

EXHIBIT D

PAUL G. CASSELL
Ronald N. Boyce Presidential Professor of Criminal Law
S.J. Quinney College of Law at the University of Utah
383 S. University St.
Salt Lake City, UT 84112
Telephone: 801-585-5202
cassellp@law.utah.edu*

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Laura A. Menninger
Haddon, Morgan and Foreman, P.C.
150 East 10th Avenue
Denver, CO 80203
Via email: lmenninger@hmflaw.com

Re: Giuffre v. Maxwell
Case no. 15-cv-07433 – Regarding Protective Order

Dear Laura,

Thanks for your letter of September 8 regarding the protective order and ultimate handling of the documents covered by the protective order.

As you know from my earlier letter of July 8, paragraph 12's provisions take effect "at the conclusion of the case." As you are also aware from my earlier letter and otherwise, two appeals involving this case (and to which Ms. Giuffre has been named as a party) remain pending in the Second Circuit. These two appeals involve some of the confidential documents that you are, apparently, proposing may need to be destroyed now. And since I sent that letter, the *Miami Herald* has been involved in additional litigation – leading, just today, to yet another appeal.

Until the three pending appeals have been resolved, it continues to be the case that it would be premature to begin implementing paragraph 12's provisions.

We also note that your position regarding case deposition is incorrect based on Judge Sweet's prior order. The party that designated the deposition as confidential is the party that controls the designation and in most instances, the Plaintiff was the party who made the designation.

* This daytime business address is provided for identification and correspondence purposes only and is not intended to imply institutional endorsement by the University of Utah.

We do not believe that Judge Sweet has ruled otherwise on November 14, 2017, as these specific issues were not before him. Indeed, in the very order that you cite, Judge Sweet denied modification of the protective order (apparently regarding some of the materials in question), leading to one of the appeals to the Second Circuit.

We will contact you at the final conclusion of those three appeals to make appropriate arrangements.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Paul Cassell", written in a cursive style.

Paul G. Cassell
for Ms. Virginia Giuffre