

EXHIBIT D

Joshua Marks

From: Stephen W. Tountas
Sent: Wednesday, June 12, 2019 3:53 PM
To: Mitchell Cantor <mc@mcantorlawoffice.com>
Cc: Anthony MacDonald Caputo <ACaputo@kasowitz.com>
Subject: Re: EROS v. Mangrove, Asensio et al

Mitchell:

What dates and times were these subpoenas purportedly served? They appear to be dated on June 5, so I am puzzled why you are providing us with notice a week later. It appears to be a blatant attempt at sandbagging.

I further take exception that you failed to meet the deadlines for briefing and disclosure set by Justice Cohen, neglected to respond to plaintiff's discovery requests, and failed to proffer affidavits of service in support of the purported service of these subpoenas.

For these reasons, and a number of others, testimony by either of these witnesses is improper, and we will seek to preclude them from testifying if necessary.

We reserve all rights.

Sent from my iPhone

Stephen W. Tountas
Kasowitz Benson Torres LLP
1633 Broadway
New York, NY 10019
Tel. (212) 506-1739
Fax. (212) 500-3550
STountas@kasowitz.com

On Jun 12, 2019, at 2:54 PM, Mitchell Cantor <mc@mcantorlawoffice.com> wrote:

****External Email****

Attached please the two third party subpoenas served on doormen Elvin Diaz and David Pratts in connection with tomorrow's traverse hearing. Mitchell Cantor

<Eros Asensio Pratts and Diaz Subpoenas.pdf>