allen. I am unavailable at 11 but could do 2pm EST, does that work?

Also, can you please confirm that this set of production is the final set of production anticipated by Plaintiffs?

Thanks,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil  
Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C.  
20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image001.jpg>

---

**From:** Nelson, Allen W.  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, December 2, 2025 5:03 PM  
**To:** Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** McKemie, Tamela  
<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>; Crumly,  
Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>;  
LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>;  
Ekanayake, Iresh (CIV)  
<[Iresh.Ekanayake@usdoj.gov](mailto:Iresh.Ekanayake@usdoj.gov)>; Doi,  
Christopher K. (CIV)  
<[Christopher.K.Do@usdoj.gov](mailto:Christopher.K.Do@usdoj.gov)>; Meyer,  
Thomas G. (CIV)  
<[Thomas.G.Meyer@usdoj.gov](mailto:Thomas.G.Meyer@usdoj.gov)>; Frazier,  
John A. (CIV) <[John.A.Frazier@usdoj.gov](mailto:John.A.Frazier@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: Data Marketing  
Partnership, LP v US DOL, USDC ND TX  
4:19-cv-00800-O DOCUMENT  
PRODUCTION, EMAIL 1 OF 2

Kathleen: May I make a suggestion? Could we get on a call tomorrow with screens pulled up so that you can get access to the records? Maybe I'm being too simple, but email doesn't seem to be working. We are cooperating and it appears technology isn't supporting that effort for some reason. Maybe 11am ET of that works for folks? Thanks. AWN

**Allen W. Nelson**

Member

Chair, Fractional GC Practice

**CLARK HILL**

3630 Peachtree Rd., NE

Suite 700, Atlanta, GA 30326

+ 1 404.245.7111 (mobile — preferred) | +1 678.370.4364 (office)

[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Dec 2, 2025, at 16:50,  
Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
wrote:

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

This is the message I received when I attempted to download/view through recommended bypass.

<image002.png>

---

**From:** McKemie, Tamela

<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Sent:** Tuesday, December 2, 2025 4:41 PM

**To:** Jacobs, Kathleen C (CIV)

<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Cc:** Crumly, Jonathan

<[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>;

Nelson, Allen W.

<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>;

LaRoss, Diane

<[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>

**Subject:** [EXTERNAL] RE:  
Data Marketing Partnership,  
LP v US DOL, USDC ND TX  
4:19-cv-00800-O  
DOCUMENT PRODUCTION,  
EMAIL 1 OF 2

Before I refer you to our Relativity team, can you check your downloads folder for the zip file? If it's there, you can just click each folder to the last one called "IMG001" and it will contain the PDF production. If you get prompted for a password at any point, it will be the one listed in the second email. I also received an error message when attempting an extraction, but this procedure worked as a bypass and a password was not necessary.

Let me know if this doesn't work and I'll direct you to our Relativity team.

T.

**Tamela McKemie**

Paralegal

**Clark Hill**

3630 Peachtree Rd NE  
Suite 700  
Atlanta, GA 30326  
+1 470.845.0203 (office)  
[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) |  
[www.clarkhill.com](http://www.clarkhill.com)

---

**From:** McKemie, Tamela

<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Sent:** Wednesday, November  
26, 2025 5:17 PM

**To:** Jacobs, Kathleen C (CIV)

<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Cc:** Crumly, Jonathan

<[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>;

Nelson, Allen W.

<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>;

LaRoss, Diane

<[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>

**Subject:** RE: Data Marketing Partnership, LP v US DOL, USDC ND TX 4:19-cv-00800-O DOCUMENT PRODUCTION, EMAIL 1 OF 2

Good afternoon Ms. Jacobs,

Below is a [Box.com](#) link containing documents responsive to the second requests for production. Let me know if you have any issues accessing these documents. I will send a separate email containing the password.

Production Volume:  
2025.11.26 P Production  
Bates range: P\_0001000 - P\_0001050

Document count: 12

Page count: 51

Download Link:

<https://clarkhill.box.com/s/2clbr2mg4gqazyjvlnhnm7oul7hz30n5>

T.

**Tamela McKemie**

Paralegal

**Clark Hill**

3630 Peachtree Rd NE

Suite 700

Atlanta, GA 30326

+1 470,845.0203 (office)

[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) |

[www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C  
(CIV)

<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Thursday, November 20, 2025 3:04 PM

**To:** Crumly, Jonathan

<[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>

**Cc:** Nelson, Allen W.  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>;  
LaRoss, Diane  
<[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>;  
McKemie, Tamela  
<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Subject:** RE: Data Marketing  
Partnership, LP v US DOL,  
USDC ND TX 4:19-cv-00800-  
O ELECTRONIC SERVICE

EXTERNAL EMAIL: The sender  
([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov))  
is external to Clark Hill. Exercise  
caution with links, attachments,  
or replies if this message is  
unexpected.

Johnathan,

The position that the  
government shutdown  
somehow alleviated your  
production obligations is  
frankly ridiculous.

As you are aware,  
Defendants have  
repeatedly expressed  
significant concerns  
about Plaintiffs' wholly  
lacking production. Just  
as with Plaintiffs' first  
response to Defendants'  
request for production,  
Plaintiffs again failed to  
produce *a single*  
*document* in response to  
Defendants' second  
requests for production.  
The Court gave the  
Parties what seemed (at  
the time) to be a  
generous discovery  
period – Plaintiffs have  
done nothing but delay.

As you are also aware,  
since Defendants' first  
requests for production,  
Plaintiffs have only

produced 452 pages that appear to be responsive to only a handful of requests despite allegedly “identifying” responsive documents to the vast majority of Defendants’ requests.

Last week, you said that you anticipated completing your production this week. To date, I have not received a single document. Accordingly, if Plaintiffs do not complete production of all identified documents responsive to Defendants first and second requests for production by Friday, November 28, 2025, Defendants will move to compel their production on December 1, 2025.

Regards,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice,  
Civil Division, Federal  
Programs Branch  
1100 L Street, N.W.,  
Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image003.jpg>

---

**From:** Crumly, Jonathan  
<[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>  
**Sent:** Friday, November 14,  
2025 6:28 PM  
**To:** Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Cc:** Nelson, Allen W.  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>;  
LaRoss, Diane  
<[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>;  
McKemie, Tamela  
<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>

**Subject:** [EXTERNAL] RE:  
Data Marketing Partnership,  
LP v US DOL, USDC ND TX  
4:19-cv-00800-O  
ELECTRONIC SERVICE

Kathleen,

Welcome back. I'm sorry you believe that the Plaintiffs' "unilaterally chose" anything relative to the government shutdown. In fact, when I emailed you to provide my updated contact information in early October, your autoreply indicated "The appropriation that funds my salary has lapsed and, absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances." Since I received no further response from that autoreply, I took that to mean that nothing in the case would proceed until funding was restored.

As we noted in our written response, once there is someone to receive documents, we will produce them. You may have noted that Emaan Bangash has left Freeman Mathis & Gary and withdrawn from the

case. As you know, she was the attorney that coordinated efforts with third parties to obtain responsive documents requested in both Defendant's first and second document request. Because of her departure and some unexpected technical difficulties in transitioning the ESI databases from FMG to Clark Hill, a full production is still a few days away. Diane LaRoss has taken point on preparing documents for production. Assuming all the technical issues get resolved over the weekend, we should be in a position to complete the production next week.

As I mentioned in our last video conference, Plaintiffs are not opposed to seeking a joint extension of discovery and the briefing period given prior delays from Plaintiffs' efforts to collect responsive documents from third parties, my transition of firms, the ESI difficulties and now the government's 43-day lapse in appropriation preventing you from working on this matter. I am generally available next week if you would like to schedule a call.

I hope you have a good weekend and don't have too much to dig out from

under now that you are  
back in the office.

**Jonathan Crumly**

Attorney

**Clark Hill**

3630 Peachtree Rd NE  
Suite 700  
Atlanta, GA 30326  
+1 470.845.0222 (office) | +1  
770.883.6344 (cell) | +1  
678.370.4358 (fax)  
[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com) |  
[www.clarkhill.com](http://www.clarkhill.com)

---

**From:** Jacobs, Kathleen C  
(CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Sent:** Thursday, November  
13, 2025 2:02 PM  
**To:** McKemie, Tamela  
<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Cc:** Emaan Ali Bangash  
<[emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)>;  
Crumly, Jonathan  
<[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>;  
Nelson, Allen W.  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>;  
LaRoss, Diane  
<[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** RE: Data Marketing  
Partnership, LP v US DOL,  
USDC ND TX 4:19-cv-00800-  
O ELECTRONIC SERVICE

EXTERNAL EMAIL: The sender  
([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov))  
is external to Clark Hill. Exercise  
caution with links, attachments,  
or replies if this message is  
unexpected.

Good afternoon,

The government has  
reopened. I see that  
Plaintiffs unilaterally  
chose to use the  
government shutdown  
as an opportunity to

cease production. In any event, please produce all responsive documents.

Regards,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice,  
Civil Division, Federal  
Programs Branch  
1100 L Street, N.W.,  
Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image003.jpg>

---

**From:** McKemie, Tamela  
<[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Sent:** Monday, October 27,  
2025 10:53 AM  
**To:** Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Emaan Ali Bangash  
<[emaan.bangash@fmglaw.com](mailto:emaan.bangash@fmglaw.com)>;  
Crumly, Jonathan  
<[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>;  
Nelson, Allen W.  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>;  
LaRoss, Diane  
<[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** [EXTERNAL] Data  
Marketing Partnership, LP v  
US DOL, USDC ND TX 4:19-cv-  
00800-O ELECTRONIC  
SERVICE

Good morning,

Attached is your service  
copy of Plaintiffs'  
Objections and  
Responses to DOL's  
Second Requests for  
Production of  
Documents.

T.

**Tamela McKemie**

Paralegal

**Clark Hill**

3630 Peachtree Rd NE  
Suite 550  
Atlanta, GA 30326  
+1 470,845.0203 (office)  
[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com) |  
[www.clarkhill.com](http://www.clarkhill.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORTH WORTH DIVISION**

DATA MARKETING PARTNERSHIP, LP, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 4:19-cv-00800-O
	)	
UNITED STATES DEPARTMENT OF LABOR, ET AL.,	)	
	)	
Defendants.	)	

**APPENDIX II OF II IN SUPPORT OF DEFENDANTS’ MOTION TO COMPEL**

Pursuant to Local Rules 7.1(i) and 7.2(e), Defendants file this Appendix in Support of their Motion to Compel. Each page of this Appendix is numbered sequentially in the bottom, right-hand corner. Plaintiffs rely on the following in support of their motion in addition to the filings and pleadings in this case:

L	Supplemental Responses to Defendants’ First and Sccond Requests for Production	96-111
M	Email Exchange Regarding Extension of Discovery Period for Depositions	112-22
N	Lazarou Deposition Transcript Excerpts	123-69
O	Johnson Deposition Transcript Excerts	170-81
P	Fielder Deposition Transcript Excerpts	182-91
Q	Rochester Deposition Transcript Excerpts	192-206
R	Email Requesting Joint Motion for Extension	207-08

S	Jacqueline Coleman Snead Email Requesting Meet and Confer	209-11
---	---	--------

Dated: April 14, 2026

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General

JACQUELINE COLEMAN SNEAD  
Assistant Director  
Civil Division, Federal Programs Branch

/s/ Katie Carr Jacobs  
KATIE CARR JACOBS  
Assistant United States Attorney  
Texas Bar No. 24091154  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8600  
Facsimile: 214-659-8803  
Katie.Jacobs@usdoj.gov

*Counsel for Defendants*

# Exhibit L

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DATA MARKETING PARTNERSHIP, LP,  
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
LABOR, et al.,

Defendants.

Civil Action No. 4:19-cv-00800-O

**DATA MARKETING PARTNERSHIP, LP'S SUPPLEMENTAL OBJECTIONS AND  
RESPONSES TO UNITED STATES DEPARTMENT OF LABOR'S FIRST REQUESTS  
FOR PRODUCTION OF DOCUMENTS**

COMES NOW Plaintiff Data Marketing Partnership, LP ("DMP") by and through its undersigned counsel and pursuant to the Federal Rules of Civil Procedure serve these following Supplemental Objections and Responses to Department of Labor's First Requests for Production of Documents. Plaintiff reserves the right to supplement these responses at any time.

*/s/ Jonathan D. Crumly, Sr.*

Jonathan D. Crumly, Sr.

*Pro Hac Vice*

**Clark Hill PLC**

3630 Peachtree Road, NE #550

Atlanta, Georgia 30326

Tel: 470-845-0206

Fax: 678-370-4358

Jonathan.Crumly@clarkhill.com

Robert G. Chadwick, Jr.

Texas Bar No. 04056075

**Freeman Mathis & Gary, LLP**

7160 Dallas Parkway, Suite 625

Plano, Texas 75024

Tel: 469-895-3003

Fax: 888-356-3602

Bob.Chadwick@fmglaw.com

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

On February 6, 2026, I certify that I have served the parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/ Jonathan D. Crumly, Sr.* \_\_\_\_\_

Jonathan D. Crumly, Sr.

