

DIVISION OF  
ENFORCEMENTUNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

November 19, 2024

Via ECF

The Honorable Katherine Polk Failla, U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *SEC v. Coinbase, Inc. and Coinbase Global, Inc.*, 23 Civ. 4738 (KPF)

Dear Judge Failla:

Plaintiff Securities and Exchange Commission (“SEC”) respectfully responds to Defendants’ motion for leave to amend the Case Management Plan (“CMP”) and Scheduling Order (the “Motion”), in which Defendants seek to prevent the SEC from taking *any* depositions until April 1, 2025, and to further extend fact discovery by more than three additional months. *See* ECF No. 169. The Court should deny the Motion. The Court should not reward Coinbase’s dilatory discovery practices—including its lengthy document production delays, failure to cooperate in scheduling depositions, and failure to timely serve a privilege log despite repeated requests—with an additional, needless extension of the deadlines. Nor is there any basis, under the Federal Rules or otherwise, to preclude a party from conducting depositions until the very end of what is supposed to be an iterative discovery process.

**I. Coinbase’s Motion Should Be Denied Because It Has Not Acted Diligently.**

The CMP may be modified only for good cause (Fed. R. Civ. P. 16(b)(4); CMP at 8), which requires Coinbase to show diligence in meeting discovery deadlines. *Peterson v. Home Depot U.S.A., Inc.*, 2013 WL 5502816, at \*2 (S.D.N.Y. Oct. 3, 2013); *Parker v. Columbia Pictures Indus.*, 204 F.3d 326, 340 (2d Cir. 2000) (“[A] finding of ‘good cause’ depends on the diligence of the moving party.”).

Coinbase’s Motion fails under this standard, as its discovery efforts to date have been anything but diligent. Despite being the Defendants in this case and despite complaining of a short SEC pre-filing investigation of its conduct (*see* Ans. ¶ 13), Coinbase has produced fewer than 6,000 documents and no privilege log. The limited documents it has produced have taken months to arrive and only after numerous meetings with Coinbase. Specifically, the SEC served its First Set of Requests for Production (“RFP”) in April 2024, yet as of November 18, 2024, Coinbase was still producing documents responsive to this RFP. The SEC served its Second RFP on July 1, 2024, but Coinbase has informed the SEC that it will not be able to complete production until November 22, 2024. And the SEC served its Third RFP on August 22, 2024, but nearly three months later Coinbase has not stated when it would begin producing documents in response.<sup>1</sup>

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<sup>1</sup> By contrast, the SEC has produced a total of 286,386 documents. And it has conducted the Court-ordered review of the more than 133,000 additional documents (*see* ECF No. 160) in diligent fashion, having reviewed over 100,000 to date.

Coinbase seeks to capitalize on these delays by arguing that an extension is necessary because conducting depositions this December would “subject Coinbase’s witnesses to depositions with the attendant risk that the SEC may invoke subsequent [Coinbase] productions to seek witnesses’ additional appearances for testimony.” Mot. at 2. But Coinbase’s lack of diligence in producing documents is not a reason to grant the Motion—it is a reason to deny it.

Coinbase’s other purported grounds for an extension similarly have no merit:

- SEC’s Document Productions: Coinbase asserts that the SEC’s outstanding document production obligations supports its extension request. Mot. at 2. But, as Coinbase recognizes, the SEC intends to complete its document productions in response to the Court motion-to-compel order by December 20, 2024. Coinbase cannot explain why this timely production schedule, which leaves it nearly two months to conduct any additional proper discovery under the current schedule or to seek an extension if and when the complete production reveals a need for one, warrants a three-month discovery extension now.
- Coinbase’s Document Requests Regarding BTC and ETH: Coinbase also points to “[o]ngoing meet and confers” related to its document requests for documents related to BTC and ETH, two crypto assets not at issue in this litigation. *Id.* As the SEC has already informed Coinbase, documents related to BTC and ETH are irrelevant to any issue in the case and not within the scope of proper discovery. And Coinbase did not seek to compel production of the BTC-related documents in its prior motion to compel when the relevance of those documents was already in dispute. Critically, allowing discovery into assets *not* alleged in this case based on Coinbase’s desire to compare them to the assets that *are* alleged, is not warranted. After all, while the SEC has not brought lawsuits based on BTC or ETH, it *has* brought numerous of lawsuits alleging that many other crypto assets that trade on Coinbase satisfy *Howey*. The Court should not extend discovery on account of Coinbase’s efforts to obtain documents unrelated to any claim or defense in the case and in a way that would invite additional delay and waste of the parties’ and the Court’s time.
- SEC Depositions: Coinbase argues that the “scale and timing” of the SEC’s proposed depositions warrants a three-month discovery extension. *Id.* at 1. As support, Coinbase suggests that the parties had an “original understanding” that depositions would commence in mid-January 2025 (*Id.* at 2), so the Court should prevent the SEC from taking depositions in December 2024. The SEC never committed to such a position. The SEC first served deposition notices in early October 2024 for the following month and engaged in extensive negotiations with Coinbase to find mutually agreeable dates for these depositions. Eventually, Coinbase provided December 2024 and January 2025 deposition dates, but then reneged on its stance when the SEC re-served the notices of deposition with the dates Coinbase supplied. *See* Exhibit 1, Emails between P. Mancuso and K. Schwartz. Coinbase never explains the change of circumstances between November 4 (when it provided deposition dates for three of its witnesses that the SEC agreed to) and November 11, when it first took the position that depositions could not commence until April 2025 and only after an extension of the fact discovery period. Coinbase has thus fallen well short of adducing the good cause necessary for an extension of the discovery period.

## **II. Coinbase’s Attempt to Dictate the Timing of SEC’s Depositions Should Be Rejected.**

The true objective of Coinbase’s Motion is to further delay the SEC from taking the deposition of its witnesses. Over the past six weeks, as reflected in Exhibit 1, Coinbase has refused to appropriately cooperate in scheduling depositions, and now, faced with notices of deposition for its witnesses, it resorts to the Court, asking it to order that “[d]epositions of fact witnesses shall not

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commence before April 1, 2025.” See ECF No. 169-1 at 8(f)(i). Yet, Coinbase offers no legal justification for seeking such relief and does not even attempt to satisfy its burden for a protective order under Federal Rule of Civil Procedure 26(c). *SEC v. Collector’s Coffee Inc.*, 2020 WL 4034733 (S.D.N.Y. July 17, 2020) (“When a party resists appearing at a noticed deposition, the Federal Rules of Civil Procedure require that the party raise the issue by means of a motion for a protective order” under Rule 26(c) and demonstrate “that good cause exists for issuance of that order”).

Coinbase fails to provide the Court—as it did the SEC during the meet and confer process—with a legitimate basis to prevent the SEC from commencing depositions at this time. And there is none: no Federal Rule, Local Rule, or Individual Rule, nor the CMP requires a party to wait until all document discovery is complete before depositions may begin. See ECF No. 166 Amended CMP at 8(d)(i). And, contrary to Coinbase’s unsupported assertion that no depositions can occur until all document production is completed, the SEC is entitled to pursue discovery in the manner and order it sees fit to prosecute its case. See Fed. R. Civ. P. 26(d)(3) (providing that “methods of discovery may be used in any sequence”). Any “risk” (Mot. at 2) incurred by commencing depositions in the coming weeks are the SEC’s to bear and they cannot serve as a basis to prevent the SEC from conducting depositions until April 2025. If the SEC conducts a deposition and then seeks to reopen it for whatever reason, then the parties and ultimately the Court can decide whether such a request is proper under the circumstances (See Fed. R. Civ. P. 30(a)(2)), including whether Coinbase was diligent in its productions. But the prospect of a potential reopening of a deposition that has not yet occurred is insufficient reason to delay *all* depositions in this case.

