

Exhibit D



U.S. Department of Justice
United States Attorney
District of New Jersey

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Via Email Attachment

Thomas F. Burke, Esq.
Borum, Burke & Didonato, LLC
150 JFK Blvd., Suite 900
Philadelphia, PA 19102

Re: U.S. v. Eric Rivera

Dear Mr. Burke:

The Government is providing certain discovery relating to the Government's case against your client, Eric Rivera, in the above-referenced matter. The Government is making the discovery available via the USAfx portal. A link will be provided under separate cover. Please be advised that these materials are being provided pursuant to a Protective Order that has been entered in this case.

Disclosure by the Government

The discovery materials include the following:

1. Payment Protection Program ("PPP") and Economic Injury Disaster Loan ("EIDL") application and loan documents for Absolute Homes LLC; Coach Sargeant Training LLC; East Coast Commercial LLC; King of Aces Barbershop LLC; Leader of the Pack Productions LLC; One World Read LLC; Precis Laboratory LLC; Y3K Entertainment LLC; and KMGB Holdings LLC.
2. Bank records pertaining to the transfer and spending of PPP and EIDL loan proceeds.
3. Communications regarding the conspiracy to submit fraudulent PPP and EIDL loan applications and the conspiracy to launder PPP and EIDL loan proceeds, including:
 - a. Messages between Lisa Smith, Eric Rivera, and Adrienne Ponzio;
 - b. An email between Lisa Smith, Eric Rivera, and Adrienne Ponzio.
 - c. Messages between Eric Rivera and Yasha Barjona;
 - d. Messages between Eric Rivera and Jeremy Earley;
 - e. Messages between Eric Rivera and [REDACTED];
 - f. Messages between Eric Rivera and William Ingram;
 - g. Messages between Eric Rivera and Adrienne Ponzio;
 - h. Messages between Eric Rivera and Robert Sargeant;
 - i. Messages between Eric Rivera and Lisa Smith;
 - j. Messages between Eric Rivera and Rhonda Thomas;

- k. Messages between Eric Rivera, Lisa Smith, and Rhonda Thomas;
- l. Messages between Eric Rivera, Adrienne Ponzio, and [REDACTED].

This Disclosure Is Voluntary and Not Complete

Please note that our Office is providing this pre-indictment discovery to you voluntarily. Neither Federal Rule of Criminal Procedure 16 nor any statute or rule requires that our Office make discovery to a person unless and until that person has been indicted. Although the Government is under no legal obligation to provide the enclosed material before the filing of an indictment, *see United States v. Sgarlat*, 705 F. Supp. 2d 347, 355 (D.N.J. 2010), we are willing to do so here to facilitate plea negotiations. Also, please be advised that the disclosure of this evidence does not imply that our Office has made, or will make, complete pre-indictment discovery to you. Should your client ultimately be indicted, you will receive all of the discovery to which your client is entitled. However, should you desire to receive and/or review any other evidence or materials relevant to the investigation and/or prosecution of your client, please feel free to make a request, and we will consider each such request as it is made.

* * *

If you have any questions about the enclosed materials, please do not hesitate to contact me. Once you have had an opportunity to review the enclosed information with your client, please contact me regarding disposition of this matter.

Very truly yours,

PHILIP R. SELLINGER
United States Attorney

By: /s/ Daniel A. Friedman
DANIEL A. FRIEDMAN
JASON M. RICHARDSON
Assistant U.S. Attorneys