**SUPPLEMENTAL OBJECTIONS AND RESPONSES**  
**TO FIRST REQUESTS FOR PRODUCTION**

1. All Documents relating to the recruitment, selection, and solicitation of Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including electronically stored information (“ESI”), from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

2. All advertisements and/or job postings soliciting DMP employees who are not Limited Partners, such as common-law employees and non-owner employees.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

3. All advertisements and/or job postings soliciting Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

4. All Documents relating to advertisements intended to attract, retain, and motivate talent in service of DMP’s primary business purposes, including the capture, segregation, aggregation, and sale to third-party marketing firms of electronic data generated by limited partners who share such data with DMP.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will

supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

***SUPPLEMENTAL RESPONSE:*** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

5. Documents sufficient to identify all DMP employees who are not Limited Partners, including common-law employees and non-owner employees.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

***SUPPLEMENTAL RESPONSE:*** Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000001-2, 37-43, 66-79, 141-142.

6. Documents sufficient to identify administrative and/or revenue generating services performed by Limited Partners.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

***SUPPLEMENTAL RESPONSE:*** Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.

7. Documents sufficient to identify administrative and/or revenue generating services performed by DMP employees who are not Limited Partners, such as common-law employees and non-owner employees.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

***SUPPLEMENTAL RESPONSE:*** Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.

8. Documents sufficient to identify all DMP employees who are not Limited Partners, including common-law employees and non-owner employees, who participate in the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000001-2, 37-43, 66-79, 141-142.**

9. All employment contracts with DMP Limited Partners or DMP employees who are not Limited Partners.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

10. All Documents showing payments made by DMP to Limited Partners, including but not limited to, guaranteed payments, premium payments made on their behalf, income distributions, or earned income.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

11. All Documents showing how payments to Limited Partners are calculated.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-197, 244-256, 420-426.**

12. DMP's "Standard Operating Procedures" as referenced in the Advisory Opinion Request and any subsequent amendments.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

13. All Documents relating to DMP's formation and delegation of authority, including but not limited to agreements appointing a general partner and agreements delegating business management decisions.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000257-263.**

14. All agreements between DMP and its Limited Partners, including all joinder agreements and partnership agreements.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-197, 244-256, 420-426.**

15. All Documents relating to any and all ownership interests in DMP and the percentage of each ownership interest.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-197, 244-256, 420-426.**

16. All resolutions relating to the addition of Limited Partners.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

17. All Plan documents, including any summary plan descriptions or trust agreements.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000209-243, 264-415, 428-452.**

18. All Documents relating to Plan eligibility.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000209-243, 264-415, 428-452.**

19. All Documents relating to tracking and monitoring Limited Partners' Plan eligibility, including Documents relating to verification and audit processes.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents,

including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

20. All Documents relating to Limited Partners' loss of Plan eligibility or removal from the Plan due to ineligibility.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

21. Documents sufficient to show all Limited Partners who participate in the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates number DMP 000427.**

22. Documents sufficient to show all Limited Partners who do not participate in the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

23. All Documents relating to how Limited Partners' data is captured, including all Documents relating to software or applications used to capture Limited Partners' data (including the Legend Browser App and any similar applications).

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.**

24. All Documents relating to Limited Partners' ability to control and manage the capture, segregation, aggregation, or sale of their data.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.**

25. All Documents and Communications relating to Limited Partners' exercise of their control or management of the capture, segregation, aggregation, or sale of their data.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.**

26. All Documents relating to DMP's monitoring or tracking of Limited Partners' data capture.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100001-25.**

27. All Documents relating to Limited Partners' partnership rights.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-197, 244-256, 420-426.**

28. All Documents and Communications relating to Limited Partners' exercise of partnership rights, including all documents and communications relating to votes by Limited Partners regarding DMP operations or meetings in which Limited Partners participated.

**RESPONSE:** Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been located and produced as per Bates numbers DMP 000191-197, 244-256, 420-426.**

29. All Documents and Communications provided to or exchanged with the Texas Secretary of State.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000198, 202-208.**

30. All state and federal tax filings, including forms 1065.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000008-9, 13-36, 44-65, 80-140, 143-190.**

31. All tax documents provided by DMP to Limited Partners, including Schedule K1s.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates**

numbers DMP 000001-2, 37-43, 66-79, 141-2.

32. All tax documents provided by DMP to its employees, including W-2s.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000001-2, 37-43, 66-79, 141-2.**

33. All financial statements for both DMP and the Plan, audited or unaudited, draft or final, including but not limited to income statements, balance sheets, and statements of cash flow.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000003-7, 10-12, 416-19.**

34. All Documents relating to instructions, standards, policies, or procedures provided to Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

35. All Documents relating to training employees or Limited Partners.

**RESPONSE:** DMP is in the process of gathering documents responsive to this request and will supplement these responses accordingly. DMP has requested potentially responsive documents, including ESI, from various third parties. Counsel for DMP is reviewing all gathered documents and ESI for responsiveness and privilege. As that review is completed, DMP anticipates producing responsive, non-privileged documents on a rolling basis every two (2) weeks.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, DMP has not located any documents responsive to this request.**

36. All Forms 5500 filed with the Department of Labor on behalf of the Plan.

**RESPONSE:** Documents responsive to this request will be produced at a mutually convenient time and place.

**SUPPLEMENTAL RESPONSE:** Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 100063-100104.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DATA MARKETING PARTNERSHIP, LP,  
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
LABOR, et al.,

Defendants.

Civil Action No. 4:19-cv-00800-O

**DATA MARKETING PARTNERSHIP, LP AND LP MANAGEMENT  
SERVICES, LLC'S SUPPLEMENTAL OBJECTIONS AND RESPONSES  
TO UNITED STATES DEPARTMENT OF LABOR'S SECOND  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW Plaintiff Data Marketing Partnership, LP ("DMP") and LP Management Services, LLC ("LPMS") by and through their undersigned counsel and pursuant to Federal Rules of Civil Procedure serve the following Objections and Responses to Department of Labor's Second Requests for Production of Documents. Plaintiff reserves the right to supplement these responses at any time.

*/s/ Jonathan D. Crumly, Sr.*

Jonathan D. Crumly, Sr.

*Pro Hac Vice*

**Clark Hill PLC**

3630 Peachtree Road, NE #550

Atlanta, Georgia 30326

Tel: 470-845-0206

Fax: 678-370-4358

Jonathan.Crumly@clarkhill.com

Robert G. Chadwick, Jr.

Texas Bar No. 04056075

**Freeman Mathis & Gary, LLP**

7160 Dallas Parkway, Suite 625

Plano, Texas 75024

Tel: 469-895-3003

Fax: 888-356-3602

Bob.Chadwick@fmglaw.com

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

On February 6, 2026, I certify that I have served the parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jonathan D. Crumly, Sr.

**SUPPLEMENTAL OBJECTIONS AND RESPONSES TO REQUESTS FOR  
PRODUCTION**

1. All Documents relating to Your requests to Third Parties for Documents Responsive to Defendants' First Requests for Production.

**RESPONSE:** Undersigned counsel has gathered documents responsive to this request and will produce the documents once government offices resume operation.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers P 0001000 through P 0001039.**

2. All Communications relating to Your requests to Third Parties for Documents Responsive to Defendants' First Requests for Production.

**RESPONSE:** Undersigned counsel has gathered documents responsive to this request and will produce the documents once government offices resume operation.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers P 0001000 through P 0001039.**

3. All Documents sufficient to identify Third Parties in possession of documents you have identified as responsive by Plaintiffs to Defendants' First Requests for Production.

**RESPONSE:** DMP and LPMS object to Request No. 3 on the grounds that the request is confusing and seeks documents that have previously been produced by DMP and/or LPMS and are already in the possession of the DOL. To the extent this request seeks documents responsive to Request Nos. 1 and 2 above, those responsive documents will be produced once government offices resume operation.

**SUPPLEMENTAL RESPONSE: Following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers P 0001000 through P 0001039.**

4. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are "employees" and "participants" within the meaning of ERISA and the Fifth Circuit's August 17, 2022 opinion in this matter, available at ECF No. 44.

**RESPONSE:** DMP and LPMS object to Request No. 4 on the grounds that same requires a legal conclusion on the part of DMP and LPMS which does not constitute a proper request under the applicable rules of procedure. DMP and LPMS further object to this request to the extent that it is duplicative of previous documents requests and pertains to documents that have previously

been produced by DMP and/or LPMS and are already in the possession of the DOL.

**SUPPLEMENTAL RESPONSE: Subject to the objection asserted above and without waiving same, following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-194, 420-423, DMP 100001-25.**

5. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are “bona fide partners” within the meaning of ERISA and the Fifth Circuit’s August 17, 2022 opinion in this matter, available at ECF No. 44.

**RESPONSE:** DMP and LPMS object to Request No. 5 on the grounds that same requires a legal conclusion on the part of DMP and LPMS which does not constitute a proper request under the applicable rules of procedure. DMP and LPMS further object to this request to the extent that it is duplicative of previous documents requests and pertains to documents that have previously been produced by DMP and/or LPMS and are already in the possession of the DOL.

**SUPPLEMENTAL RESPONSE: Subject to the objection asserted above and without waiving same, following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-194, 420-423, DMP 100001-25.**

6. All Documents upon which Plaintiffs rely for the position that DMP Limited Partners are “working owners” within the meaning of ERISA and the Fifth Circuit’s August 17, 2022 opinion in this matter, available at ECF No. 44.

**RESPONSE:** DMP and LPMS object to Request No. 6 on the grounds that same requires a legal conclusion on the part of DMP and LPMS which does not constitute a proper request under the applicable rules of procedure. DMP and LPMS further object to this request to the extent that it is duplicative of previous documents requests and pertains to documents that have previously been produced by DMP and/or LPMS and are already in the possession of the DOL.

**SUPPLEMENTAL RESPONSE: Subject to the objection asserted above and without waiving same, following reasonable review and inspection of the documents at hand, nonprivileged responsive documents have been produced as per Bates numbers DMP 000191-194, 420-423, DMP 100001-25.**

# Exhibit M

**From:** [Nelson, Allen W.](#)  
**To:** [Jacobs, Kathleen C \(CIV\)](#)  
**Cc:** [Crumly, Jonathan](#); [LaRoss, Diane](#); [McKemie, Tamela](#)  
**Subject:** [EXTERNAL] Re: DMP v. DOL  
**Date:** Wednesday, March 4, 2026 12:51:45 PM

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Katie: You have my authorization to sign and file. Thanks. AWN

**Allen W. Nelson**

Member

Chair, Fractional GC Practice

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Suite 700, Atlanta, GA 30326

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[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com) [www.clarkhill.com](http://www.clarkhill.com)

On Mar 4, 2026, at 12:15, Jacobs, Kathleen C (CIV)  
<Kathleen.C.Jacobs@usdoj.gov> wrote:

EXTERNAL EMAIL: The sender (Kathleen.C.Jacobs@usdoj.gov) is external to Clark Hill.  
Exercise caution with links, attachments, or replies if this message is unexpected.

Allen,

I have not received the signed draft from Ms. McKemie. I would like to get this on file. I added the signature block from the last joint motion. See attached and advise if I have your permission to sign on your behalf.

Thank you,  
Katie

---

**From:** Jacobs, Kathleen C (CIV)  
**Sent:** Tuesday, March 3, 2026 2:09 PM  
**To:** 'Nelson, Allen W.' <awnelson@clarkhill.com>  
**Cc:** Crumly, Jonathan <jcrumly@clarkhill.com>; LaRoss, Diane <dlaross@clarkhill.com>; McKemie, Tamela <tmckemie@clarkhill.com>  
**Subject:** RE: DMP v. DOL

Allen,

Received. As soon as Ms. McKemie returns the updated document I will

get it on file.

Katie

---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, March 3, 2026 12:45 PM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>; McKemie, Tamela <[tmckemie@clarkhill.com](mailto:tmckemie@clarkhill.com)>  
**Subject:** [EXTERNAL] Re: DMP v. DOL

Katie: I've added Tamela who can add a signature as appropriate. But in any event, we don't object.

For what it's worth, the concept of limited partners is that they are not controlled by other folks. That's why they are known as limited partners. Our team has gone well beyond the required effort to provide access, and we will continue to do what we can do. And I will check schedules as requested. I believe that we can accommodate. Thanks. AWN

**Allen W. Nelson**

Member

Chair, Fractional GC Practice

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On Mar 2, 2026, at 16:47, Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Hi Allen,

Please find attached an updated draft extension motion. If in agreement, please add Plaintiffs' signature block and sign. If we do not hear from you by the close of business tomorrow, Tuesday, March 3, 2026, we will need to consider whether to make an individual motion to the court.

Considering that in our call last week was the first time Plaintiffs indicated they did not have control over limited partners or other individuals below for purposes of facilitating depositions, we'd like to add in a couple more weeks, to April 14, 2026, for depositions of the following individuals:

1. Benjamin Clear
2. Andrew Clear
3. John Fielder
4. Adam Rochester
5. Randal Johnson

Do you have location or contact information you can provide for these individuals? It would be much appreciated.

Additionally, given that you indicated that Adam Rochester is no longer affiliated with Plaintiffs, can you please confirm whether there are any other current W-2 employees working for Plaintiffs? If so, could you please identify them and let me know their availability for a deposition as well?

Please let me know the dates that work for Mr. Lazarou and Mr. Renfro between March 17-23 and March 24-27.

Thank you,  
Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

---

**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>

**Sent:** Thursday, February 26, 2026 6:49 PM

**To:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>

**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>

**Subject:** Re: DMP v. DOL

Hi Allen,

It looks like the following dates would work for depositions of Alex Renfro and Steven Lazarou:

1. March 17-20

2. March 24-27

Please let me know when works for each of them.

Also, could you please return the joint motion for extension with any edits/signature block so that I can get that on file?

As to the other individuals I previously listed for deposition, would you please advise of their contact information and location?

Thank you,  
Katie

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**From:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Sent:** Tuesday, February 24, 2026 2:20 PM  
**To:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** RE: DMP v. DOL

Thank you, Allen. I sent a calendar invite.

See attached opinion.

Talk to you soon.

Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)

---

**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Tuesday, February 24, 2026 1:43 PM

**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** [EXTERNAL] Re: DMP v. DOL

Katie: Greetings. Yes, I am available at 3pm ET today for a call.

As a courtesy, please remind me when this matter was remanded from the 5th Circuit. I don't think I have that date in my email due to the movement of lawyers from one firm to the other.

Thanks. AWN

**Allen W. Nelson**

Member

Chair, Fractional GC Practice

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On Feb 23, 2026, at 15:21, Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

EXTERNAL EMAIL: The sender ([Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Allen,

Thank you for checking availability.