Even if the Court extends the discovery period, the SEC respectfully submits there is no basis to restrict depositions, especially because the parties are already in the seventh month of fact discovery.

**III. The Court Should Not Countenance Coinbase’s Efforts to Delay Its Privilege Log.**

Coinbase requests that the Court set a deadline of March 17, 2025 for the service of privilege logs, but the Court should require Coinbase to produce a privilege log far sooner than that. See Fed. R. Civ. P. 26(b)(5) (requiring a party that withholds information on the basis of privilege to “expressly make the claim” and “describe the nature of the documents”). The SEC served its initial document requests in April 2024, and Coinbase represented that it has withheld documents on the basis of privilege starting with document productions served on September 20, 2024. Yet Coinbase still has not produced a privilege log despite multiple requests by the SEC. Now, Coinbase seeks further delay by asking the Court to set a deadline of March 17, nearly four months away. Coinbase’s proposal is particularly inequitable here, when the SEC has already served upon Coinbase a 648-page, 14,000-entry privilege log. See ECF No. 150 at 2.

\* \* \* \* \*

For the reasons stated above, the Court should deny Coinbase’s motion in its entirety.

Respectfully submitted,

/s/ Peter A. Mancuso

Peter A. Mancuso  
Counsel for Plaintiff  
Securities and Exchange Commission

Cc: All counsel of record

# **EXHIBIT 1**

**From:** [Schwartz, Kevin S.](mailto:Schwartz, Kevin S.)  
**To:** [Mancuso, Peter](mailto:Mancuso, Peter)  
**Cc:** [Webb, David P. T.](mailto:Webb, David P. T.); [James M. McDonald](mailto:James M. McDonald); [Julia A. Malkina](mailto:Julia A. Malkina); [Kathleen S. McArthur](mailto:Kathleen S. McArthur); [Olivia G. Chalos](mailto:Olivia G. Chalos); [Eddy, Sarah K.](mailto:Eddy, Sarah K.); [Barreca, Emily R.](mailto:Barreca, Emily R.); [Peikin, Steven R. \(Sullivan & Cromwell LLP\)](mailto:Peikin, Steven R. (Sullivan & Cromwell LLP)); [Savitt, William D.](mailto:Savitt, William D.); [Dunnan, Rebecca](mailto:Dunnan, Rebecca); [Mendel, David S.](mailto:Mendel, David S.); [Costello, Patrick R.](mailto:Costello, Patrick R.); [Gogolak, Adam M.](mailto:Gogolak, Adam M.); [Margida, Nicholas](mailto:Margida, Nicholas); [Connor, James](mailto:Connor, James)  
**Subject:** RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions  
**Date:** Thursday, November 14, 2024 3:44:25 PM

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Pete,

Thanks for letting us know your position opposing an extension. While we had hoped to be able to resolve our disagreement on the schedule, we understand the parties are at an impasse on this issue. We will present our proposal to the Court, noting that the SEC opposes.

Best,  
Kevin

From: Mancuso, Peter <[MancusoPe@SEC.GOV](mailto:MancusoPe@SEC.GOV)>  
Sent: Thursday, November 14, 2024 2:22 PM  
To: Schwartz, Kevin S. <[KSchwartz@wlrk.com](mailto:KSchwartz@wlrk.com)>  
Cc: Webb, David P. T. <[DPTWebb@wlrk.com](mailto:DPTWebb@wlrk.com)>; James M. McDonald <[mcdonaldj@sullerom.com](mailto:mcdonaldj@sullerom.com)>; Julia A. Malkina <[malkinaj@sullerom.com](mailto:malkinaj@sullerom.com)>; Kathleen S. McArthur <[mcarthurk@sullerom.com](mailto:mcarthurk@sullerom.com)>; Olivia G. Chalos <[chaloso@sullerom.com](mailto:chaloso@sullerom.com)>; Eddy, Sarah K. <[SEddy@wlrk.com](mailto:SEddy@wlrk.com)>; Barreca, Emily R. <[ERBarreca@wlrk.com](mailto:ERBarreca@wlrk.com)>; Peikin, Steven R. (Sullivan & Cromwell LLP) <[peiikins@sullerom.com](mailto:peiikins@sullerom.com)>; Savitt, William D. <[wdsavitt@WLRK.com](mailto:wdsavitt@WLRK.com)>; Dunnan, Rebecca <[DunnanR@sec.gov](mailto:DunnanR@sec.gov)>; Mendel, David S <[MendelD@sec.gov](mailto:MendelD@sec.gov)>; Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)>; Gogolak, Adam M. <[AMGogolak@wlrk.com](mailto:AMGogolak@wlrk.com)>; Margida, Nicholas <[margidan@SEC.GOV](mailto:margidan@SEC.GOV)>; Connor, James <[connorja@SEC.GOV](mailto:connorja@SEC.GOV)>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Kevin,

We write to provide you a response to the issues you raised on our call yesterday, which include Coinbase's objection to the SEC commencing depositions of its employees next month and Coinbase's recent proposal to seek an extension of the current fact discovery schedule.

On the call, you explained that Coinbase continues to object to commencing depositions of its employees in December, even though you have already provided dates when some of those witnesses may be available. You stated that nothing has changed about their availability but rather that Coinbase maintains its position that it's not appropriate to go forward with depositions at this stage in the litigation because document discovery is not yet complete, and it is the customary sequence of things for parties to wait until document discovery is substantially complete before depositions begin.

You also cited our concern that fact discovery is set to expire in mid-February, which we had identified as a reason that we wished to begin depositions promptly. To alleviate that concern, you proposed—for the first time—that we seek an extension of the fact discovery period. You proposed that we seek a 3-month extension and agree to wait to begin depositions until April 2025.

We do not agree to your proposal for several reasons. First, we do not intend to consent to your request to extend discovery. We currently have more than 3 months of fact discovery in this case and we see no legitimate ground to extend discovery at this time. Second, we are now in our 7th month of a 10-month fact discovery period, so it is entirely appropriate and reasonable for us to begin depositions in December. We believe that by next month we will have received sufficient document discovery to proceed with the depositions of Ms. To and Messrs. Branzburg and Tusar. We are entitled to proceed with depositions in the manner we see fit, and there is nothing in the FRCP or the local court rules that supports your position that we must wait until document discovery is complete. Ms. To and Mr. Tusar are currently noticed for dates you provided to us and at locations in proximity to where they conduct business. We intend to move forward with those depositions as noticed. Of course, we are willing to be flexible on the exact date to accommodate the witness as long as you provide a reasonable alternative that is within the same time period.

We are happy to further explain our position if you see fit but, as you requested, we are responding to your proposal and providing you with our position as soon as we were able.

To be clear, and for the avoidance of doubt, we oppose any discovery extension at this time and intend to proceed with the depositions of witnesses in the manner we have previously discussed. Please confirm whether Ms. To will be appearing for deposition on December 6, 2024 and provide the location most convenient for her. Please confirm the same for Mr. Tusar on December 19, 2024.

