

Attachment A For [REDACTED]
November 18, 2022

In the Matter of [REDACTED]

A. Definitions

As used in this request, the words and phrases listed below shall have the following meanings:

1. [REDACTED] or “the Firm” [REDACTED] including any subsidiaries, affiliates, or divisions, or predecessor or successor subsidiaries, affiliates or divisions, and any current or former officers, directors, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing.
2. “Communication Devices” means any mobile phones (such as iPhones), tablets (such as iPads), or similar devices, in the possession or control of the Firm employees, regardless of whether owned personally or provided by the Firm or a third party.
3. “Platform” means any software, app, website, social media platform, messaging protocol, or other means by which individuals may communicate and/or share electronic content.
4. “Text Messages” means any communications sent by text, instant message, iMessage, SMS, WhatsApp, Signal, Discord, Telegram, WeChat, GChat, Skype, Social Media direct messaging, or any other messages sent or received on any similar platform or application via Communication Devices or platforms that relate to the broker-dealer or investment adviser business activities of the Firm.
5. “Senior Executives” means any past or present Firm personnel or corporate officers, who were or are responsible for any executive-level oversight, review, approval, planning, and reporting of the Firm’ financial services business, including, but not limited to brokerage, banking, commercial banking, and investing and related services.
6. The Uniform Definitions in Discovery Requests set forth in the Southern District of New York Local Civil Rule 26.3 shall apply to this attachment.
7. The use of the singular form of any word includes the plural and vice versa.

B. Instructions

1. Responsive documents shall be produced as they are kept in the usual course of business, and organized and labeled to correspond to the request to which they are primarily responsive, pursuant to Rule 34(b) of the Federal Rules of Civil Procedure. Documents shall be produced in a manner that permits the source of the documents to be easily ascertained.
2. Each document requested shall be produced in its entirety, including all non-identical copies and drafts, without abbreviation, expurgation, or redaction.
3. Each document requested shall be produced in compliance with the standards set forth in the enclosed SEC Data Delivery Standards, concerning the production of electronic communications and data.
4. Each document requested shall be produced with an identifying notation, or bates number, in sequential order.
5. Unless otherwise stated, the time period for this request is **January 1, 2019 to the present**.
6. No part of the document request shall be left unanswered merely because an objection is interposed to another part of the document request.
7. This request seeks any and all documents in the Firm's possession, custody, or under its control, or available to the Firm, regardless of whether these documents are in its possession, or are possessed by the Firm's present or former affiliates, agents, servants, employees, attorneys, officers, staff, independent contractors, representatives, or others from whom the Firm may obtain the requested information, documents or materials.
8. If any document sought by this request is withheld under a claim of privilege (including work product):
 - a. Identify each such document by stating:
 - i. the type of document;
 - ii. the general subject matter of the document;
 - iii. such other information as is sufficient to identify the document for a subpoena duces tecum, including, without limitation, the author of the document, the addressee of the document and, where not apparent, the relationship of the author and addressee to one another, the number of pages, its present custodian, and each person to whom the document or substance of the document was communicated, in whole or in part;
 - b. Identify the nature of the privilege and all facts upon which that assertion is based; and
 - c. If a document is withheld under a claim of attorney-client privilege, provide, in addition to the information requested in subparagraph 8(a) above:
 - i. the identity of the attorney and client involved;
 - ii. the date when the attorney was retained; and
 - iii. the general subject matter of the retention.

- d. If any document sought by this request was, but no longer is, in the Firm's possession, custody, or control, identify each such document and its present or last known custodian, and state:
 - i. the reason why the document is not being produced; and
 - ii. the date of loss, destruction, discarding, theft, or other disposal of the document.
9. If any documents responsive to this request no longer exists because they have been lost, discarded, deleted or otherwise destroyed, you should identify such documents and give the date on which they were lost, discarded, deleted or destroyed.

C. Documents to be Produced

In accordance with the above definitions and instructions, produce the following documents by 5:00 p.m., December 7, 2022:

1. Documents sufficient to identify the Firm's policies and procedures related to:
 - a. The Communication Devices and/or Platforms on which Firm employees are or are not authorized to create and/or receive Text Messages;
 - b. The retention of communications by the Firm employees engaged in broker-dealer and/or investment adviser-related services; and
 - c. The Communication Devices and/or Platforms (including but not limited to "bring your own device" software) provided to employees by or at the direction of the Firm for the purpose of enabling employees to communicate in a manner that complies with the policies and procedures described in Requests 1(a) and 1(b) above.
2. Documents sufficient to identify all persons responsible for overseeing the Firm's policies and procedures described in Request 1 above.
3. Documents sufficient to identify any certification process by which Senior Executives at the Firm attested to their compliance with any document retention policies and procedures described in Request 1 above.
4. Documents sufficient to identify any monitoring, reminders, testing or reviews conducted with regard to compliance with the policies and procedures described in Request 1 above.
5. Documents sufficient to identify any compliance-related training exercises mandated for the Firm employees concerning the policies and procedures described in Request 1 above, as well as any policies or procedures by which participation in such trainings was monitored or enforced.
6. Documents and information sufficient to identify all violations of the policies and procedures set forth in Request 1, and any disciplinary action taken against any of the Firm's employees as a consequence of such violations.
7. Documents sufficient to identify the organizational structure of the Firm's broker-dealer-related businesses from 2019 to the present. Such organizational charts or other documents

should be sufficient to identify Senior Executives who are responsible for each line of business.

8. Documents and information sufficient to identify any Senior Executive or employee of the Firm who directly reports to a Senior Executive who sent or received a Text Message on a Communication Device. Include the following information for all Communication Devices surveyed:
 - a. The name of the Senior Executive or employee;
 - b. The position of the Senior Executive or employee at the Firm;
 - c. The tenure of the Senior Executive or employee at the Firm;
 - d. Whether the Senior Executive or employee at the Firm is a Registered Representative and/or registered investment adviser;
 - e. Whether the Communication Device was issued by the Firm or used any Firm-approved applications or software;
 - f. The messaging platform(s) or application(s) used for the Text Messages;
 - g. The volume of Text Messages sent and received on Communication Devices;
 - h. The date range of any Text Message(s) identified in Request 8(g);
 - i. The number of contacts with whom Text Messages were exchanged who are also employees of the Firm;
 - j. The number of contacts with whom Text Messages were exchanged who are employees of broker-dealers or registered investment advisers;
 - k. Whether the Text Messages were retained by the Firm pursuant to any of the Firm's policies and procedures reflected in Request 1; and
 - l. If Text Messages do not exist, documents and information sufficient to explain why.
9. Documents or information sufficient to identify all actual, proposed or contemplated alterations, modifications or deletion of any document or Text Message responsive to the Documents to be Produced, including, but not limited to, any court order or policy, practice or procedure related to the maintenance, preservation, modification, recycling or destruction of documents.