As we previously agreed, a two-week extension of the discovery period for the limited purpose of allowing additional flexibility for depositions should help coordination. If you think we need additional time, please let me know. See attached draft joint motion and let me know if you have any edits. If not, please add your signature block and signature and return to me for filing.

As for Plaintiffs' position of unavailability because these are being scheduled too late in the discovery period, the timing of these depositions is a direct result of repeated and significant delays by Plaintiffs throughout the discovery period, including the most recent failure to amend responses by the date ordered by the Court.

As to Mr. Lazarou, the additional time should help his availability. Since he is under Plaintiffs control, he will need to make himself available despite it being tax season.

Please provide a status update as to the remaining individuals requested and Plaintiffs position as to whether or not Plaintiffs control their availability.

For convenience and to help facilitate depositions, Defendants can agree to remote depositions.

Are you available tomorrow at 3pm EST for a call?

Thank you,  
Katie

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal  
Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)  
<image001.jpg>

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**From:** Nelson, Allen W. <[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Monday, February 23, 2026 11:31 AM  
**To:** Jacobs, Kathleen C (CIV) <[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>; LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** [EXTERNAL] Re: DMP v. DOL

Katie: Hey there. As I predicted, Spring Break

features. Alex Renfro is not available during the time period requested due to long-standing family travel plans.

Should we hop on a call tomorrow or Wednesday to talk through this? While we're being cooperative, this has all been left so late in the process that I'm not sure how to sort given other commitments and the end of the discovery period. Thanks. AWN

**Allen W. Nelson**

Member

Chair, Fractional GC Practice

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On Feb 19, 2026, at 14:51, Jacobs,  
Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)> wrote:

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Allen,

Could you please also check for availability of Alex Renfro as well?

I expect I will provide a draft joint motion for two-week extension for depositions early next week.

Thank you,  
Katie

Kathleen C. Jacobs

Trial Attorney  
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<image001.jpg>

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**From:** Jacobs, Kathleen C (CIV)  
**Sent:** Saturday, February 7, 2026 10:24 AM  
**To:** 'Nelson, Allen W.'  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>;  
LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** RE: DMP v. DOL

Hi Allen,

I received the amended responses. Given that the delay has put us up against the end of the discovery period, are Plaintiffs opposed to requesting a two-week extension of the discovery deadline to account for depositions? I do not think a two week delay used for depositions should affect any of the other deadlines currently set.

Please let me know availability March 12-17 for depositions of the following individuals:

Steven Lazarou  
Randall Johnson  
Adam Rochester  
Benjamin Clear  
Andrew Clear  
John Fielder

Thank you,  
Katie

Kathleen C. Jacobs

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<image001.jpg>

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**From:** Nelson, Allen W.  
<[awnelson@clarkhill.com](mailto:awnelson@clarkhill.com)>  
**Sent:** Wednesday, February 4, 2026 3:00 PM  
**To:** Jacobs, Kathleen C (CIV)  
<[Kathleen.C.Jacobs@usdoj.gov](mailto:Kathleen.C.Jacobs@usdoj.gov)>  
**Cc:** Crumly, Jonathan <[jcrumly@clarkhill.com](mailto:jcrumly@clarkhill.com)>;  
LaRoss, Diane <[dlaross@clarkhill.com](mailto:dlaross@clarkhill.com)>  
**Subject:** [EXTERNAL] DMP v. DOL

Katie: Hey there. I hope you're doing well. Just following up our provision of information to you in the discovery process. Please let me know if you have any concerns or questions about the information we have provided.

Additionally, you indicated that you intend to ask for depositions of individuals within our clients. As I noted previously, that is fine and we intend to cooperate; however, and as I also noted, we are about to get into Spring Break season and it would be very helpful to know what depositions you want to take and when. Of course, we might want to take depositions as well, so scheduling is about to be at a premium. Please let me know what depositions you'd like to take so that we can endeavor to honor your timing requests. Thanks in advance.

Best, AWN

**Allen W. Nelson**

Member  
Chair, Fractional GC Practice

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<2026.02.19 Joint Motion for Extension of  
Discovery Dealines.doc>

<2026.02.19 - Order.docx>

<2026.03.02 Joint Motion for Extension of Discovery Dealines.doc>

# Exhibit N



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DATA MARKETING PARTNERSHIP, LP,

Plaintiff,

vs.

Case No. 4:19-cv-00800-0

UNITED STATES DEPARTMENT OF LABOR, et al.,

Defendants



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STEVEN LAZAROU

TAKEN ON

TUESDAY, APRIL 7, 2026

9:03 A.M.

CLARK HILL, PLC

3630 PEACHTREE ROAD, NORTHEAST, SUITE 700

ATLANTA, GEORGIA 30326



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1 any other -- any other documentation, you know, any  
2 other financial documentation, but those are the  
3 basic ones. There could be others too that I've  
4 left out, but those are the main ones that you need.

5 **Q. Specifically relating to Data Marketing**  
6 **Partnership, you had mentioned there being one**  
7 **employee in the state of Texas. Does Data Marketing**  
8 **Partnership have any employees in the state of**  
9 **Georgia?**

10 A. I don't think so. I think Adam Rochester  
11 is the only employee and he's in Texas. I do not  
12 think we have any other employees. So to the best  
13 of my knowledge, no.

14 **Q. In your position as part of your CPA**  
15 **practice, do you maintain the records of the**  
16 **documents that were submitted to you by your**  
17 **clients?**

18 A. Yes.

19 **Q. And how long do you typically retain those**  
20 **documents?**

21 A. So I retain them seven years. I think the  
22 IRS only requires you to maintain them three, but I  
23 like to keep them seven just in case, you know, for  
24 some reason they call back. But usually, they don't  
25 go back more than three, but I try to retain at

1 least seven years of data.

2 Q. So any of the documents submitted to you  
3 by Data Marketing Partnership, although I mean, I  
4 guess we're getting close, but you would have  
5 retained those documents since your tax consulting  
6 services initiated; is that correct?

7 A. Yes.

8 Q. And did you provide the documents that you  
9 have related to your tax consulting services for  
10 Data Marketing Partnership in response to requests  
11 for production in this litigation?

12 A. I don't recall. I could have. I don't  
13 know who was -- I think -- I think I did. I think I  
14 provided some tax returns. I don't know if I  
15 provided any backup though. I'm pretty sure I  
16 provided tax returns in 5500s, but I don't know if I  
17 provided any of the backup documentation. That I'm  
18 not sure of.

19 Q. But any of the bank statements that  
20 would've been submitted to you for your tax  
21 consulting services over the last seven years, you  
22 would still have those documents?

23 A. If they were provided to me, yes.

24 Q. And whenever you entered in -- whenever  
25 you began providing tax consulting services to Data

1 A. Potentially.

2 Q. How often have you interacted with Adam  
3 Rochester in 2026?

4 A. We've emailed a few times. I think it was  
5 either late '25, early '26. He helped me obtain the  
6 data from the Legend Browser from the vendor. So he  
7 was instrumental in helping me get this data that we  
8 had previously accumulated.

9 So as far as emails go, I've emailed a  
10 bunch, but I don't -- talking on the phone, not that  
11 often. So I don't know the exact amount. It just  
12 depends. And I know I had some contact with him in  
13 '25 and maybe early '26 regarding that data, trying  
14 to obtain that data so we could have it in-house.

15 Q. And do you still have that data?

16 A. Yes, I have the data. Correct.

17 Q. And when you're referring to the Legend  
18 Browser data -- well, strike that. We'll come back  
19 to that.

20 A. Okay.

21 Q. So what is Randall Johnson's role with  
22 Data Marketing Partnership as it stands today?

23 A. Well, so we have a bunch of these LPs, and  
24 so we're trying to develop ways to accumulate the  
25 data of these limited partnerships. So Randy's

1 always out there trying to develop ways to help  
2 accumulate this data. So he helps me and assists me  
3 in -- he helps accumulate this data so we can try to  
4 sell it in the marketplace. So he's always coming  
5 up with new strategies and new ways to try to  
6 accomplish this.

7 **Q. And so is --**

8 A. So I don't know if there's anything  
9 specific to Data Marketing Partnership, but it's  
10 kind of a broad stroke. If he comes up with an  
11 idea, he'll talk to me and then I'll say, well, does  
12 it make sense to move forward or not and what the  
13 costs are, and those kind of things.

14 **Q. So if Randall Johnson, he doesn't have any**  
15 **type of consulting arrangement specifically with**  
16 **Data Marketing Partnership; is that correct?**

17 A. He does not.

18 **Q. Does he have one with LPMS?**

19 A. He does not. He's an employee of  
20 America's Consumers and Affiliates. So through his  
21 role there, he helps me with the other partnerships.

22 **Q. But as far as any job responsibilities of**  
23 **Adam Rochester --**

24 A. Uh-huh.

25 **Q. -- there is no one other -- or I guess**

1 would Randall Johnson still direct Adam Rochester in  
2 his job responsibilities for Data Marketing  
3 Partnership?

4 A. Yes.

5 Q. How did -- how exactly did Adam Rochester  
6 assist you in retrieving the Legend Browser data?

7 A. He contacted the vendor and asked the  
8 vendor to send it to me. He was the contact with  
9 the vendor. He was the person who -- I didn't have  
10 any interaction with the vendor.

11 Q. Who is the vendor?

12 A. I don't recall his name. Don't recall off  
13 the top of my head.

14 MS. CARR JACOBS: Okay. You know, I have  
15 another line of questioning that might be a little  
16 bit longer. We're five minutes shy of an hour.

17 THE DEPONENT: Want to take a break?

18 MS. CARR JACOBS: A quick 10-minute break.

19 MR. NELSON: 10 minutes?

20 MS. CARR JACOBS: Yes.

21 MR. NELSON: Okay. We'll be back in ten  
22 minutes.

23 THE VIDEOGRAPHER: Please stand by.

24 The time is 9:55 a.m., and we are off the  
25 record.

1 (WHEREUPON, a recess was taken.)

2 THE VIDEOGRAPHER: The time is 10:04 a.m.,  
3 and we are back on the record.

4 BY MS. CARR JACOBS:

5 Q. Mr. Lazarou, I had a couple clarifying  
6 questions related to the transition from when you  
7 were the tax consultant and then until you became  
8 the general partner of LP Management Services. Are  
9 you aware or were there any documents evidencing  
10 this transition?

11 A. Could you clarify that question?

12 Q. Did you execute any documents such that  
13 the role of general partner would transition from  
14 you or from Randy Johnson to you?

15 A. So I don't recall signing them, but I'm  
16 sure I did. I don't recall when I did. I'm sure  
17 there are documents there, but that was six years  
18 ago, so I don't -- I don't know. I'm sure there is,  
19 but I don't remember.

20 Q. And you have not been asked to locate any  
21 documents related to your transition from tax  
22 consultant to general partner for purposes of  
23 production in this litigation?

24 A. I don't recall if I have or haven't.

25 Q. Did you provide any consideration to

1 **Randall Johnson to assume the role of general**  
2 **partner?**

3 MR. NELSON: Objection as to form.

4 You can answer.

5 THE DEPONENT: Not that I recall. I did  
6 not provide any, not that I recall.

7 BY MS. CARR JACOBS:

8 Q. Did you provide -- or I guess, did you  
9 have to make any monetary contribution to the  
10 partnership at the time that you transitioned to  
11 general partner?

12 A. I don't recall, but I don't think so.

13 Q. In 2021, did you make any monetary  
14 contribution to LP Management Services?

15 A. I don't recall.

16 Q. And what about Data Marketing Partnership  
17 in 2021?

18 A. I don't recall.

19 Q. How about in 2022 to LP Management  
20 Services?

21 A. I don't recall.

22 Q. And in 2022 to Data Marketing Partnership?

23 A. I don't recall.

24 Q. Have you ever contributed monetarily to LP  
25 Management Services?

1 A. Correct. Uh-huh. It's been a struggle to  
2 get the software up and running, so yeah, it's been  
3 hard work.

4 Q. Who -- sorry, I didn't mean to talk over  
5 you. Could you repeat the end of your answer?

6 A. No, it's been an uphill climb.

7 Q. So who was the data sold to?

8 A. Distributed Data.

9 Q. Could you spell the first word of that  
10 name?

11 A. Distributed.

12 Q. Oh, with an E-D at the end?

13 A. Yes.

14 Q. Okay. E-D.

15 I was making sure.

16 A. So I'm a little congested. Sorry.  
17 There's a lot of pollen in the air.

18 Excuse me. Much better.

19 Q. And was it only Data Marketing  
20 Partnerships data that was sold to Distributed Data?

21 A. No.

22 Q. What other data was sold?

23 A. There's a whole big file. I don't know  
24 the specifics, but I have a whole bunch of data. I  
25 don't -- I don't know all the details. I don't know

1 -- I don't know the answer, but it's more than just  
2 DMP.

3 **Q. Who facilitates the sale of this data?**

4 A. Define the "facilitates."

5 **Q. Well, you just indicated that you weren't**  
6 **really sure -- and correct me if I misunderstood --**  
7 **that you weren't really sure of what all was**  
8 **included. You knew it was more than the Data**  
9 **Marketing Partnership limited partners. So who is**  
10 **actually taking and aggregating this data to put it**  
11 **in a saleable format to Distributed Data?**

12 A. So I take -- I take the data that I  
13 receive and I send it to this company called  
14 Analytics8, and they put it in a format so that it  
15 can be saleable to wholesalers.

16 **Q. And do you pull the data yourself?**

17 A. No, I receive the data from Suffolk  
18 administration. Suffolk sends me the data that they  
19 accumulate on the app. Then I take this data and I  
20 forward it to Analytics8, and they massage the data  
21 and prepare it for market.

22 **Q. In Analytics E, who is your contact there?**

23 A. Analytics8. I don't know. There's -- I  
24 have three or four people that I email the data to.  
25 I don't remember their names. I'd have to look at

1 the email.