Thanks,  
Pete

From: Schwartz, Kevin S. <[KSchwartz@wlrk.com](mailto:KSchwartz@wlrk.com)><<mailto:KSchwartz@wlrk.com>>>  
Sent: Thursday, November 14, 2024 1:16 PM  
To: Mancuso, Peter <[MancusoPe@SEC.GOV](mailto:MancusoPe@SEC.GOV)><<mailto:MancusoPe@SEC.GOV>>>  
Cc: Webb, David P. T. <[DPTWebb@wlrk.com](mailto:DPTWebb@wlrk.com)><<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <[mcdonaldj@sullerom.com](mailto:mcdonaldj@sullerom.com)><<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <[malkinaj@sullerom.com](mailto:malkinaj@sullerom.com)><<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <[mcarthurk@sullerom.com](mailto:mcarthurk@sullerom.com)><<mailto:mcarthurk@sullerom.com>>>; Olivia G. Chalos <[chaloso@sullerom.com](mailto:chaloso@sullerom.com)><<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <[SEddy@wlrk.com](mailto:SEddy@wlrk.com)><<mailto:SEddy@wlrk.com>>>; Barreca, Emily R. <[ERBarreca@wlrk.com](mailto:ERBarreca@wlrk.com)><<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <[peiikins@sullerom.com](mailto:peiikins@sullerom.com)><<mailto:peiikins@sullerom.com>>>; Savitt, William D. <[wdsavitt@WLRK.com](mailto:wdsavitt@WLRK.com)><<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <[DunnanR@sec.gov](mailto:DunnanR@sec.gov)><<mailto:DunnanR@sec.gov>>>; Mendel, David S <[MendelD@sec.gov](mailto:MendelD@sec.gov)><<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)><<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <[AMGogolak@wlrk.com](mailto:AMGogolak@wlrk.com)><<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <[margidan@SEC.GOV](mailto:margidan@SEC.GOV)><<mailto:margidan@SEC.GOV>>>; Connor, James <[connorja@SEC.GOV](mailto:connorja@SEC.GOV)><<mailto:connorja@SEC.GOV>>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Hi Pete,

I'm writing in follow-up to our meet and confer yesterday, in which Coinbase proposed an amended schedule and the SEC committed to respond by today on whether it consents.

We look forward to hearing from you today.

Best,  
Kevin

From: Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>  
 Sent: Wednesday, November 13, 2024 7:53 AM  
 To: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>  
 Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthurk@sullerom.com<<mailto:mcarthurk@sullerom.com>>>; Olivia G. Chalos <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKEddy@wlrk.com<<mailto:SKEddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mendel, David S <MendelD@sec.gov<<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>; Connor, James <connorja@SEC.GOV<<mailto:connorja@SEC.GOV>>>  
 Subject: Re: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Kevin, we are available at 12:30 thanks.

From: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>  
 Sent: Tuesday, November 12, 2024 10:15 PM  
 To: Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>  
 Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthurk@sullerom.com<<mailto:mcarthurk@sullerom.com>>>; Olivia G. Chalos <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKEddy@wlrk.com<<mailto:SKEddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mendel, David S <MendelD@sec.gov<<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>; Connor, James <connorja@SEC.GOV<<mailto:connorja@SEC.GOV>>>  
 Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Pete,

We were clear in both our correspondence and conversations, including my November 5 email that you reference below — we agreed to ask our client to confirm whether or not it would be willing to proceed with depositions on the dates with potential witness and counsel availability as part of our good-faith attempt to try resolve the concerns of all parties. But we did not agree to commence depositions on the dates you've identified. Nor are we now "categorically refusing to proceed with any depositions." To the contrary, Coinbase is not objecting to the SEC's deposition of any of the identified individuals, at the appropriate time in this case. We believe, however, that the SEC's insistence on starting depositions with substantial documentary discovery outstanding, and without agreeing that deponents will not be called back based upon now-outstanding discovery, is inefficient and unnecessary.

In light of the SEC's stated concern that the approaching deadline for fact discovery nevertheless warrants commencing depositions as soon as three weeks from now, Coinbase is seeking to address that concern alongside its own repeated concerns about the efficient and proper sequencing of the case, by agreeing upon a reasonable extension to accommodate all of the above.

We are available to meet and confer tomorrow (Wednesday, 11/13) in the window of 12:30-2pm ET, or else 4-5:30pm ET. Please let us know what works for you, and we look forward to a constructive discussion.

Best,  
 Kevin

From: Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>  
 Sent: Tuesday, November 12, 2024 8:35 PM  
 To: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>  
 Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthurk@sullerom.com<<mailto:mcarthurk@sullerom.com>>>; Olivia G. Chalos <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKEddy@wlrk.com<<mailto:SKEddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mendel, David S <MendelD@sec.gov<<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>; Connor, James <connorja@SEC.GOV<<mailto:connorja@SEC.GOV>>>  
 Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Kevin,

Last Monday, November 4, 2024, we spoke at length regarding the depositions we noticed for Ms. To and Messrs. Branzburg, Tusar, Leavitt, Segal, Suarez, and McDonnell. During that conversation you specifically provided dates when Ms. To and Messrs. Tusar, Leavitt, Segal would be available for deposition. You also asked us to consider whether taking the deposition of Mr. McDonnell was necessary and explained that Mr. Suarez was in the process of obtaining independent legal counsel but that he had authorized you to provide dates when he would be available. I memorialized that conversation and the representations you made in my email the next day (see email dated November 5, 2024), which speaks for itself. Tellingly, your response to my November 5, 2024 email did not take issue with the representations I memorialized, including that "[w]e write to confirm our agreements to date."

Now, you take the position that you never "agreed to anything" and your client is categorically refusing to proceed with any depositions previously discussed. Your position is inconsistent with our discussions to date and does not comply with the applicable civil procedure rules.

In any event, we are moving forward with the depositions of Ms. To and Messrs. Tusar and Leavitt as per your representations as to their availability and the amended deposition notices and subpoenas we served last night. In addition, we reiterate our request that you provide available deposition dates for Messrs. Branzburg, Segal, and McDonnell in the time frames set forth in our Nov. 11 email.

With regard to an extension of fact discovery, we believe it is premature to discuss this when there remains over 3 months on the schedule. However, we are willing to meet and confer regarding your request. Please let us know what times you have available tomorrow for a call.

Thanks,  
 Pete

From: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>  
 Sent: Monday, November 11, 2024 10:52 PM  
 To: Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>  
 Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthur@sullerom.com<<mailto:mcarthur@sullerom.com>>>; Olivia G. Chalos <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKeddy@wlrk.com<<mailto:SKeddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mendel, David S <MendelD@sec.gov<<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>; Connor, James <connorja@SEC.GOV<<mailto:connorja@SEC.GOV>>>  
 Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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

Pete,

I appreciate your responding tonight to my message from Friday, but your characterization of our position and the parties' discussions is wrong. As memorialized in my November 5, 2024 email to you below, following our discussion of potential dates in the spirit of trying to resolve both your timing concerns and Coinbase's objection to accelerating depositions, I committed to ask our client to confirm whether or not it would be willing to proceed on those potential dates — our client has not agreed to do so. That is why I reiterated in my November 8 email to you below that we are "continuing to discuss the schedule with our client in light of both the timing concerns you have raised and our ongoing objection to accelerating depositions while substantial documentary discovery remains by both sides." There is thus no basis for you to suggest that we have agreed to anything. To the contrary, as set forth in that same email, I expressly noted that "we would like to continue our discussion with you about the most efficient schedule going forward" — we continue to believe that is an appropriate subject for a meet and confer before seeking the Court's involvement. Specifically, given the outstanding discovery issues that remain for both parties before depositions can be planned and proceed, the current timeline is not feasible and we believe an extension of the fact discovery schedule is necessary.

Please let us know whether you are willing to meet and confer so we can try to agree upon a reasonable extension of the fact discovery schedule with an efficient path forward. If you are unwilling to discuss this matter, please let us know your position.

Best,  
 Kevin

From: Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>  
 Sent: Monday, November 11, 2024 9:28 PM  
 To: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>  
 Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthur@sullerom.com<<mailto:mcarthur@sullerom.com>>>; Olivia G. Chalos <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKeddy@wlrk.com<<mailto:SKeddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mendel, David S <MendelD@sec.gov<<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>; Connor, James <connorja@SEC.GOV<<mailto:connorja@SEC.GOV>>>  
 Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

\*\*External Email-Use Caution\*\*  
 Kevin,

In light of the deposition schedule that we have already agreed to—memorialized below in my November 5, 2024 email—we do not believe another discussion is necessary at this time unless there is something specific that needs to be addressed. If there is such a discrete topic, beyond what we have already discussed, please let us know and we can make ourselves available.

As to your objection to moving forward with depositions in December, there is nothing in the Federal Rules, nor the Court's rules that supports your position. We have been discussing deposition dates for Ms. To and Messrs. Branzburg, Tusar, Leavitt, Segal, Suarez, and McDonnell for over a month now, including a meet-and-confer discussion. We issued deposition notices for each witness, then you requested that we reschedule the dates. We agreed to do so. You then proposed dates for the depositions of several of the witnesses (To, Tusar, Leavitt), to which we agreed. We are considering those dates to be final. Please find attached amended notices of deposition and subpoenas for these three witnesses.

As for the other witnesses:

As we have previously requested, please provide dates for Mr. Branzburg's deposition in December by November 13.  
 As we have previously requested, please provide dates for Mr. Segal's deposition in the second half of January, or in February 2025.  
 As we have previously requested, please provide dates for Mr. McDonnell's deposition the week of January 27-31, 2025.

Thanks,  
 Pete

From: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>  
 Sent: Friday, November 8, 2024 5:32 PM  
 To: Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>  
 Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthur@sullerom.com<<mailto:mcarthur@sullerom.com>>>; Olivia G. Chalos <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKeddy@wlrk.com<<mailto:SKeddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mendel, David S <MendelD@sec.gov<<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>; Connor, James <connorja@SEC.GOV<<mailto:connorja@SEC.GOV>>>  
 Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Pete,

Following up on our discussions and correspondence below, we're continuing to discuss the schedule with our client in light of both the timing concerns you have raised and our

ongoing objection to accelerating depositions while substantial documentary discovery remains by both sides. With that in mind, we would like to continue our discussion with you about the most efficient schedule going forward — mindful of the holiday on Monday, can you please let us know any windows that would work for you on Tuesday or Wednesday for a meet and confer?

Have a good weekend.

Best,  
Kevin

From: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>  
Sent: Tuesday, November 5, 2024 3:58 PM  
To: Mancuso, Peter <MancusoPe@sec.gov<<mailto:MancusoPe@sec.gov>>>  
Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthur@sullerom.com<<mailto:mcarthur@sullerom.com>>>; Olivia G. Chalos <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKEddy@wlrk.com<<mailto:SKEddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mendel, David S <MendelD@sec.gov<<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <CostelloP@sec.gov<<mailto:CostelloP@sec.gov>>>; Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <margidan@sec.gov<<mailto:margidan@sec.gov>>>; Connor, James <connorja@sec.gov<<mailto:connorja@sec.gov>>>  
Subject: Re: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

Pete,

Confirming receipt of your message with your dates of availability. I'll go back to our client to confirm these dates and the locations, as well as the additional follow-up items, and come back to you with confirmations/additional info.

Best,  
Kevin

On Nov 5, 2024, at 1:52 PM, Mancuso, Peter <MancusoPe@sec.gov<<mailto:MancusoPe@sec.gov>>> wrote:

**\*\*External Email-Use Caution\*\***  
Kevin,

Thank you for providing responses to the issues raised in my email dated October 28, 2024 at our meeting yesterday. We write to confirm our agreements to date and provide any responses we owe to you.

1. Location of Depositions: You informed us that we should assume that depositions will take place in the location where the deponent is located but that in certain circumstances some of the depositions at issue, even if the witness is located elsewhere, will occur at Wachtell's office in New York. While we are prepared to travel to any location for the depositions, since both sets of attorneys are located on the east coast, we believe it would be most efficient to conduct as many depositions as possible in New York.

1. Depositions of Ms. To, Messrs. Tusar and Branzburg:

- \* Ms. To: As per your proposal, the SEC agrees to take Ms. To's deposition on December 6, 2024. You stated that she is located in San Francisco but that it is possible that the deposition could be held in New York. As stated above, our preference is New York but in any event, please confirm this date and the location as soon as possible.
- \* Mr. Tusar: As per your proposal, the SEC agrees to take Mr. Tusar's deposition on December 19, 2024 in New York. Please confirm this date.
- \* Mr. Branzburg: You have yet to provide Mr. Branzburg's availability for a deposition in December. Please provide us with proposed dates by the end of this week so we can plan accordingly.

1. Depositions of Messrs. Leavitt, McDonnell, Segal and Suarez:

- \* Mr. Segal: Thank you for proposing the dates of December 11-13, 2024 for a deposition of Mr. Segal. However, we do not believe we will have received all Coinbase documents relevant to Mr. Segal with sufficient time to prepare for a deposition on these dates. Therefore, we ask that you provide dates in the second half of January, or in February, when Mr. Segal will be available for deposition.
- \* Mr. Leavitt: As per your proposal, the SEC agrees to take Mr. Leavitt's deposition on January 9, 2025. You stated that he is located in Washington State but that it is possible that the deposition could be held in New York. As stated above, our preference is New York, but in any event, please confirm this date and the location as soon as possible.
- \* Mr. McDonnell: Although we discussed the possibility of determining the need for Mr. McDonnell's deposition after we have deposed Mr. Leavitt, we have determined that Mr. McDonnell's testimony is necessary irrespective of Mr. Leavitt's. We would like to depose Mr. McDonnell the week of January 27-31, 2025. Please let us know if he is available that week.
- \* Mr. Suarez: You informed us that Mr. Suarez intends to retain independent counsel for the purposes of this deposition but that he authorized you to propose scheduling for his deposition. As per your proposal, the SEC agrees to take Mr. Suarez's deposition on January 15, 2025. Please provide the contact information for his attorney as soon as possible.

1. Expansion of deposition limit from 10 to 15: On our call yesterday you stated that you are still discussing this issue with your client. Please provide a response as to your client's position by the end of this week.

1. Conducting Non-Party Depositions: Thank you for confirming that your client consents to the parties conducting non-party depositions concurrently with party depositions.

Thanks,  
Pete

Peter Mancuso  
Trial Counsel  
Division of Enforcement  
New York Regional Office  
100 Pearl Street  
New York, New York 10004

OFFICE +1 (212) 336-5562  
MOBILE +1 (332) 287-5603  
mancuso@sec.gov<<mailto:mancuso@sec.gov>>

<image003.png>

From: Mancuso, Peter

Sent: Monday, October 28, 2024 4:12 PM

To: Schwartz, Kevin S. <[KSchwartz@wlrk.com](mailto:KSchwartz@wlrk.com)><<mailto:KSchwartz@wlrk.com>>>