2 Q. And then does Analytics -- and did you say  
3 E as in Edward?

4 A. No, Analytics 8 as in number 8.

5 Q. 8, I apologize. Thank you for clarifying.

6 A. It's okay.

7 Q. Analytics8, would they then contact  
8 Distributed Data for the sale?

9 A. Correct.

10 Q. The sound didn't come through. Could you  
11 repeat your answer?

12 A. Correct.

13 Q. Thank you. And just as an aside, we've  
14 had this issue with the virtual deposition.  
15 Sometimes it might just cut out for a second. So if  
16 I ask you to repeat it, it's just because it just  
17 didn't come through for the video or for the court  
18 reporter.

19 A. I understand. Technology.

20 Q. So do you have -- do you have -- strike  
21 that.

22 Are you in contact with anyone at  
23 Distributed Data?

24 A. Yes.

25 Q. Who is that?

1 A. Alex Renfro.

2 Q. And what do you understand Alex Renfro's  
3 position to be with Distributed Data?

4 A. He's the guy in charge. He's my contact.

5 Q. And how much did Distributed Data pay for  
6 the aggregated data in the month of March?

7 A. 35,900.

8 Q. And so you had said that the limited  
9 partners of Data Marketing Partnership would receive  
10 \$300 for the sale of that data; is that correct?

11 A. \$300 each. That is correct.

12 Q. Thank you. Did the limited partners with  
13 the other partnerships, are they going to be  
14 receiving \$300?

15 A. We haven't -- we haven't worked that -- we  
16 had a meeting with the limited partners of DMP, and  
17 this is what we decided was a fair payment. So we  
18 have to do that with the other partnerships, and we  
19 haven't gone to it yet.

20 Q. And these are other partners of which, you  
21 know, through a chain of entities, but you operate  
22 as the general partner; is that correct?

23 A. Correct, yes. Uh-huh.

24 Q. Is it accurate to say that the data for  
25 all of these -- as it relates to the sale, that the

1 data for all of these partnerships is sold in an  
2 aggregate amount?

3 MR. NELSON: Object as to form.

4 But you can answer.

5 THE DEPONENT: I don't understand -- I  
6 don't understand your question. Yeah. Could you  
7 clarify a little?

8 BY MS. CARR JACOBS:

9 Q. Yeah, and I understand. I'm trying to  
10 also understand a part of your testimony.

11 So is it accurate to say that the data  
12 accumulated through multiple partnerships is bundled  
13 together and sold as aggregated data?

14 A. Yes, that is correct.

15 Q. And so how was it decided that Data  
16 Marketing Partnership would go ahead and receive --  
17 the limited partners would go ahead and receive \$300  
18 for their portion of the aggregated data?

19 A. We had a meeting, and we discussed it.

20 Q. Well, and I guess so my question is how is  
21 Data -- well, Data Marketing Partnership only has  
22 three partners; is that correct?

23 A. Three partners.

24 Q. Three limited partners.

25 A. Correct.

1 Q. And so these other partnerships, how many  
2 limited -- strike that.

3 The other limited partnerships you've  
4 referred to today, are they also -- do they also  
5 only have three limited partners?

6 A. I have to check the records. I don't know  
7 off the top of my head. I don't recall.

8 Q. Do you recall if any of these partnerships  
9 have more than a thousand partners, limited  
10 partners?

11 A. I don't recall.

12 Q. The recent sale in March, did that include  
13 the data that you requested Adam Rochester to put  
14 you in contact with the vendor for from the Legends  
15 Browser?

16 A. No.

17 Q. And so if it's -- so for the latest sale  
18 of data, I mean, how -- do you know how much data  
19 was accumulated?

20 A. How much data? So every week, it varies.

21 Q. How so?

22 A. So it's not consistent. So I provide the  
23 data. I forward the data to Analytics8 on a weekly  
24 basis, so it can vary. And I don't know the  
25 specific amount of how many lines are in the data

1 that I -- we're shooting for 50,000 records a month  
2 is what we're at the baseline we're shooting for.

3 **Q. And 50,000 records a month, would each**  
4 **record reflect an individual?**

5 A. Each record would be specific to an  
6 individual, yes.

7 **Q. So you're shooting --**

8 A. No, no, no, no, no, no. Each record would  
9 be specific to our individuals. It would be an hour  
10 of time for each individual, yes.

11 **Q. Okay.**

12 A. So it tracks time by the hour. It tracks  
13 -- the data tracks for an hour's time period. Each  
14 record represents an hour's time of that individual.  
15 It's kind of complicated.

16 **Q. So you're shooting for 50,000 hours of**  
17 **recorded data to be submitted each month?**

18 A. Correct.

19 **Q. Okay. So that amount though wouldn't be**  
20 **possible for the three partners of Data Marketing**  
21 **Partnership --**

22 A. No, this is aggregated with all the LPs.

23 MR. NELSON: Let her finish her question,  
24 please.

25 THE DEPONENT: I'm sorry. Excuse me.

1 MR. NELSON: Counsel, could you just re-  
2 ask that so we have a clean record on that?

3 MS. CARR JACOBS: Could we just read back  
4 my question from the court reporter?

5 MR. NELSON: Sorry.

6 (WHEREUPON, the record was played back.)

7 BY MS. CARR JACOBS:

8 Q. So can you answer that question?

9 A. Could you repeat the question, please?

10 Q. It was just repeated. Did you not hear  
11 it?

12 MR. NELSON: Objection as to form.

13 THE DEPONENT: I need you to repeat the  
14 question if you want me to answer the question  
15 correctly, please.

16 MS. CARR JACOBS: Okay. Could you -- I'm  
17 going to have the court reporter have it play back,  
18 so listen to what's being played back, please.

19 THE DEPONENT: Okay.

20 MS. CARR JACOBS: And then I believe at  
21 the end, whenever we spoke over each other, I was  
22 merely saying correct at the end. So you can answer  
23 the question that was asked previously.

24 So if we could play that back again,  
25 please.

1 THE REPORTER: Yes, please stand by.  
2 (WHEREUPON, the record was played back.)  
3 THE DEPONENT: So you'd like me to respond  
4 to the question, though?

5 BY MS. CARR JACOBS:

6 Q. Yes, please.

7 A. Okay. So the answer is no.

8 Q. Why not?

9 A. Because the data is aggregated for all the  
10 LPs, and through all the LPs, we can reach that  
11 goal.

12 Q. So generally speaking, how many limited  
13 partners do you have participating in the -- or  
14 participating in the collection of data across the  
15 limited partnerships?

16 A. I do not know.

17 Q. Do you have an estimate?

18 A. No.

19 Q. Do you -- other than the three limited  
20 partners, you cannot say generally if it's more than  
21 a thousand people?

22 A. I can't. That's not -- my role is on the  
23 data side, so I do not know.

24 Q. So in March of 2026, the limited  
25 partnerships were able to produce records for 50,000

1 -- or 50,000 hours; is that correct?

2 MR. NELSON: Objection as to form.

3 You can answer.

4 THE DEPONENT: I didn't -- I didn't review  
5 the data that closely, so I'm not sure, but there  
6 was a lot of data, but I'm not sure how much it was.  
7 It could have, but I'm not sure.

8 BY MS. CARR JACOBS:

9 Q. Now, with the sale of the data for the  
10 month of March to Distributed Data, have there been  
11 any discussions with Distributed Data for the sale  
12 of subsequent months of data?

13 A. The payment's going to continue as long as  
14 we provide the data.

15 Q. And that payment being the 39 -- or  
16 \$35,900; is that correct?

17 A. Correct.

18 Q. Why was it that -- or strike that.

19 In the meeting with Data Marketing  
20 Partnership Limited Partners, who called that  
21 meeting?

22 A. I called the meeting.

23 Q. And have you called meetings with Limited  
24 Partners for any of the other limited partnerships?

25 A. Not yet. It's in the works.

1 Q. Why not?

2 A. Because I haven't gotten around to it. I  
3 have to get around to it.

4 Q. What do you mean by "it's in the works"?

5 A. We are planning on doing that. Yeah, I'm  
6 planning on doing that.

7 Q. So what steps have been taken to do that  
8 to date?

9 A. I have not done anything as of yet.

10 Q. Why did you prioritize doing that for Data  
11 Marketing Partnership?

12 A. Because we had to start with one, and we  
13 started with them. No reason.

14 Q. Who is "we"?

15 A. I chose to start with Data Marketing  
16 Partnership. It was my choice to start with them.  
17 Had to start somewhere.

18 Q. And there's no other reason why you  
19 would've started with Data Marketing Partnership?

20 MR. NELSON: Objection as to form. It's  
21 asked and answered as well.

22 BY MS. CARR JACOBS:

23 Q. You can answer.

24 A. No.

25 Q. What day did the sale of the March data

1 occur?

2 A. Is the question when did I receive  
3 payment, or what is your question?

4 Q. What day did you understand Distributed  
5 Data to be purchasing the aggregated data?

6 A. I received payment on March 31st, so that  
7 would be the day that I knew the transaction went  
8 through.

9 Q. When did you first understand that  
10 Distributed Data would be purchasing Data Marketing  
11 -- or the aggregated data?

12 A. Could you repeat the question, please?

13 Q. Well, I -- let me rephrase a little bit.

14 I understand when you received payment.  
15 You just said that it was March 31st. When did you  
16 first learn that Distributed Data would be  
17 purchasing the aggregated data?

18 A. I entered into a contract with Distributed  
19 Data, I think, in July of 2025.

20 Q. So what is your understanding of why  
21 Distributed Data had not purchased any data since  
22 July of 2025?

23 A. I don't understand your question. Could  
24 you repeat that?

25 Q. What is your understanding of why

1 Do I understand that correctly?

2 A. That is correct.

3 Q. And so what app collected that data from  
4 2023?

5 A. It's called the Ease Total Health  
6 Application.

7 Q. And how did you provide Distributed Data  
8 with the Ease Total Health application data?

9 A. I opened up a Dropbox account to share  
10 files, and I uploaded the files to this Dropbox  
11 account. There was one file. It was one file for  
12 the data from sometime in '23 to February of '26,  
13 and then I do it on a weekly basis moving forward.

14 Q. Why hadn't -- or had you provided this  
15 data -- scratch that. Strike that.

16 When did you -- when did you provide them  
17 with this data?

18 A. Recently.

19 Q. Within the last couple of weeks? What do  
20 you mean by "recently"?

21 A. Yes, yes, correct.

22 Q. And so if you entered into this contract  
23 in July, why hadn't you provided them this data in  
24 July?

25 A. Because it takes -- we're working in a new

1 tell me I didn't. Put it that way. So I gave them  
2 a whole -- that whole data was in one file, so I  
3 don't know if I broke it down by month, but I know  
4 that I gave them more than 50,000 records for the  
5 period -- I gave them 500,000 records for the period  
6 sometime early '23 through the end of February '26.  
7 So I gave them a tremendous amount of records for  
8 that time period.

9 And it wasn't -- it wasn't like written in  
10 stone. It was a goal. It wasn't, if you don't meet  
11 that, then you're not going to get paid. That was  
12 not -- it's just what we're trying to accomplish  
13 every month.

14 **Q. But you didn't actually provide any data**  
15 **until March of 2026; is that right?**

16 **A. That's correct.**

17 **Q. And so in understanding that the data**  
18 **provided covered the month since the agreement was**  
19 **entered into, but what did you tell Distributed Data**  
20 **about why you were unable to physically provide the**  
21 **data prior to March of 2026?**

22 **MR. NELSON:** Objection as to form.

23 You can answer.

24 **THE DEPONENT:** Because we were working out  
25 the kinks in the software.

1 BY MS. CARR JACOBS:

2 Q. Who is "we"?

3 A. The people at Suffolk who were trying to  
4 get the data in a format so that they could give it  
5 to me and I'd give it to Analytics8, as I stated  
6 previously.

7 Q. And who is your contact at Suffolk?

8 A. Oh, Juan. I don't -- I don't remember his  
9 last name. I have a few contacts at Suffolk, but  
10 Juan is the contact for the data. I forget his last  
11 name.

12 Q. Who are your other contacts at Suffolk?

13 A. Hector Lugo, I deal with on the health  
14 insurance side. And who else do I deal with at  
15 Suffolk? I think Hilda Falcon is in legal. I think  
16 those are the three I mainly deal with at Suffolk.  
17 And there's a new guy, Rafa. Rafa something. He  
18 just started. He was an insurance commissioner in  
19 Puerto Rico that we just hired -- not we -- that  
20 they hired on. Those are my four main contacts at  
21 Suffolk.

22 Q. And what is Suffolk's relationship to Data  
23 Marketing Partnership?

24 A. They're the health insurance provider.

25 Q. And who is Affordable Benefit Choices?

1 earlier related to premium payments.

2 A. Is that health insurance?

3 Q. I'm sorry?

4 A. What does premium payments mean?

5 Q. Premium payments for health insurance on  
6 -- for Data Marketing Partnership Limited Partners.

7 What documents do you have to show that those  
8 payments have been made?

9 A. I make the payments on a monthly basis.

10 Q. So how would those payments be reflected?

11 A. I wire the money to Atheer.

12 THE REPORTER: Repeat, please.

13 THE DEPONENT: I wire the funds on a  
14 monthly basis through Atheer. The insurance -- what  
15 do you call it -- the TPA? I don't know. Third  
16 party administrator, I think you call them. All  
17 these technical terms.

18 BY MS. CARR JACOBS:

19 Q. And who is your contact at Atheer?

20 A. I don't have a contact there. I just pay  
21 the premium.

22 Q. And when you pay the premium, is it out of  
23 an account specifically associated with Data  
24 Marketing Partnership?

25 A. No, it's out of an account -- I pay one

1 through the LP Management Services account.

2 Q. And when was that account established?

3 A. I don't know.

4 Q. And have these premium payments been made  
5 on behalf of Data Marketing Partnership Limited  
6 Partners since they joined Data Marketing  
7 Partnership?