Cc: Webb, David P. T. <[DPTWebb@wlrk.com](mailto:DPTWebb@wlrk.com)><<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <[mcdonaldj@sullerom.com](mailto:mcdonaldj@sullerom.com)><<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <[malkinaj@sullerom.com](mailto:malkinaj@sullerom.com)><<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <[mcarthur@sullerom.com](mailto:mcarthur@sullerom.com)><<mailto:mcarthur@sullerom.com>>>; Olivia G. Chaloso <[chaloso@sullerom.com](mailto:chaloso@sullerom.com)><<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <[SEddy@wlrk.com](mailto:SEddy@wlrk.com)><<mailto:SEddy@wlrk.com>>>; Barreca, Emily R. <[ERBarreca@wlrk.com](mailto:ERBarreca@wlrk.com)><<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <[peikins@sullerom.com](mailto:peikins@sullerom.com)><<mailto:peikins@sullerom.com>>>; Savitt, William D. <[wdsavitt@WLRK.com](mailto:wdsavitt@WLRK.com)><<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <[DunнанR@sec.gov](mailto:DunнанR@sec.gov)><<mailto:DunнанR@sec.gov>>>; Mendel, David S <[MendelD@sec.gov](mailto:MendelD@sec.gov)><<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)><<mailto:CostelloP@SEC.GOV>>>; Gogolak, Adam M. <[AMGogolak@wlrk.com](mailto:AMGogolak@wlrk.com)><<mailto:AMGogolak@wlrk.com>>>; Margida, Nicholas <[margidan@SEC.GOV](mailto:margidan@SEC.GOV)><<mailto:margidan@SEC.GOV>>>

Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

Kevin,

Thank you for meeting with us last Wednesday (10/23) to discuss the SEC's deposition notices served on Coinbase on October 11, 2024. We write to respond to some of the issues you brought up and to hopefully chart a path forward.

1. On October 8, 2024, we sent you an email to discuss scheduling the depositions of 7 current and former Coinbase employees (Ms. To and Messrs. Branzburg, Tusar, Leavitt, Segal, Suarez, and McDonnell) during the middle of November. On October 11, 2024, we followed up by providing you with deposition notices and subpoenas for these witnesses for the November dates specified therein. We explained that although the subpoenas selected a date certain, we are willing to work with your witnesses to find dates that are mutually agreeable. During our discussion this past Wednesday, we reiterated that we are willing to work cooperatively concerning the dates on which certain depositions will occur, during the remaining 2 months of the calendar year, 2024. Specifically, we would like to depose Branzburg, Tusar and To before the end of the year. You responded that only Ms. To is available in December and that Branzburg and Tusar are not available until January 2025. Based upon the advanced notice we provided you (on October 8) regarding our desire to depose these witnesses and the fact that they are currently under subpoena to appear at a deposition in November, it is unreasonable for Coinbase to refuse to provide deposition dates for Branzburg and Tusar until 2025. Please provide dates when Branzburg and Tusar can appear for a deposition in either November or December of this year. Please also provide dates when Ms. To is available to be deposed in December, as we discussed. We request that you provide each witness' availability by November 1, 2024.

1. Please provide dates during the weeks of January 6-10 and 13-17, 2025 when Messrs. Leavitt, McDonnell, Segal, and Suarez are available for deposition, by November 1, 2024. If you are not representing Mr. Suarez in connection with the deposition subpoena directed to him, please let us know as soon as possible and please also let us know if he has retained counsel, so that we may reach out to his counsel.

1. During our discussion this past Wednesday, we reiterated our request that you consent to expanding the number of depositions from 10 to 15. In response to your request that we justify the need for the additional 5 depositions, we explained that in addition to the 7 depositions already noticed, we intend to take the deposition of non-parties that are affiliated with some, and potentially all, of the Named Tokens at issue in this litigation. We believe a request for 15 depositions under the circumstances presented by this case, including the nature of the claims and scope of discovery thus far, is beyond reasonable. When considering whether to grant leave to allow a party to take more than 10 depositions, courts in this District look to the standard factors contemplated under Rule 26, including relevance, burden, and most importantly, whether additional depositions would be duplicative or cumulative of other discovery. See, e.g., Hertz Corp. v. Accenture LLP, 2020 WL 1150053 (S.D.N.Y. March 9, 2020); Atkinson v. Goord, 2009 WL 890682 (S.D.N.Y. April 2, 2009). Here, the 7 witnesses we have noticed have been identified by Coinbase as "most knowledgeable" on 6 discrete topics (including, but not limited to, the Coinbase Platform, Coinbase Prime, and the Coinbase Staking Program). Furthermore, the non-party witnesses who are affiliates of the 12 Named Tokens will provide evidence particular to the token projects with which they are affiliated. Conducting 15 depositions in this manner would hardly be duplicative or encompass cumulative evidence. As such, we ask that you reconsider our request; otherwise the parties will be at an impasse on this issue. Please respond to our request by November 1, 2024.

1. It is our understanding that your client consents, as contemplated by Section 8(d)(iii) of the Case Management Plan and Scheduling Order, to allow non-party depositions to occur concurrent with party depositions. Please confirm our understanding of your client's position by November 1, 2024.

Thanks,  
Pete

From: Gogolak, Adam M. <[AMGogolak@wlrk.com](mailto:AMGogolak@wlrk.com)><<mailto:AMGogolak@wlrk.com>>>

Sent: Monday, October 21, 2024 6:53 PM

To: Mancuso, Peter <[MancusoPe@SEC.GOV](mailto:MancusoPe@SEC.GOV)><<mailto:MancusoPe@SEC.GOV>>>; Margida, Nicholas <[margidan@SEC.GOV](mailto:margidan@SEC.GOV)><<mailto:margidan@SEC.GOV>>>; Schwartz, Kevin S. <[KSchwartz@wlrk.com](mailto:KSchwartz@wlrk.com)><<mailto:KSchwartz@wlrk.com>>>

Cc: Webb, David P. T. <[DPTWebb@wlrk.com](mailto:DPTWebb@wlrk.com)><<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <[mcdonaldj@sullerom.com](mailto:mcdonaldj@sullerom.com)><<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <[malkinaj@sullerom.com](mailto:malkinaj@sullerom.com)><<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <[mcarthur@sullerom.com](mailto:mcarthur@sullerom.com)><<mailto:mcarthur@sullerom.com>>>; Olivia G. Chaloso <[chaloso@sullerom.com](mailto:chaloso@sullerom.com)><<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <[SEddy@wlrk.com](mailto:SEddy@wlrk.com)><<mailto:SEddy@wlrk.com>>>; Barreca, Emily R. <[ERBarreca@wlrk.com](mailto:ERBarreca@wlrk.com)><<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <[peikins@sullerom.com](mailto:peikins@sullerom.com)><<mailto:peikins@sullerom.com>>>; Savitt, William D. <[wdsavitt@WLRK.com](mailto:wdsavitt@WLRK.com)><<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <[DunнанR@sec.gov](mailto:DunнанR@sec.gov)><<mailto:DunнанR@sec.gov>>>; Mendel, David S <[MendelD@sec.gov](mailto:MendelD@sec.gov)><<mailto:MendelD@sec.gov>>>; Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)><<mailto:CostelloP@SEC.GOV>>>

Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Pete,

2:00 on Wednesday works for us. I'll send a dial in.

Thanks,

Adam

Adam M. Gogolak

Wachtell, Lipton, Rosen & Katz  
51 West 52nd Street | New York, NY 10019  
+1.212.403.1189 (Direct) | +1.917.570.3826 (Mobile)  
AMGogolak@wlrk.com<mailto:AMGogolak@wlrk.com> | <https://protect2.fireeye.com/v1?url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=3dd69ae5-3549-4265-8dd2-238530126b97&u=http%3A%2F%2Fwww.wlrk.com%2F><https://urldefense.com/v3/\_https://protect2.fireeye.com/v1?url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=b7788f96-54e5-41e9-9900-f481923a776&u=http%3A%2F%2Fwww.wlrk.com%2F\_.JSUJQ!!JHV Txwv!mAGISlZrVvUDvjbPAk\_-uG0-guRx7jJqfSkOIGWEpwO88r74yPjCBD9UX4KSdgGYazEr0U9gr6YnKt121rs\$>

From: Mancuso, Peter <MancusoPe@SEC.GOV<mailto:MancusoPe@SEC.GOV>>  
Sent: Monday, October 21, 2024 9:49 AM  
To: Gogolak, Adam M. <AMGogolak@wlrk.com<mailto:AMGogolak@wlrk.com>>; Margida, Nicholas <margidan@SEC.GOV<mailto:margidan@SEC.GOV>>; Schwartz, Kevin S. <KSchwartz@wlrk.com<mailto:KSchwartz@wlrk.com>>  
Cc: Webb, David P. T. <DPTWebb@wlrk.com<mailto:DPTWebb@wlrk.com>>; James M. McDonald <mcdonaldj@sullerom.com<mailto:mcdonaldj@sullerom.com>>; Julia A. Malkina <malkinaj@sullerom.com<mailto:malkinaj@sullerom.com>>; Kathleen S. McArthur <mcarthur@sullerom.com<mailto:mcarthur@sullerom.com>>; Olivia G. Chaloso <chaloso@sullerom.com<mailto:chaloso@sullerom.com>>; Eddy, Sarah K. <SKEddy@wlrk.com<mailto:SKEDdy@wlrk.com>>; Barreca, Emily R. <ERBarreca@wlrk.com<mailto:ERBarreca@wlrk.com>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<mailto:peikins@sullerom.com>>; Savitt, William D. <wdsavitt@WLRK.com<mailto:wdsavitt@WLRK.com>>; Dunnan, Rebecca <DunнанR@sec.gov<mailto:DunнанR@sec.gov>>; Mendel, David S. <MendelD@sec.gov<mailto:MendelD@sec.gov>>; Costello, Patrick R. <CostelloP@SEC.GOV<mailto:CostelloP@SEC.GOV>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

**\*\*External Email-Use Caution\*\***  
Adam,

Thank you for following up on this. We are not available tomorrow but are free to discuss on Wednesday between 1-3pm. Please let me know if that works for you.

Thanks,  
Pete

From: Gogolak, Adam M. <AMGogolak@wlrk.com<mailto:AMGogolak@wlrk.com>>  
Sent: Friday, October 18, 2024 5:33 PM  
To: Margida, Nicholas <margidan@SEC.GOV<mailto:margidan@SEC.GOV>>; Schwartz, Kevin S. <KSchwartz@wlrk.com<mailto:KSchwartz@wlrk.com>>  
Cc: Webb, David P. T. <DPTWebb@wlrk.com<mailto:DPTWebb@wlrk.com>>; James M. McDonald <mcdonaldj@sullerom.com<mailto:mcdonaldj@sullerom.com>>; Julia A. Malkina <malkinaj@sullerom.com<mailto:malkinaj@sullerom.com>>; Kathleen S. McArthur <mcarthur@sullerom.com<mailto:mcarthur@sullerom.com>>; Olivia G. Chaloso <chaloso@sullerom.com<mailto:chaloso@sullerom.com>>; Eddy, Sarah K. <SKEddy@wlrk.com<mailto:SKEDdy@wlrk.com>>; Barreca, Emily R. <ERBarreca@wlrk.com<mailto:ERBarreca@wlrk.com>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<mailto:peikins@sullerom.com>>; Savitt, William D. <wdsavitt@WLRK.com<mailto:wdsavitt@WLRK.com>>; Dunnan, Rebecca <DunнанR@sec.gov<mailto:DunнанR@sec.gov>>; Mancuso, Peter <MancusoPe@SEC.GOV<mailto:MancusoPe@SEC.GOV>>; Mendel, David S. <MendelD@sec.gov<mailto:MendelD@sec.gov>>; Costello, Patrick R. <CostelloP@SEC.GOV<mailto:CostelloP@SEC.GOV>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Nick,

Following up on our below emails, let us know if you are available for a call to discuss depositions next Tuesday at 2:00 or 2:30.

Thanks,

Adam

Adam M. Gogolak  
Wachtell, Lipton, Rosen & Katz  
51 West 52nd Street | New York, NY 10019  
+1.212.403.1189 (Direct) | +1.917.570.3826 (Mobile)  
AMGogolak@wlrk.com<mailto:AMGogolak@wlrk.com> | <https://protect2.fireeye.com/v1?url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=3dd69ae5-3549-4265-8dd2-238530126b97&u=http%3A%2F%2Fwww.wlrk.com%2F><https://urldefense.com/v3/\_https://protect2.fireeye.com/v1?url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=ddc69907-1911-490a-a870-4a88758c9472&u=http%3A%2F%2Fwww.wlrk.com%2F\_.JSUJQ!!JHV Txwv!m-TBEjdy4sKnr7ZThGSsEJgyi0Vwzjg0a72TGC84Acm8NPb783blkC-6lxytunUrdWXBkdjgRfIGTq5nTYo\$>

From: Margida, Nicholas <margidan@SEC.GOV<mailto:margidan@SEC.GOV>>  
Sent: Friday, October 11, 2024 3:49 PM  
To: Schwartz, Kevin S. <KSchwartz@wlrk.com<mailto:KSchwartz@wlrk.com>>; Gogolak, Adam M. <AMGogolak@wlrk.com<mailto:AMGogolak@wlrk.com>>  
Cc: Webb, David P. T. <DPTWebb@wlrk.com<mailto:DPTWebb@wlrk.com>>; James M. McDonald <mcdonaldj@sullerom.com<mailto:mcdonaldj@sullerom.com>>; Julia A. Malkina <malkinaj@sullerom.com<mailto:malkinaj@sullerom.com>>; Kathleen S. McArthur <mcarthur@sullerom.com<mailto:mcarthur@sullerom.com>>; Olivia G. Chaloso <chaloso@sullerom.com<mailto:chaloso@sullerom.com>>; Eddy, Sarah K. <SKEddy@wlrk.com<mailto:SKEDdy@wlrk.com>>; Barreca, Emily R. <ERBarreca@wlrk.com<mailto:ERBarreca@wlrk.com>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<mailto:peikins@sullerom.com>>; Savitt, William D. <wdsavitt@WLRK.com<mailto:wdsavitt@WLRK.com>>; Dunnan, Rebecca <DunнанR@sec.gov<mailto:DunнанR@sec.gov>>; Mancuso, Peter <MancusoPe@SEC.GOV<mailto:MancusoPe@SEC.GOV>>; Mendel, David S. <MendelD@sec.gov<mailto:MendelD@sec.gov>>; Costello, Patrick R. <CostelloP@SEC.GOV<mailto:CostelloP@SEC.GOV>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

**\*\*External Email-Use Caution\*\***  
Kevin,

Thank you for responding to my email from Tuesday, and for confirming receipt of the deposition notices we sent earlier today. Of course, we will work with you on scheduling the depositions based on the deponents' availability. Happy to discuss any other concerns you may have (including your characterization of our prior discussions) next week, perhaps on the continued meet-and-confer re: your RFP #35—the scheduling of which we emailed you about yesterday.