8 A. I don't recall. Don't know exactly when  
9 they started.

10 Q. Are you -- do you recall if these payments  
11 to Atheer were made to date for the entirety of  
12 2026?

13 A. I've paid January, February, March of 2026  
14 to date. Correct.

15 Q. Did you pay any to 2025?

16 A. I paid -- I made every payment in '25,  
17 yes. I made all the payments in '25 for the health  
18 insurance. Yes, I remember '25. Correct.

19 Q. How about 2024?

20 A. Do not recall. I can only go back so far,  
21 so I'm not sure.

22 Q. And is the answer the same for 2023?

23 A. Correct.

24 Q. And 2022?

25 A. Correct.

1 Q. 2021?

2 A. Correct.

3 Q. Would you have bank statements reflecting  
4 these payments?

5 A. So the bank account switched. I have the  
6 bank account statements from -- well, I think I set  
7 up a Wells Fargo account -- God -- '23 or '24. So  
8 anything since I set up the account, I would have  
9 that. Previously, there's another account that we  
10 used at Chase that I would have those records too.  
11 It's two different accounts, two different bank  
12 accounts.

13 Q. But these are records that you could  
14 access and provide?

15 A. Yeah. If you needed the records, I could  
16 provide them for you, sure. Of course.

17 Q. Are you aware if there's any period of  
18 time that the Limited Partners for Data Marketing  
19 Partnership would not have had health insurance  
20 available to them during their tenure as Limited  
21 Partners for Data Marketing Partnership?

22 A. I don't recall.

23 Q. Are you aware if any of the partners --  
24 limited partners for Data Marketing Partnership ever  
25 received a K-1?

1 MR. NELSON: That's better.

2 BY MS. CARR JACOBS:

3 Q. So on the first page for assets -- or  
4 well, let me strike that.

5 What is this document that's on the screen  
6 before you?

7 A. It's a balance sheet of the partnership  
8 for the years 2019 to 2024. The years ended.

9 Q. Okay. And so looking at 2019, can you  
10 start at the top and tell me -- tell me what each, I  
11 guess, amount listed there indicates?

12 MR. NELSON: Objection as to form. The  
13 document speaks for itself.

14 BY MS. CARR JACOBS:

15 Q. You can answer.

16 MR. NELSON: Yeah, you can answer.

17 THE DEPONENT: So cash is \$2,000. That  
18 was probably allocated to it from the LPMS bank  
19 account. I don't think at that time there was a  
20 checking account for it. We had a loan that we had  
21 access to to fund the business, so that -- what the  
22 loan outstanding was. And then the partner's  
23 capital is what -- you know, it's negative equity  
24 because we used the loan to fund the business.

25 BY MS. CARR JACOBS:

1 Q. And where is that loan from?

2 A. Oh, I have to look in my documentation. I  
3 don't recall off the top of my head.

4 Q. Okay. And so in 2022, there's the cash  
5 asset is no longer listed. Would that have been  
6 because it had been spent?

7 A. Correct.

8 Q. And then we see a significant increase in  
9 the loan -- strike that. Let me go back.

10 In 2020 -- in 2019, where it says \$37,000  
11 loans long-term, would that -- would \$37,000 have  
12 been spent by the business?

13 MR. NELSON: Objection as to form.

14 THE DEPONENT: I don't understand your  
15 question.

16 BY MS. CARR JACOBS:

17 Q. Well, so I guess I'm trying to understand.  
18 So for the loans long-term, Data Marketing  
19 Partnership in 2019 would have received a loan in  
20 the amount of \$37,000, correct?

21 A. Well, not per se, because each partnership  
22 would share in the loan. So the loan could have  
23 been allocated amongst each partnership share.

24 Q. Now at the top of this document, though,  
25 you do see that this appears to be specific -- a

1 the net 113 minus -- excuse me -- the 37, whatever  
2 that number is, 80 grand or so is probably what  
3 expenses were allocated to the business --

4 Q. And -- I'm sorry, can you repeat the end  
5 of that? I didn't mean to cut you off.

6 A. Yeah, I don't know. I'd have to see the  
7 P&L, but there could be other things too. But the  
8 difference, the increase in the loan is probably  
9 funds used to fund the operating expenses of the  
10 business for that year.

11 Q. And with this balance sheet, you said a  
12 P&L. Is that a profit and loss statement?

13 A. Correct.

14 Q. And so there would've been a profit and  
15 loss statement accounting for each of the -- each of  
16 the years recorded here?

17 A. Yes, yes. Tax returns, too.

18 Q. And do you have access to those profit and  
19 loss statements still?

20 A. Do I have access to them? Sure.

21 Q. And you've not been asked to provide them  
22 in response to discovery requests in this  
23 litigation?

24 A. I don't recall.

25 MR. NELSON: Objection to the extent it

1 requires him to reveal attorney-client privileged  
2 conversations.

3 You've been asked by somebody other than  
4 your lawyer, the lawyers. You can answer that  
5 question, but otherwise, I'm going to instruct you  
6 not to answer.

7 BY MS. CARR JACOBS:

8 **Q. Did you provide profit and loss statements**  
9 **in the course of this litigation?**

10 A. I do not recall.

11 MS. CARR JACOBS: Okay. We'll go to the  
12 next page of the document. Can you scroll down a  
13 little bit?

14 THE DEPONENT: It's a profit and loss  
15 statement.

16 MS. CARR JACOBS: Oh, well, let's make --  
17 let's get the -- there we go. I want to get the  
18 title in.

19 BY MS. CARR JACOBS:

20 **Q. You see at the top of that document is**  
21 **Data Marketing Partnership LP, correct?**

22 A. Correct.

23 **Q. And you had testified that you had**  
24 **prepared this document?**

25 A. I'm pretty sure I did, yeah.

1 You can answer.

2 THE DEPONENT: I use the bank statements,  
3 the health insurance invoices, the payroll records.

4 BY MS. CARR JACOBS:

5 Q. And do you still have those documents?

6 A. Of course. Well, I have them at least for  
7 seven years. I'll start getting rid of them after  
8 seven years.

9 Q. I guess I'll go ahead and ask you if you  
10 can hold onto them as it relates to this litigation.

11 A. Okay. Sure.

12 Q. So from the documents that we had reviewed  
13 -- well, I guess the one that's on the screen still,  
14 the loan, long-term, all of that, do you recall who  
15 provides that loan?

16 A. That loan was in place before I came on as  
17 general partner, so I inherited it, but I don't  
18 remember the details of it.

19 Q. Does that loan provide for the operational  
20 expenses for Data Marketing Partnership?

21 A. Currently or previously?

22 Q. For 2025.

23 A. For the first six months, yes.

24 Q. And did you have to submit any -- did you  
25 have to submit statements or anything to the loan to

1 receive -- to receive the funds?

2 A. Yes, I sent a monthly -- a monthly  
3 statement to them.

4 Q. And who did you submit that to?

5 A. Keith Berglund, Esquire.

6 Q. I'm sorry, could you say his name a little  
7 more -- a little slower?

8 A. Certainly. Keith Berglund, Esquire.

9 Q. And what did you submit to him?

10 A. I submitted to him a funding request, you  
11 know, listing out the funds I was going to need for  
12 operational expenses for the month.

13 Q. And who is Keith Berglund, Esquire?

14 A. He's the person I sent the invoice to, to  
15 get paid.

16 Q. And so was he personally providing this  
17 loan?

18 A. No.

19 Q. So did he hold a position with another  
20 entity?

21 A. He must have, yes. I don't know his exact  
22 -- but he was the representative of that entity  
23 who's funding that loan.

24 Q. Was there anyone else copied on these  
25 submissions?

1 A. No, just Keith. To the best of my  
2 recollection, but I'm pretty sure it was just Keith  
3 who was copied -- who was not copied, but directly  
4 emailed. I don't think there was anyone else, but I  
5 don't recall.

6 Q. Are you aware if Keith Berglund, Esquire,  
7 works with Momentum Capital, LLC?

8 A. I have no idea.

9 Q. Are you familiar with Momentum Capital,  
10 LLC?

11 A. I'm not familiar with Momentum Capital.

12 Q. And so since July of 2025, when LP  
13 Management Services entered into the agreement with  
14 Distributed Data, is LP Management Services paying  
15 back the loaned amounts to -- or to whatever company  
16 Keith Berglund, Esquire, works for?

17 A. We have not paid anything back at this  
18 point, but we plan on, but at this juncture, we have  
19 not.

20 Q. So since entering the agreement with  
21 Distributed Data in July of 2025, has the amount  
22 provided by Distributed Data, does that cover all of  
23 the expenses of LP Management Services?

24 A. Correct.

25 Q. And do you receive any distributions in

1 **your role with LP Management Services?**

2 A. I have not to date, no.

3 THE REPORTER: Repeat, Mr. Lazarou.

4 THE DEPONENT: I have not received any  
5 distributions to date.

6 BY MS. CARR JACOBS:

7 **Q. Have there been discussions with Keith**  
8 **Berglund, Esquire, about repayment of the loaned**  
9 **amounts?**

10 A. Yes.

11 **Q. And what was discussed?**

12 A. When is this loan going to get paid back?

13 **Q. And what did you tell him?**

14 A. I said, "When we have the funds, they'll  
15 get paid back. The cashflow doesn't provide us to  
16 pay it back at this juncture. As soon as we have  
17 funds, we will pay it back."

18 **Q. Is there any interest accruing on that**  
19 **loan?**

20 A. Yes, it -- yes, there is.

21 **Q. Do you recall what rate?**

22 A. I do not.

23 **Q. Are there any documents evidencing this**  
24 **loan agreement?**

25 A. I think there is a -- there is a loan

1 agreement in place, yes.

2 **Q. Is that unsecured?**

3 A. Yes, correct. I don't know. I'm not  
4 sure. I'm not sure. I don't recall. I'd have to  
5 look at the documentation to make sure. I correct  
6 -- that answer's correct that I need to look at the  
7 documentation to provide a good answer on that.

8 **Q. Are you familiar with a program called Our**  
9 **Data Rewards Program?**

10 A. I am not familiar.

11 MS. CARR JACOBS: Okay. I'm kind of  
12 trying to think of this in segments. I think it  
13 makes sense for us to take a break now, and then  
14 hopefully -- hopefully, I can streamline a lot of  
15 this. And so I don't want to go down a longer line  
16 of questioning and then us be overdue for a break.  
17 So let's take a break now for 10 minutes, and then  
18 we'll be back at 2:02.

19 THE VIDEOGRAPHER: Please stand by. The  
20 time is 12:52 p.m., and we are off the record.

21 (WHEREUPON, a recess was taken.)

22 THE VIDEOGRAPHER: The time is 1:05 p.m.,  
23 and we are back on the record.

24 BY MS. CARR JACOBS:

25 **Q. Mr. Lazarou, let me know, I'm happy to put**

1 have to be -- it's just got to be on and your  
2 location button has to be turned on. But other than  
3 that, it doesn't have to be on your screen active.  
4 It can be in the background working, but it has to  
5 be turned on and the location service has to be on.

6 **Q. Okay. For the review of the 500-hour**  
7 **service requirement, what did that item on the**  
8 **agenda entail from your presentation perspective?**

9 A. I just reminded them what the requirement  
10 was for them to maintain their status as a limited  
11 partner.

12 **Q. And I'm sorry, I want to go back to the**  
13 **health app for a second. When you received their**  
14 **feedback, did you do anything with that information?**

15 A. It was positive feedback, so no, I had not  
16 done anything with the feedback because it was all  
17 good and they were all happy and there was nothing  
18 really to me critique and forward to someone to help  
19 improve the app. It was not hard to use, and it was  
20 all good.

21 **Q. If the app -- if there was information**  
22 **that needed to be forwarded, who would you have**  
23 **forwarded it to?**

24 MR. NELSON: I'm going to object -- I'm  
25 going to object to the form of the question. Calls

1 for speculation.

2 But you can answer the question.

3 THE DEPONENT: Either I would send it to  
4 Juan at Suffolk and copy Alex Renfro.

5 BY MS. CARR JACOBS:

6 Q. Now item two, it says, "Update on health  
7 plan," and then in parentheses it says, "Suffolk  
8 Administrative Services, LLC, representative."

9 Was there a Suffolk Administrative  
10 Services LLC representative present at the meeting?

11 A. I don't -- now that I think about it, I  
12 think they came in late. Yes, there was a Suffolk  
13 representative there to help me explain it. Yes,  
14 they came in late.

15 Q. And was that Alex Renfro?

16 A. No, it wasn't Alex. It was -- I don't  
17 remember the person's name though.

18 Q. Was Alex Renfro present at this meeting?

19 A. He was not present at the meeting.

20 Q. And then I'm not interested in any of the  
21 substance for the bullet point number three, but  
22 you'd indicated Adam Rochester and the three limited  
23 partners were present. Was any of your counsel  
24 present at the meeting?

25 A. Now that I think, I think Jonathan came

1 documentation to prove that. I just I think I've  
2 heard that --

3 Q. Okay. Are you familiar --

4 A. -- in conversation.

5 Q. I'm sorry, go ahead.

6 A. In conversation.

7 Q. Are you familiar with an entity called  
8 Providence Insurance Company?

9 A. Yes, Providence was affiliated when I did  
10 the Form 5500s. So was it a TPA? It was one of the  
11 entities I listed on the Form 5500.

12 Q. And why would you list an entity on the  
13 Form 5500?

14 A. Because they had affiliation because the  
15 plan spent money with that company, so it had to be  
16 listed on the 5500. So any vendor that we use, the  
17 vendor should be listed on the Form 5500.

18 Q. Do you recall any documents that would  
19 reflect using Providence Insurance Company as a  
20 vendor?

21 A. So I did not pay Providence directly.  
22 Suffolk would, and then Suffolk provided me with a  
23 spreadsheet so I could prepare the Form 5500s. So I  
24 didn't have any direct correspondence or interaction  
25 with Providence, but Suffolk did.

1 Q. And would you still have these  
2 spreadsheets?

3 A. I think so. I don't -- unless if some got  
4 deleted by accident, but I don't -- you know, I  
5 maintained them, so I should have them, yes.

6 Q. And with these spreadsheets, do they -- do  
7 they relate specifically to Data Marketing  
8 Partnership, or would it be for LP management  
9 services?

10 A. It would be a spreadsheet that has the  
11 total cost, and then each cost is allocated to each  
12 individual LP. So it would be a total cost for LP  
13 management services, and then Suffolk came up with a  
14 way to allocate each cost to each -- you know, to  
15 each LP. So there was a formula involved, so it  
16 wasn't just cut and dry.

17 Q. And what is the purpose of a Form 5500?

18 A. It's to inform the federal government of  
19 the health plan that's in place so they know how  
20 many participants in the plan, who the vendors are,  
21 et cetera.

22 Q. If you would fill out a Form 5500, that  
23 would've been on behalf of Data Marketing  
24 Partnership; is that correct?

25 A. I think I did, yes. I think I prepared

1 one.

2 Q. And would you prepare that every year that  
3 it was in operation?

4 A. I should have. I don't remember the years  
5 I prepared and didn't prepare, but I know I've done  
6 one or two.

7 Q. Well, one or -- so if you've done one or  
8 two, who would've prepared the others?

9 A. I don't recall. I just don't remember. I  
10 have to go through my records and figure it out. I  
11 don't recall.

12 Q. But with your seven-year retention, you  
13 would still have any of the Form 5500s that have  
14 been prepared for Data Marketing Partnership; is  
15 that correct?

16 A. I should have them, correct. Unless they  
17 got deleted by accident, I should have those  
18 records, correct.

19 Q. Okay.

20 A. Yeah.

21 MS. CARR JACOBS: I think -- I'm hoping  
22 that this will be our last break, but I think it  
23 would make sense now to do a quick break and then  
24 come back on and go through the final line of  
25 questioning that I anticipate having at this moment.

1 Q. I have some clarifying questions based on  
2 your testimony today that I want to better  
3 understand.

4 A. Okay.

5 Q. You had testified earlier that you would  
6 provide -- and correct this that this is wrong. I  
7 want to make sure I understand. With the agreement  
8 entered into in July, you would provide data. Was  
9 that data -- would you gather that data from Suffolk  
10 and then provide it, or how was that -- I guess  
11 strike that.

12 How would you procure the data to provide  
13 it pursuant to the Distributed Data agreement?

14 MR. NELSON: Objection to the form.  
15 You can answer.

16 THE DEPONENT: As I said previously, they  
17 provide me the data on a weekly basis. Since March  
18 3rd, they've been providing it, and they've done it  
19 five times. And they put the data into an Excel  
20 spreadsheet, and they drop it in the Dropbox and  
21 follow up with an email.

22 So I've been getting the data through  
23 Dropbox in an Excel spreadsheet format weekly. And  
24 then I take the data and I forward the data -- well,  
25 I think -- I think Analytics8 has access to it, but

1 also password protected email it to them just if  
2 they forget to go get it. I just want to make sure  
3 they get it. So I send them an email to -- I think  
4 I attached the data to them. So that's how it's  
5 been working the last three or four weeks.

6 BY MS. CARR JACOBS:

7 Q. Okay. And whenever you say "they provide  
8 the data on a weekly basis," you're referring to  
9 Suffolk?

10 A. Suffolk, correct.

11 Q. Okay. And then I apologize. I couldn't  
12 quite hear then who you said you sent the data to.

13 A. Analytics8.

14 Q. Analytics8. I remember that.

15 A. And that's per -- I'm sorry.

16 MR. NELSON: Let her finish.

17 Counsel, did you ask a question?

18 MS. CARR JACOBS: No, he can finish his  
19 statement. That's per -- what was that?

20 THE DEPONENT: Per instructions of  
21 Distributed Data.

22 MS. CARR JACOBS: Okay.

23 MR. NELSON: That's fine.

24 BY MS. CARR JACOBS:

25 Q. And so have you provided the data that you

1 to January 1, 2025?

2 A. I don't know.

3 MS. CARR JACOBS: We can take this  
4 document down.

5 BY MS. CARR JACOBS:

6 Q. What was the email address that you used  
7 prior to the one we identified with the dot net  
8 email address?

9 A. It could be laz@zbizcpa.com or it could be  
10 Steve Laz, S-T-E-V-E-L-A-Z@comcast.net.

11 Q. Why did you switch email addresses?

12 A. I didn't switch. I added an email  
13 address.

14 Q. Okay. Why did you add an email address?

15 A. Because I was getting a high volume of  
16 emails, and I thought it was a better idea to keep  
17 my accounting firm data and my -- the LPMS data  
18 separate.

19 Q. Earlier we had discussed Suffolk -- or  
20 correct me if I'm incorrect. I want to make sure  
21 that I'm getting from the correct entity, but  
22 Suffolk would prepare and submit invoices for  
23 premiums paid by Data Marketing Partnership; is that  
24 correct?

25 A. For health insurance?

1 Q. Yes.

2 A. Correct. I receive an email once a month.

3 Q. Okay. And do you receive the email to the  
4 newer email we were discussing throughout your  
5 testimony today?

6 A. Sometimes. They don't always get it  
7 right. Sometimes they use the old email.

8 Q. Okay.

9 A. I try to force them to use the new email,  
10 if possible, and I keep correcting them when they  
11 make mistakes, but for the most part, they're trying  
12 to use the new email, correct.

13 Q. But I guess in line with your retention  
14 policy that you'd mentioned the seven years, you  
15 would still have those invoices; is that correct?

16 MR. NELSON: Objection as to form.

17 You can answer.

18 THE DEPONENT: I'm not sure. I hope so.  
19 I think I have it. I'm not a hundred percent sure  
20 though.

21 MS. CARR JACOBS: Sorry, I'm just thinking  
22 for one moment.

23 MR. NELSON: No worries.

24 THE DEPONENT: There was another email  
25 address used to zeusbiz@comcast.net. It was also

CERTIFICATE

I, the undersigned, Mark Nilson, am a videographer on behalf of NAEGELI Deposition & Trial. I do hereby certify that I have accurately made the videorecording of the deposition of Steven Lazarou, in the above captioned matter on the 7th day of March, 2026, taken at the location of 3630 Peachtree Road NE, Suite 700 in Atlanta, GA 30326.

No alterations, additions, or deletions were made thereto.

I further certify that I am not related to any of these parties in the matter and I have no financial interest in the outcome of this matter.



Mark Nilson

CERTIFICATE

I, Jennifer Leucken, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 7th day of April, 2026.



Jennifer Leucken, CER No. 5111

# Exhibit O



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DATA MARKETING PARTNERSHIP, LP,

Plaintiff,

vs.

CASE NO. 4:19-CV-00800-0

UNITED STATES DEPARTMENT OF LABOR, et al.,

Defendants.



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REMOTE VIDEOTAPED DEPOSITION OF

RANDALL JOHNSON

TAKEN ON

THURSDAY, APRIL 2, 2026

10:08 A.M.

5244 GAULEY RIVER DRIVE

STONE MOUNTAIN, GEORGIA 30087



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1 provide help for.

2 BY MS. CARR JACOBS:

3 Q. What types of -- well, okay. So let me go back. So  
4 you were the manager of the general partnership; is that  
5 correct?

6 A. I was manager --

7 Q. Or --

8 A. -- of the owner of LPMS during the time I was there,  
9 right? I mean, during the -- the January '19 through December  
10 '20.

11 Q. And so if he's going to be available from, like, the  
12 human perspective to do whatever job responsibilities are  
13 required by the manager, would you have been the one to assign  
14 him his job duties?

15 MR. NELSON: Objection. Calls for speculation.

16 You can answer that.

17 THE DEPONENT: Initially, I would have described to  
18 him to be available and included him in the group chats of the  
19 -- among the various employees with the idea that each -- any  
20 of them could ask him to help. The job description was to be  
21 available for all the employees to help with all the  
22 partnerships.

23 That's what I said. Whether that was modified by  
24 Steve, I do not know.

25 BY MS. CARR JACOBS:

1 Q. You had mentioned earlier that he was on group chats.  
2 Where were these group chats located? What platform?

3 A. I don't think it was Slack. I don't think it was  
4 Whats App. And it wasn't -- I don't think it was text. So I  
5 don't -- it -- it could have been email. It could have been  
6 email.

7 Q. Have you provided any documents -- have you been  
8 asked to provide any documents responsive to discovery requests  
9 in this litigation?

10 A. I was asked to review --

11 MR. NELSON: Objection. Objection to the extent that  
12 it is asking for attorney-client privilege information.

13 BY MS. CARR JACOBS:

14 Q. You can answer.

15 A. It would have been the -- it would have been  
16 requested by --

17 MR. NELSON: You can answer beyond that. Yeah.

18 THE DEPONENT: It would have been requested by -- by  
19 the lawyers on this call. And other than to review the  
20 documents that I saw, and maybe prior from relating to this  
21 matter, I don't know.

22 I don't know. I may have been asked to look at this  
23 and say, is there anything I found that was responsive?

24 BY MS. CARR JACOBS:

25 Q. Do you have -- do you still maintain the email

1 Q. Are you --

2 A. By the way, that handles -- that handles overhead.  
3 It isn't a payout to the partners, because it is unlikely that  
4 that ten percent would cover the overhead of the partnership.

5 Q. And so how was the overhead of the partnership  
6 provided for?

7 A. Loans from a company, I believe, it's called UDMC,  
8 User Data Marketing Corp. I -- this is -- I haven't seen this  
9 in years, so that could be inaccurate, but I think it's close  
10 to that, and that was the company that provided loans to LPMS  
11 to fund the development and initial operations.

12 Q. What is your understanding -- or I guess, to your  
13 knowledge, was there any interest on these loans?

14 A. I believe so.

15 Q. Okay. And did you ever interact directly with User  
16 Data Marketing Corp to -- to secure these loans?

17 A. I think I had -- interact. I think I signed the  
18 promissory note that, you know, the -- call it a line of  
19 credit, if you will, on behalf of LPMS. It would have been  
20 about 2019. I don't recall what it says, but I -- it's logical  
21 I would have signed that.

22 And then through -- and then prepare the -- the  
23 monthly overhead invoices for Steve to submit. Which was, you  
24 know, subject to approval by the lender.

25 Wasn't -- as -- as I explained, we were -- we were

1 more or less shut down due to demand, no more funding for the  
2 Legend browser. I don't know if demand. I don't know.

3 I was told that there was no more funding for the  
4 Legend browser. That's the best way to say it between Alex and  
5 Steve.

6 **Q. How much did you understand the line of credit to be?**

7 A. I think the original promissory note was -- I haven't  
8 seen it in a long time, but it could have been as much as  
9 900,000, \$1 million in possible loans, but it wasn't obligated.

10 It was documented on whatever amount was approved.  
11 But that's the maximum that was -- I believe that was allowed.  
12 But the borrower didn't have the right to just borrow the  
13 money.

14 **Q. So if you submitted an invoice, were there times when**  
15 **you'd submitted an invoice and it was not approved?**

16 A. Yes.

17 **Q. And who was responsible for payment of those**  
18 **expenses?**

19 A. No. It was expenses that had been approved, were  
20 generally approved. I mean, were not cut back because we had  
21 -- those are current obligations. But the funding, the invoice  
22 had an estimate for the coming month, in the -- for -- for  
23 LPMS.

24 And feedback that frankly, Steve would tell me, you  
25 can't do that. That -- resubmit an invoice that's less. You

1 can't pay for that technology upgrade. You can't pay for that,  
2 you know, whatever the expenses were.

3 I don't really recall which ones were rejected, but  
4 there was a number of times it was rejected, especially in the  
5 summer of -- of 2024.

6 **Q. So when Steve was indicating that you cannot submit a**  
7 **-- or plan to submit for the following month --**

8 A. Mm-hmm.

9 **Q. -- of various expense, was he stating that in a**  
10 **capacity as part of User Data Marketing Corp?**

11 A. No. I think --

12 MR. NELSON: Objection. Calls for speculation.

13 THE DEPONENT: Oh, you're right. That's right.

14 I don't know. I don't know. I -- I don't think he  
15 was part of UDMC. I think he was acting as manager, having  
16 gotten feedback from the UDMC, whoever the recipient is that he  
17 dealt with to get funding, and that was -- parts of it were  
18 rejected from time to time.

19 BY MS. CARR JACOBS:

20 **Q. Do you know who at UDMC would be rejecting that?**

21 A. I do not know. I do not know. That would be  
22 speculation. I do know that I worked from Steve. There's a man  
23 whose name is Keith, somebody, a lawyer in -- in Los Angeles,  
24 who he referred to, and I used to know his last name, who he  
25 did say from time to time they were -- he rejected it.

1 Q. And who exactly -- what entity exactly would have  
2 entered into the loan agreement with UDMC?

3 A. LPMS, I think. I mean, AMP or LPMS, either the --  
4 above it or LPMS. I don't know which.

5 Q. Is there any entity structure that is above  
6 AMP in this I guess line of entities?

7 MR. NELSON: Objection. To the extent it calls for  
8 speculation.

9 You can answer if you know.

10 MS. CARR JACOBS: Briefly, Mr. Nelson, I am,  
11 especially given that we are dealing with a lawyer, I am going  
12 to ask that you please refrain from speaking objections and  
13 remain to form as it has already changed the basis of his  
14 testimony based on your objections. So if you could limit your  
15 objections to form, that would be appreciated.