Have a good weekend,  
Nick

From: Schwartz, Kevin S. <KSchwartz@wlrk.com<mailto:KSchwartz@wlrk.com>>  
Sent: Friday, October 11, 2024 2:46 PM  
To: Margida, Nicholas <margidan@SEC.GOV<mailto:margidan@SEC.GOV>>; Gogolak, Adam M. <AMGogolak@wlrk.com<mailto:AMGogolak@wlrk.com>>

Cc: Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthur@sullerom.com<<mailto:mcarthur@sullerom.com>>>; Olivia G. Chaloso <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKeddy@wlrk.com<<mailto:SKeddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>; Mendel, David S <MendelID@sec.gov<<mailto:MendelID@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Nick,

Your request for the availability of Coinbase individuals for party depositions to take place as early as the start of November came as a surprise — during our discussion of your proposed extension of the fact discovery schedule to February 18, the SEC represented that party depositions would not begin until the second half of January and in February given the anticipated schedule for documentary discovery. Your service of deposition notices today was likewise surprising, as we had not yet had a chance even to discuss these concerns raised by your email. You have also recently served voluminous additional discovery requests—including as recently as two days ago—for information related to topics that concern a number of the individuals you wish to depose at times that would necessarily precede our responses and objections, much less the completion of such document production. With those concerns in mind, we are willing to work with you to schedule party depositions to take place sooner than the mid-January timing you had previously represented, including later in November and in December, subject to the timing set by forthcoming document productions and of course the individuals' availability. We will look into this further and come back to you for discussion to agree upon such an approach.

We are still consulting with our client on your requests concerning the number of depositions and the timing of non-party depositions and anticipate coming back to you next week.

Best,  
Kevin

From: Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>  
Sent: Tuesday, October 8, 2024 2:45 PM  
To: Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>  
Cc: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>; Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthur@sullerom.com<<mailto:mcarthur@sullerom.com>>>; Olivia G. Chaloso <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKeddy@wlrk.com<<mailto:SKeddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>; Mendel, David S <MendelID@sec.gov<<mailto:MendelID@sec.gov>>>; Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Hi Adam,

Following up on the scheduling of party depositions, please let us know the availability of Max Branzburg, Greg Tusar, Josh Leavitt, Zach Segal, and Juan Suarez during the weeks of November 4-8 and 11-15. And please also let us know the availability of Leslie To and Phil McDonnell during the week of November 18-22.

Relatedly, we anticipate needing to take up to 15 depositions. Can you please talk to your client and let us know Coinbase's position with respect to increasing the number of depositions per side from 10 to 15?

Lastly, pursuant to Section 8(d)(iii) of the Case Management Plan and Scheduling Order, please let us know if Coinbase would be willing to allow non-party depositions to occur concurrent with party depositions. That would, in our view, make scheduling depositions easier and help both the SEC and Coinbase complete discovery on time. That said, we do not plan to take any non-party depositions in November—when we are aiming to take the above-mentioned party depositions.

Thank you,  
Nick

Nick Margida  
Senior Trial Counsel  
U.S. Securities & Exchange Commission  
Division of Enforcement  
100 F Street, N.E.  
Washington, DC 20549-5977  
(202) 551-8504

From: Gogolak, Adam M. <AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>>>  
Sent: Friday, August 30, 2024 9:14 AM  
To: Costello, Patrick R. <CostelloP@SEC.GOV<<mailto:CostelloP@SEC.GOV>>>  
Cc: Schwartz, Kevin S. <KSchwartz@wlrk.com<<mailto:KSchwartz@wlrk.com>>>; Webb, David P. T. <DPTWebb@wlrk.com<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <mcdonaldj@sullerom.com<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <malkinaj@sullerom.com<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <mcarthur@sullerom.com<<mailto:mcarthur@sullerom.com>>>; Olivia G. Chaloso <chaloso@sullerom.com<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <SKeddy@wlrk.com<<mailto:SKeddy@wlrk.com>>>; Barreca, Emily R. <ERBarreca@wlrk.com<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <peikins@sullerom.com<<mailto:peikins@sullerom.com>>>; Savitt, William D. <wdsavitt@WLRK.com<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <DunнанR@sec.gov<<mailto:DunнанR@sec.gov>>>; Mancuso, Peter <MancusoPe@SEC.GOV<<mailto:MancusoPe@SEC.GOV>>>; Margida, Nicholas <margidan@SEC.GOV<<mailto:margidan@SEC.GOV>>>; Mendel, David S <MendelID@sec.gov<<mailto:MendelID@sec.gov>>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Patrick,

Thank you for your email – we appreciate the coordination in scheduling depositions. The week of the 16th does not work on our end, but both Leslie To and Phil McDonnell are available the week of the 23rd, likely early in the week. We wanted, however, to raise one point relevant to pinning down scheduling that week. After further investigation, we are

planning on revising our interrogatory responses to identify Josh Leavitt as a person most knowledgeable regarding the staking program, as Mr. Leavitt has more knowledge about the technical aspects of the staking program than does Mr. McDonnell. We thought therefore that you might want to take Mr. Leavitt, rather Mr. McDonnell, in the first set of depositions. Let us know if that means you'd like us to pin down availability the week of the 23rd for Mr. Leavitt instead of Mr. McDonnell, which should be feasible but we wanted to check with you first. We are still running to ground windows to schedule Max Branzburg's and Greg Tusar's depositions, but those depositions will likely have to occur in early October.

Thanks,

Adam

Adam M. Gogolak  
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+1.212.403.1189 (Direct) | +1.917.570.3826 (Mobile)  
AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>> | <https://protect2.fireeye.com/v1/url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=3dd69ac5-3549-4265-8dd2-238530126b97&u=http%3A%2F%2Fwww.wlrk.com%2F><[https://urldefense.com/v3/\\_https://protect2.fireeye.com/v1/url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=82874ccf-e8b1-41bc-9a6d-adb33f6ce07c&u=http%3A%2F%2Fwww.wlrk.com\\*2F\\_.JSUIJQ!!JHVTxvw!gXqMYnL56UrkBHanamWasj\\_hY-3SKiHwx6e\\_8rEWecelSJHpsmJDLvDNOcyEnTCs20AI7RIKFPqmOHTcQ\\$-](https://urldefense.com/v3/_https://protect2.fireeye.com/v1/url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=82874ccf-e8b1-41bc-9a6d-adb33f6ce07c&u=http%3A%2F%2Fwww.wlrk.com*2F_.JSUIJQ!!JHVTxvw!gXqMYnL56UrkBHanamWasj_hY-3SKiHwx6e_8rEWecelSJHpsmJDLvDNOcyEnTCs20AI7RIKFPqmOHTcQ$-)>

From: Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)<<mailto:CostelloP@SEC.GOV>>>  
Sent: Thursday, August 29, 2024 9:09 AM  
To: Gogolak, Adam M. <[AMGogolak@wlrk.com](mailto:AMGogolak@wlrk.com)<<mailto:AMGogolak@wlrk.com>>>  
Cc: Schwartz, Kevin S. <[KSchwartz@wlrk.com](mailto:KSchwartz@wlrk.com)<<mailto:KSchwartz@wlrk.com>>>; Webb, David P. T. <[DPTWebb@wlrk.com](mailto:DPTWebb@wlrk.com)<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <[mcdonaldj@sullerom.com](mailto:mcdonaldj@sullerom.com)<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <[malkinaj@sullerom.com](mailto:malkinaj@sullerom.com)<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <[mcarthurk@sullerom.com](mailto:mcarthurk@sullerom.com)<<mailto:mcarthurk@sullerom.com>>>; Olivia G. Chalos <[chaloso@sullerom.com](mailto:chaloso@sullerom.com)<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <[SEddy@wlrk.com](mailto:SEddy@wlrk.com)<<mailto:SEddy@wlrk.com>>>; Barreca, Emily R. <[ERBarreca@wlrk.com](mailto:ERBarreca@wlrk.com)<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <[peikins@sullerom.com](mailto:peikins@sullerom.com)<<mailto:peikins@sullerom.com>>>; Savitt, William D. <[wdsavitt@WLRK.com](mailto:wdsavitt@WLRK.com)<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <[DunнанR@sec.gov](mailto:DunнанR@sec.gov)<<mailto:DunнанR@sec.gov>>>; Mancuso, Peter <[MancusoPe@SEC.GOV](mailto:MancusoPe@SEC.GOV)<<mailto:MancusoPe@SEC.GOV>>>; Margida, Nicholas <[margidan@SEC.GOV](mailto:margidan@SEC.GOV)<<mailto:margidan@SEC.GOV>>>; Mendel, David S <[MendelID@sec.gov](mailto:MendelID@sec.gov)<<mailto:MendelID@sec.gov>>>; Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)<<mailto:CostelloP@SEC.GOV>>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Adam—

Just wanted to follow up with you on this. Please let us know.