16 MR. NELSON: Unless I have other objections, which  
17 are legitimate, and -- and I'm happy to do that. But form is  
18 not the only objection that's acceptable in the deposition on  
19 the Federal Rules of Evidence, as you know. So -- but please  
20 --

21 MS. CARR JACOBS: Have you read the Dondi case from  
22 the Northern District of Texas, Mr. Nelson?

23 MR. NELSON: I have.

24 MS. CARR JACOBS: It's good to note.

25 BY MS. CARR JACOBS:

1 at my clock.

2 BY MS. CARR JACOBS:

3 Q. Mr. --

4 MR. NELSON: But --

5 MS. CARR JACOBS: Okay.

6 BY MS. CARR JACOBS:

7 Q. Mr. Johnson, whenever you would submit these invoices  
8 on a monthly basis to UDMC, would those include any partnership  
9 -- any payments to the limited partners?

10 A. The answer is no. I want you to know that I didn't  
11 submit them directly to UDMC. I had submitted them primarily  
12 to Steve who handled the finances. So if something was added  
13 to it, I don't know, but I do know that I didn't see any  
14 distributions or payments to limited partners in the invoices.

15 And by the way, it's not equivocating. I just -- I  
16 don't know if he changed them, or -- but I don't believe  
17 there's a reason to make a payment to the limited partners  
18 unless there's earned income. So it wouldn't have been  
19 logical.

20 Q. And to your understanding, during this time, there  
21 was no earned income to the individual limited partners; is  
22 that accurate?

23 MR. NELSON: Objection. Calls for speculation.

24 THE DEPONENT: Yeah, I can't -- I can't confirm. As  
25 I said previously, I think there was a minor amount of income

1 am. I shouldn't be. There's no legal basis for it, of which  
2 I'm aware.

3 Q. In your role as manager and submitting -- before Mr.  
4 Lazarou took on as manager, and you said, became essentially  
5 the CFO, would you -- you never submitted invoices to UDMC  
6 directly?

7 A. I believe I submitted them to Alex Renfro.

8 Q. And did those invoices ever include payments to  
9 limited partners?

10 A. No.

11 Q. Earlier, you had discussed the rating data  
12 generating, I believe you said it was a nominal amount of  
13 money. Do you recall approximately how much money that would  
14 have generated?

15 MR. NELSON: Objection as to form.

16 You can answer.

17 THE DEPONENT: I don't recall. And there could have  
18 been additional amounts that were not shown to me in the few  
19 times I dealt with the outside developer to test it.

20 And so my -- my statement as to nominable -- nominal  
21 is with respect to what I saw. It --

22 BY MS. CARR JACOBS:

23 Q. What --

24 A. -- the -- that -- that ratings operations went on  
25 until the browser was shut down. And I didn't have reason to

CERTIFICATE

I, the undersigned Jennifer Cotton, am a videographer on behalf of NAEGELI Deposition & Trial. I do hereby certify that I have accurately made the video recording of the deposition of Randall Johnson, in the above captioned matter on the 2nd day of April, 2026 taken at the location of 6244 Gauley River Dr., Stone Mountain, GA 30087.

No alterations, additions, or deletions were made thereto.

I further certify that I am not related to any of these parties in the matter and I have no financial interest in the outcome of this matter.



Jennifer Cotton

CERTIFICATE

I, the undersigned, Mark Nilson, am a videographer on behalf of NAEGELI Deposition & Trial. I do hereby certify that I have accurately made the videorecording of the deposition of Randall Johnson, in the above captioned matter on the 2nd day of April, 2026, taken at the location of 6244 Gauley River Dr., Stone Mountain, GA 30087.

No alterations, additions, or deletions were made thereto.

I further certify that I am not related to any of these parties in the matter and I have no financial interest in the outcome of this matter.



Mark Nilson

# Exhibit P



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORTH WORTH DIVISION

DATA MARKETING PARTNERSHIP, LP,  
Plaintiff,

v. Civil Action No. 4:19-cv-00800-0

UNITED STATES DEPARTMENT OF  
LABOR, et al.,  
Defendants.

---



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REMOTE VIDEOTAPED DEPOSITION OF  
JOHN FIEDLER

TAKEN ON  
THURSDAY, MARCH 26, 2026  
2:14 P.M.

4616 LOVERS LANE  
DALLAS, TEXAS 75209



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1 Q. And so after about a year, would that be fair to say  
2 that that's around 2021?

3 A. I would say yes.

4 Q. And so -- so every month, until -- for that full  
5 year, it was logged in and logging the hours and you were  
6 receiving payments each month in the amount of \$200?

7 A. That's correct. I do -- that's correct.

8 Q. Okay.

9 A. I do recall one -- one or two months where I -- I did  
10 not have it running the whole month, so I didn't receive the  
11 full amount, and that was reflected on the pay because it was a  
12 very direct correlation between how many you logged versus how  
13 much you would be paid for that.

14 Q. Okay. And so it wasn't an all or nothing. You  
15 either get the hours and then \$200. There was -- you could  
16 receive less money, is that correct, my understanding?

17 A. That's -- that's correct. My understanding was even  
18 if I didn't -- like I could -- I could log one hour and get  
19 paid for that, still get the health benefits, but also just get  
20 compensated for that one hour.

21 Q. Do you recall how much you would get paid for that  
22 one hour?

23 A. I do not.

24 Q. How were you paid for the hours that you -- if you  
25 recall?

1 A. I think -- I believe, if I recall correctly, it was a  
2 direct -- direct deposit transfer into my account.

3 Q. Okay.

4 A. And that was a one -- once a month.

5 Q. Okay. And do you recall what platform was used for  
6 that?

7 A. I do not.

8 Q. And so after around 2021, when I think you said --  
9 you described it I think as like a gray time or space or  
10 something, when did you reactivate the --

11 MR. NELSON: Jack, let -- let -- let her finish the  
12 question first.

13 Sorry. Sorry. Yeah, I'm not sure you were finished  
14 with your question. You may have been, but it didn't seem like  
15 you were.

16 BY MS. JACOBS:

17 Q. Mr. Fiedler, after 2021, whenever you'd indicated you  
18 were no longer tracking, when did you start -- when did you get  
19 back into tracking?

20 A. That would have been whenever I started using that  
21 MacBook again, so it was probably -- probably at least a year.  
22 Yeah, because I left that -- yeah, I was tracking through my  
23 MacBook. I don't think I had it on my phone.

24 Yeah, it would have been probably at least a year  
25 that -- that I was not utilizing the program and not -- and not

1 to form about "that meeting."

2 BY MS. JACOBS:

3 Q. Was there any -- I'll clarify.

4 A. Yeah.

5 Q. Was there any presentation given at the first meeting  
6 you went to that you had described?

7 A. Maybe like a packet. Nothing -- not like a  
8 PowerPoint or anything because we've been at a restaurant.  
9 But, yeah, I think he gave us a packet with -- maybe with  
10 information and then we went through it together to get an  
11 understanding.

12 I remember very clearly walking into that meeting  
13 having zero idea what we were talking about and then leaving  
14 with a -- with a good idea of -- of what the -- the purpose  
15 was.

16 Q. Do you recall what restaurant you met at?

17 A. La Madeleine on Mockingbird.

18 Q. And when you said you left that meeting with a good  
19 understanding, what do you mean by that?

20 A. He -- he did a good job of explaining just what it  
21 was and what it -- what my role would be in it, what -- what  
22 I'd be doing and what -- I guess just a -- like what it -- what  
23 is was.

24 Like the fact that it was something that you download  
25 and something that's running in the background. I guess some

1 But this one, it's pretty -- it's pretty clear. It's pretty  
2 easily accessible, I should say, to be able to view that. And  
3 with that, I'm able to get a better sense if I'm gonna -- how  
4 much am I gonna get -- how much should I expect this month.

5 Q. Now, I believe when we touched -- or when we left  
6 off, we were also discussing various meetings that had occurred  
7 with Data Marketing Partnership. I believe that you indicated  
8 that there was an initial meeting, I guess, teaching you about  
9 what the role of limited partner was back in 2019; is that  
10 accurate?

11 A. That is correct. Before signing off.

12 Q. Yes. And then after that meeting for that first year  
13 before we get to our first gray period, did you have -- whether  
14 they be via telephone or Zoom, did you have other meetings with  
15 the company?

16 A. Yes. They would -- we did, and they were pretty  
17 brief, but we would have -- basically just giving feedback: How  
18 do you like it? Is it working? Anything you think that can  
19 improve on it?

20 Q. Do you recall if these meetings were preceded by any  
21 type of agenda?

22 A. They were done pretty -- the first meeting had a -- a  
23 packet with -- maybe with some information. I don't think it  
24 was an agenda, but information. After that, the phone calls  
25 were pretty much just -- just pretty -- what should I say? --

1 casual or -- or laid-back. Just phone calls.

2 Q. Do you recall if the partners voted on anything  
3 during these meetings?

4 A. No.

5 MR. NELSON: Objection. Asked -- asked and answered.  
6 You asked that a while ago, I think.

7 BY MS. JACOBS:

8 Q. I apologize if that's asked and answered.

9 MR. NELSON: Yeah. Sorry. I mean --

10 But -- but -- but -- but -- but -- but you can answer, of  
11 course, Jack.

12 THE DEPONENT: On those phone -- on those phone calls  
13 and then the meeting? No, I don't believe we voted on -- I  
14 don't think there's anything to vote on.

15 BY MS. JACOBS:

16 Q. Did you understand those meetings to be partnership  
17 meetings related to the business?

18 A. I felt them to be more of kind of like a feedback.  
19 Kind of like I was the -- they're trying to improve their  
20 product and I -- I am -- I'm their go-to guy for being on the  
21 front end of this, is -- this is what I see is -- as a user of  
22 the platform. This is what I recommend. This is what I like.  
23 This what I don't like.

24 Q. And who were those meetings with?

25 A. I believe all those phone calls were gonna -- the

CERTIFICATE

I, the undersigned Kyle Nishida, am a videographer on behalf of NAEGELI Deposition & Trial. I do hereby certify that I have accurately made the video recording of the deposition of John Fiedler, in the above captioned matter on the 26th day of March, 2026 taken at the location of 4616 Lovers Lane, Dallas TX 75209.

No alterations, additions, or deletions were made thereto.

I further certify that I am not related to any of these parties in the matter and I have no financial interest in the outcome of this matter.



Kyle Nishida

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF TEXAS  
3 FORTH WORTH DIVISION  
4

5 DATA MARKETING PARTNERSHIP, LP,  
6 Plaintiff,

7 v. Civil Action No. 4:19-cv-00800-0

8 UNITED STATES DEPARTMENT OF  
9 LABOR, et al.,  
10 Defendants.

11  
12 REPORTER'S CERTIFICATION  
13 DEPOSITION OF JOHN FIEDLER  
14 MARCH 26, 2026  
15

16 I, Jennifer Leucken, Court Reporter, hereby certify  
17 to the following:

18 That the witness, John Fiedler, was duly sworn by the  
19 officer and that the transcript of the oral deposition is a  
20 true record of the testimony given by the witness;

21 That the deposition transcript was submitted on April  
22 9, 2026, to the witness or to the attorney for the witness for  
23 examination, signature and return to NAEGELI DEPOSITION AND  
24 TRIAL by April 29, 2026;

25 That the amount of time used by each party at the

1 deposition is as follows:

2 KATHLEEN JACOBS - 2hr 2min

3 ALLEN NELSON - 0hr 0min

4 That pursuant to information given to the deposition  
5 officer at the time said testimony was taken, the following  
6 includes counsel for all parties of record:

7 KATHLEEN JACOBS ATTORNEY FOR DEFENDANT

8 ALLEN NELSON ATTORNEY FOR PLAINTIFF

9 I further certify that I am neither counsel for,  
10 related to, nor employed by any of the parties or attorneys in  
11 the action in which this proceeding was taken, and further that  
12 I am not financially or otherwise interested in the outcome of  
13 the action.

14 Certified to by me this 9th day of April, 2026.

15

16

17



18

19

Jennifer Leucken

20

CER No. 5111

21

22

23

24

25

# Exhibit Q



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DATA MARKETING PARTNERSHIP, LP,

Plaintiff,

vs.

Case No. 4:19-cv-00800-0

UNITED STATES DEPARTMENT OF LABOR, et al.,

Defendants

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ADAM ROCHESTER

TAKEN ON

FRIDAY, APRIL 3, 2026

12:04 P.M.

224 SOVEREIGN COURT

ROCKWALL, TEXAS 75032



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1 introduced them to Data Marketing.

2 Q. And just to make sure I'm understanding correctly, so  
3 when you're saying onboarding, you're not referring to any, you  
4 know, processing of paperwork or, you know, what would  
5 typically be considered human resources responsibilities; is  
6 that correct?

7 A. Correct. I did not do that.

8 Q. And just to make sure I'm understanding, whenever  
9 you're referring to onboarding, that is an introduction between  
10 potential limited partners and Data Marketing Partnership; is  
11 that correct?

12 A. Correct. My apologies for the verbiage.

13 Q. So in 2019 -- between 2019 and 2020, did your job  
14 responsibilities change?

15 A. (No audible response.)

16 THE REPORTER: Repeat, Mr. Rochester.

17 MR. NELSON: Yeah. None of us heard that. Sorry,  
18 Adam.

19 THE DEPONENT: No, they did not.

20 BY MS. JACOBS:

21 Q. Now, how did you introduce the limited partners to  
22 Data Marketing Partnership?

23 A. I set us up in a group text to begin with, and then  
24 we all had a meeting in person.

25 Q. Who all did you add to that group text?

1 A. That would be Jack Fiedler, Andrew Clear, Benjamin  
2 Clear, and Randall Johnson.

3 Q. And just to confirm, there was nobody else added to  
4 that chat?

5 A. No, ma'am.

6 Q. And when did you meet in person?

7 A. In 2019. I don't recall the day or the month.

8 Q. Let me actually go back. In that group chat, what  
9 information did you provide to everyone to facilitate that  
10 group chat? Did you give an -- well, let me ask this.  
11 Whenever you started that group chat, did you -- how did -- did  
12 you introduce everybody within that chat?