Thanks,

Patrick

From: Gogolak, Adam M. <[AMGogolak@wlrk.com](mailto:AMGogolak@wlrk.com)<<mailto:AMGogolak@wlrk.com>>>  
Sent: Friday, August 23, 2024 09:24  
To: Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)<<mailto:CostelloP@SEC.GOV>>>  
Cc: Schwartz, Kevin S. <[KSchwartz@wlrk.com](mailto:KSchwartz@wlrk.com)<<mailto:KSchwartz@wlrk.com>>>; Webb, David P. T. <[DPTWebb@wlrk.com](mailto:DPTWebb@wlrk.com)<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <[mcdonaldj@sullerom.com](mailto:mcdonaldj@sullerom.com)<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <[malkinaj@sullerom.com](mailto:malkinaj@sullerom.com)<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <[mcarthurk@sullerom.com](mailto:mcarthurk@sullerom.com)<<mailto:mcarthurk@sullerom.com>>>; Olivia G. Chalos <[chaloso@sullerom.com](mailto:chaloso@sullerom.com)<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <[SEddy@wlrk.com](mailto:SEddy@wlrk.com)<<mailto:SEddy@wlrk.com>>>; Barreca, Emily R. <[ERBarreca@wlrk.com](mailto:ERBarreca@wlrk.com)<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <[peikins@sullerom.com](mailto:peikins@sullerom.com)<<mailto:peikins@sullerom.com>>>; Savitt, William D. <[wdsavitt@WLRK.com](mailto:wdsavitt@WLRK.com)<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <[DunнанR@sec.gov](mailto:DunнанR@sec.gov)<<mailto:DunнанR@sec.gov>>>; Mancuso, Peter <[MancusoPe@SEC.GOV](mailto:MancusoPe@SEC.GOV)<<mailto:MancusoPe@SEC.GOV>>>; Margida, Nicholas <[margidan@SEC.GOV](mailto:margidan@SEC.GOV)<<mailto:margidan@SEC.GOV>>>; Mendel, David S <[MendelID@sec.gov](mailto:MendelID@sec.gov)<<mailto:MendelID@sec.gov>>>  
Subject: RE: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Patrick,

This confirms receipt of your email. We are discussing with our client and will be back to you next week.

Thanks,

Adam

Adam M. Gogolak  
Wachtell, Lipton, Rosen & Katz  
51 West 52nd Street | New York, NY 10019  
+1.212.403.1189 (Direct) | +1.917.570.3826 (Mobile)  
AMGogolak@wlrk.com<<mailto:AMGogolak@wlrk.com>> | <https://protect2.fireeye.com/v1/url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=3dd69ac5-3549-4265-8dd2-238530126b97&u=http%3A%2F%2Fwww.wlrk.com%2F><[https://urldefense.com/v3/\\_https://protect2.fireeye.com/v1/url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=3d00b126-213b-4d87-b34f-b46d95406cab&u=http%3A%2F%2Fwww.wlrk.com\\*2F\\_.JSUIJQ!!JHVTxvw!ilsCnGPj74NusZ8vZdhq\\_xLiQ16iK8quKPS1lgoA\\_F0hVjJqS9Fz0P2RWIU2iqtsIoZDXIdSmTiv4jg\\$-](https://urldefense.com/v3/_https://protect2.fireeye.com/v1/url?k=31323334-50bba2bf-3132d782-4544474f5631-9079606ec7f831e2&q=1&e=3d00b126-213b-4d87-b34f-b46d95406cab&u=http%3A%2F%2Fwww.wlrk.com*2F_.JSUIJQ!!JHVTxvw!ilsCnGPj74NusZ8vZdhq_xLiQ16iK8quKPS1lgoA_F0hVjJqS9Fz0P2RWIU2iqtsIoZDXIdSmTiv4jg$-)>

From: Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)<<mailto:CostelloP@SEC.GOV>>>  
Sent: Wednesday, August 21, 2024 10:55 AM  
To: Gogolak, Adam M. <[AMGogolak@wlrk.com](mailto:AMGogolak@wlrk.com)<<mailto:AMGogolak@wlrk.com>>>  
Cc: Schwartz, Kevin S. <[KSchwartz@wlrk.com](mailto:KSchwartz@wlrk.com)<<mailto:KSchwartz@wlrk.com>>>; Webb, David P. T. <[DPTWebb@wlrk.com](mailto:DPTWebb@wlrk.com)<<mailto:DPTWebb@wlrk.com>>>; James M. McDonald <[mcdonaldj@sullerom.com](mailto:mcdonaldj@sullerom.com)<<mailto:mcdonaldj@sullerom.com>>>; Julia A. Malkina <[malkinaj@sullerom.com](mailto:malkinaj@sullerom.com)<<mailto:malkinaj@sullerom.com>>>; Kathleen S. McArthur <[mcarthurk@sullerom.com](mailto:mcarthurk@sullerom.com)<<mailto:mcarthurk@sullerom.com>>>; Olivia G. Chalos <[chaloso@sullerom.com](mailto:chaloso@sullerom.com)<<mailto:chaloso@sullerom.com>>>; Eddy, Sarah K. <[SEddy@wlrk.com](mailto:SEddy@wlrk.com)<<mailto:SEddy@wlrk.com>>>; Barreca, Emily R. <[ERBarreca@wlrk.com](mailto:ERBarreca@wlrk.com)<<mailto:ERBarreca@wlrk.com>>>; Peikin, Steven R. (Sullivan & Cromwell LLP) <[peikins@sullerom.com](mailto:peikins@sullerom.com)<<mailto:peikins@sullerom.com>>>; Savitt, William D. <[wdsavitt@WLRK.com](mailto:wdsavitt@WLRK.com)<<mailto:wdsavitt@WLRK.com>>>; Dunnan, Rebecca <[DunнанR@sec.gov](mailto:DunнанR@sec.gov)<<mailto:DunнанR@sec.gov>>>; Mancuso, Peter <[MancusoPe@SEC.GOV](mailto:MancusoPe@SEC.GOV)<<mailto:MancusoPe@SEC.GOV>>>; Margida, Nicholas <[margidan@SEC.GOV](mailto:margidan@SEC.GOV)<<mailto:margidan@SEC.GOV>>>; Mendel, David S <[MendelID@sec.gov](mailto:MendelID@sec.gov)<<mailto:MendelID@sec.gov>>>; Costello, Patrick R. <[CostelloP@SEC.GOV](mailto:CostelloP@SEC.GOV)<<mailto:CostelloP@SEC.GOV>>>  
Subject: SEC v. Coinbase, No. 23-cv-4738-KPF (SDNY) - Depositions

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Adam –

As we mentioned on our call on Friday, we'd like to schedule the first set of depositions during the weeks of 9/16 or 9/23. The deponents for this first set are Max Branzburg, Phil McDonnell, Leslie To, and Greg Tusar.

Please let us know the dates during that two-week period that work for you and each of the deponents and whether you would like the depositions to take place at Wachtell's office in NY.

Thanks,

Patrick

<image001.png>

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<image001.png>

<image002.png>

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Thank you in advance for your cooperation and assistance.

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