13 MR. NELSON: Objection as to form.

14 You can answer.

15 THE DEPONENT: I just want to make sure I have the  
16 question right. How did I introduce them?

17 BY MS. JACOBS:

18 Q. In the group chat, yes.

19 A. I introduced them by their names, and I was -- I was  
20 requested to recruit limited partners, and so once I found the  
21 limited partners, I introduced them to Randall Johnson by their  
22 names.

23 Q. Were you given instruction as to how many limited  
24 partners you were required to find?

25 A. Not that I recall.

1 just inadvertently stated 2024 in place of 2025; is that  
2 correct?

3 A. Yes. Yes. I apologize.

4 Q. No. That's okay. I just want to make sure that I'm  
5 understanding correctly, so thank you for clarifying.

6 So I think that you -- and correct this if this is  
7 wrong, but you had testified that towards the end of 2025  
8 communications began occurring more frequently; is that right?

9 A. I believe so.

10 Q. And so prior -- or do you know how often those  
11 communications would occur towards the end of 2025?

12 A. No, I do not recall, like, how often.

13 Q. And what occurred -- or who were you in contact with  
14 at the end of 2025?

15 MR. NELSON: Objection as to form.

16 You can answer.

17 THE DEPONENT: I was in contact with an Alex Renfro  
18 just regarding -- I believe it was the end of 2025. It could  
19 have been the beginning of 2026. But just regarding the new --  
20 the new application they were rolling out.

21 BY MS. JACOBS:

22 Q. So before this contact from Alex Renfro, had you had  
23 any other communications in 2025 related to Data Marketing  
24 Partnership?

25 A. Not --

1 MR. NELSON: Objection as to form.

2 THE DEPONENT: -- not that I recall.

3 BY MS. JACOBS:

4 Q. And is it your testimony that from 2019 through the  
5 present you have been consistently employed as a W-2 employee  
6 for Data Marketing Partnership?

7 A. Yes.

8 Q. And that would include, you know, the majority of  
9 2025 wherein it appears you performed no function on behalf of  
10 Data Marketing Partnership?

11 MR. NELSON: Objection as to form. Objection as to  
12 form. I mean, come one.

13 BY MS. JACOBS:

14 Q. Can you answer the question, please?

15 A. Yes.

16 Q. And that would be the same for 2025; is that correct  
17 -- or for 2024; is that correct?

18 MR. NELSON: Same objection.

19 THE DEPONENT: Correct.

20 BY MS. JACOBS:

21 Q. And in these communications -- the communications  
22 we've discussed about today, before the contact --

23 MR. NELSON: I'm sorry. I apologize. That was not  
24 clear at the very beginning. I just want to be sure that the  
25 question is clear, and I'm sorry to interrupt you. I just

1 Q. So it's kind of -- it's a -- I guess a newer, better  
2 version of the prior Legend app?

3 A. Correct.

4 Q. So it collects -- to your knowledge, it collects  
5 similar kind of data, correct?

6 A. Yes, ma'am.

7 MR. NELSON: Objection as to form.

8 BY MS. JACOBS:

9 Q. And so --

10 MR. NELSON: You've already answered.

11 MS. JACOBS: I'm sorry?

12 MR. NELSON: No, no. You're -- no. You're good.

13 You're good. I made my objection, and that's it.

14 MS. JACOBS: Okay.

15 BY MS. JACOBS:

16 Q. Aside from discussing the EASE Total Health app, did  
17 you and Alex Renfro discuss any other matter related to Data  
18 Marketing Partnership?

19 A. Could have. Not that I recall.

20 Q. Do you recall how long that conversation lasted?

21 A. I don't.

22 Q. And was that conversation over a video platform or  
23 phone? How -- how did that conversation occur?

24 A. Just over the phone.

25 Q. And so did Alex Renfro ask you to do anything on

1 behalf of Data Marketing Partnership in that conversation?

2 A. Yes, just get in touch with the limited partners and  
3 have them download the app.

4 Q. Okay. And how soon after that conversation did you  
5 get in touch with the limited partners?

6 A. Within 24 hours.

7 Q. And do you recall how you got in touch with the  
8 limited partners?

9 A. Via text and via phone call.

10 Q. Do you still have those text messages?

11 A. I believe so.

12 Q. Okay. Can you make sure to hold on to those text  
13 messages, please?

14 A. Sure.

15 Q. And when I'm referring to the limited partners, just  
16 so that it's clear, is that all three that you identified  
17 earlier, Jack Fiedler, Andrew Clear, and Benjamin Clear?

18 A. Yes.

19 Q. And so to your knowledge, are they all still three  
20 active limited partners with Data Marketing Partnership?

21 A. Yes.

22 Q. Sorry to jump around, but do you recall when you  
23 switched to your wife's health insurance?

24 A. I don't recall.

25 Q. When were you married?

1 A. Yes, ma'am.

2 Q. And every year from 2021 to 2025?

3 A. Yes, ma'am.

4 Q. Have you received one this year for 2025?

5 A. For 2025? I believe I have. I believe it's in my  
6 payroll app, but I have not accessed it.

7 Q. And what is your payroll app?

8 A. Gusto.

9 Q. And how long have you used Gusto for your payroll  
10 app?

11 A. 2019.

12 Q. And I had asked earlier if you received those  
13 W-2s for those years, but did you receive those W-2s -- did you  
14 receive the 2019 W-2 in 2020?

15 A. I would imagine so. I don't recall.

16 Q. Did you receive the 2020 W-2 in 2021?

17 A. Yes.

18 Q. Did you receive the 2022 W-2 in 2023?

19 A. Yes.

20 Q. And did you receive the 2023 W-2 in 2024?

21 A. Yes.

22 Q. And did you receive the 2024 W-2 in 2025?

23 A. Yes.

24 Q. And then you're unsure if you -- it could be in your  
25 app, but you're --

1 A. Correct.

2 Q. -- unclear about that as it relates today?

3 A. Correct.

4 Q. For 2025, correct?

5 A. Correct.

6 Q. Okay. And I believe in -- you had testified that in  
7 2019 you were paid \$30,000 a year; is that accurate?

8 A. Yes.

9 Q. And has that been the same amount every year?

10 A. Yes, ma'am.

11 MS. JACOBS: Let's put up the --

12 BY MS. JACOBS:

13 Q. I'm going to show you a document.

14 MS. JACOBS: Let's put up the 2023 W-2, please.

15 MR. NELSON: Do you have Bates numbers on that, as  
16 we're doing that, just so we know?

17 MS. JACOBS: Sure. DMP141.

18 MR. NELSON: Okay. Thank you.

19 THE REPORTER: Can you repeat, Ms. Jacobs?

20 MS. JACOBS: DMP141.

21 THE VIDEOGRAPHER: And I will -- I can pull that up  
22 now, Madam Court Reporter.

23 MS. JACOBS: Oh, we have -- Mr. Mariscal is going to  
24 share.

25 THE VIDEOGRAPHER: Okay. Wonderful.

1 Partnership and the limited partners?

2 A. No.

3 Q. And aside from Rusty and Randall, excuse me, prior to  
4 2025, did you have communications with anyone else from Data  
5 Marketing Partnership?

6 A. Not that I recall.

7 Q. When did you first come in contact with Alex Renfro?

8 A. I really don't recall. It could have been before our  
9 call, you know, at the beginning of 2026 or late 2025, or that  
10 could have been the first. I don't recall.

11 Q. Did Alex Renfro I guess call you out of the blue, or  
12 did he contact you to set up a call?

13 A. He contacted me to set up a call.

14 Q. And how did he contact you?

15 A. I believe it was via email. It could have been text.  
16 I'm not sure.

17 Q. And what is your understanding of Alex Renfro's  
18 relationship to Data Marketing Partnership?

19 A. Honestly, I'm not sure.

20 MR. NELSON: And of course, Counsel, I know you're  
21 not asking him to ask -- I'm sorry, to answer questions that  
22 might involve legal advice. Certainly to the extent that Mr.  
23 Renfro was involved in business discussions, those are  
24 certainly fair game, and that's -- that's really my only  
25 comment on that.

1 Q. Okay. But earlier when you testified that I believe  
2 it was in 2022 that you were no longer using the app; is that  
3 correct, the Legend app?

4 A. Correct.

5 Q. But it was your understanding that during this time  
6 you still had health insurance, correct?

7 A. Sure. I guess.

8 Q. Now, we discussed that the total -- the EASE Total  
9 Health app does -- you're able to see how many hours you have  
10 logged at any time. Was -- could you do that on the Legend app  
11 that you recall?

12 A. Not that I'm aware of.

13 Q. Now, since March 13th of 2026, have you had any  
14 conversations with Steven Lazarou?

15 A. Yes.

16 Q. Do you recall how many conversations you have ha  
17 since March 13th of 2026?

18 MR. NELSON: Objection as to form.

19 THE DEPONENT: No. Probably just one.

20 BY MS. JACOBS:

21 Q. And was there anyone else present for that  
22 conversation with Steven Lazarou?

23 A. No.

24 Q. And so what did you and Steven Lazarou discuss?

25 A. It wasn't -- I don't think it via phone -- phone

1 call. He asked me for -- he asked me for the Venmo's of the  
2 three limited partners.

3 Q. So you said it wasn't via phone call. How was that  
4 communicated?

5 A. I believe it was --

6 MR. NELSON: Objection as to form.

7 THE DEPONENT: -- email. I believe it was email.

8 BY MS. JACOBS:

9 Q. Do you still have that email?

10 A. I'm not sure. I would imagine so.

11 Q. To the extent you still have it, would you hold on to  
12 it, please?

13 A. Yes.

14 Q. Now, did you have any -- since the March 13th, 2026,  
15 meeting, have you had any conversations with Alex Renfro?

16 A. I believe so. I think it was just in regards with  
17 Alex helping Andrew Clear get set up. He was having some  
18 technical difficulties. And so I kind of handed Andrew off to  
19 Alex -- I do believe it was -- to help him get the technical  
20 difficulties figured out.

21 Q. And to your knowledge, where is Alex Renfro located?

22 A. I don't know.

23 Q. Were you ultimately able to get Alex Renfro and  
24 Andrew Clear connected?

25 A. Yes.

CERTIFICATE

I, the undersigned Benjamin Pitts, am a videographer on behalf of NAEGELI Deposition & Trial. I do hereby certify that I have accurately made the videorecording of the deposition of Adam Rochester, in the above captioned matter on the 3rd day of April, 2026 taken at the location of 224 Sovereign Court, Rockwall, TX 75032.

No alterations, additions, or deletions were made thereto.

I further certify that I am not related to any of these parties in the matter and I have no financial interest in the outcome of this matter.



Benjamin Pitts

CERTIFICATE

I, Jennifer Leucken, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 13th day of April, 2026.



Jennifer Leucken, CER No. 5111

# Exhibit R

**From:** [Jacobs, Kathleen C \(CIV\)](#)  
**To:** [awnelson@clarkhill.com](mailto:awnelson@clarkhill.com); [jreilly@clarkhill.com](mailto:jreilly@clarkhill.com)  
**Cc:** [Snead, Jacqueline Coleman \(CIV\)](#)  
**Subject:** DMP Document Production  
**Date:** Wednesday, April 8, 2026 5:48:00 PM  
**Attachments:** [DMP Depositions Documents .pdf](#)

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Counsel:

During the depositions the last two weeks, the witnesses identified documents that were not produced by your office though clearly responsive to requests Defendants propounded. Because Plaintiffs did not object to any definition, instruction, or request for production, all such documents should have been provided in discovery.

Attached, I have included a list of documents that have been identified through the course of the depositions over the last two weeks that are responsive to Defendants' First Requests for Production that have not been produced.

In an effort to resolve these deficiencies without court intervention, I'd like to propose a joint motion for a 60-day extension of all deadlines wherein Plaintiffs agree to supplement their discovery responses with documents identified in the attached by April 30, 2026.

By 5pm tomorrow, please let me know if Plaintiffs' will agree to the extension and to produce the documents identified in the attached by April 30, 2026.

Regards,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
1100 L Street, N.W., Washington, D.C. 20005  
(202) 598-7615 (phone)  
(202) 616-8460 (fax)  
[kathleen.c.jacobs@usdoj.gov](mailto:kathleen.c.jacobs@usdoj.gov)



# Exhibit S

**From:** [Snead, Jacqueline Coleman \(CIV\)](#)  
**To:** [awnelson@clarkhill.com](mailto:awnelson@clarkhill.com); [jreilly@clarkhill.com](mailto:jreilly@clarkhill.com)  
**Cc:** [Jacobs, Kathleen C \(CIV\)](#)  
**Subject:** RE: DMP Document Production  
**Date:** Friday, April 10, 2026 9:55:34 AM

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Good morning Counsel:

We had hoped to receive your favorable response to our reasonable offer of a joint extension motion so that we could resolve the issue of the documents that your witnesses identified during depositions that were not produced in discovery. Please let me know your availability for a meet and confer today ahead of our anticipated motion to compel. I am available from 2:00pm ET on. If I do not hear from you, then we will note in our motion that we endeavored to resolve the dispute and meet and confer prior to our filing but that you did not respond to our outreach.

Thanks very much.

Jacqui

---

**From:** Jacobs, Kathleen C (CIV) <Kathleen.C.Jacobs@usdoj.gov>  
**Sent:** Wednesday, April 8, 2026 5:49 PM  
**To:** [awnelson@clarkhill.com](mailto:awnelson@clarkhill.com); [jreilly@clarkhill.com](mailto:jreilly@clarkhill.com)  
**Cc:** Snead, Jacqueline Coleman (CIV) <Jacqueline.Snead@usdoj.gov>  
**Subject:** DMP Document Production

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Regards,

Kathleen C. Jacobs  
Trial Attorney  
U.S. Department of Justice, Civil Division, Federal Programs Branch  
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