

EXHIBIT 15-D

Claimant's Reply to Respondent's Response to Motion to Produce Discovery
dated April 10, 2025



CLAIMANT'S REPLY TO RESPONDENT'S RESPONSE TO MOTION TO PRODUCE DISCOVERY

TERRI P. TEPPER

Claimant,

-against-

OPPENHEIMER & CO., INC.

Respondent.

Dated: April 10, 2025

FINRA Case No. 24-02286

Claimant Terri P. Tepper ("Claimant"), hereby submits this reply to Respondent Oppenheimer & Co., Inc.'s ("Oppenheimer" or "Respondent") Response dated April 10, 2025, to Claimant's Motion to Produce Discovery.

I. INTRODUCTION

Respondent's filing of April 10, 2025, contains significant misrepresentations regarding both the nature of the discovery materials at issue and the scope of Mr. Ordower's March 14, 2025 Order. Respondent's claim that it has fully complied with its discovery obligations is demonstrably false, as outlined below.

II. RESPONDENT'S BLATANT MISREPRESENTATION OF AGREED-UPON DISCOVERY

Respondent's assertion that they have fully complied by producing the "Client Activity Report" is a demonstrably false mischaracterization that directly contradicts what was explicitly agreed upon during the pre-hearing conference. To be absolutely clear:

1. During the pre-hearing conference, all parties unequivocally agreed that Respondent would produce the "Client Financials Report" in Excel spreadsheet format. This agreement was clear and explicit in the conference proceedings.
2. What Respondent has deceptively labeled as compliant production is merely a "Client Activity Report" - a log file showing account access timestamps with NO financial data whatsoever. This report contains zero financial figures, no account balances, no transaction histories, and no other substantive financial information pertinent to this dispute.
3. Respondent is now attempting to rewrite history by falsely claiming that this access log constitutes the financial records that were clearly ordered to be produced. This is not a misunderstanding but appears to be a deliberate attempt to evade discovery obligations while claiming compliance.
4. The distinction between an access log and actual financial records is fundamental and self-evident. No reasonable interpretation of Mr. Ordower's March 14, 2025 Order would construe it as requiring only access logs when the dispute centers on actual financial transactions and account values.



III. RESPONDENT'S MISREPRESENTATION REGARDING RECORD FORMATS

Respondent claims they "do not even keep these records in excel" and "never agreed to produce such documents in excel." This statement contradicts:

1. Respondent's own internal documentation which references financial data maintained in spreadsheet format.
2. Industry standard practices for financial institutions, which routinely maintain account data in structured database formats that can be exported to Excel.
3. Prior communications in which Respondent's representatives acknowledged the ability to produce financial records in spreadsheet format.

IV. RESPONDENT'S CONTINUED FAILURE TO ADDRESS FILE SIZE REQUIREMENTS

While the substantive misrepresentation regarding the nature of financial records is the primary issue, Respondent has also failed to adequately address the file size limitations despite multiple requests:

1. Contrary to Respondent's claims of making best efforts, numerous files in Respondent's production remain significantly over the required 30MB size limit.
2. Respondent's explicit claim that properly sized files would "jeopardize the contents of the documents" is demonstrably false. Standard PDF optimization techniques are readily available that preserve document integrity while reducing file size. This is a basic technical capability available to any law firm or financial institution.
3. Respondent's assertion that "to break these files up even more could jeopardize the contents of the documents" has no basis in fact and appears designed to excuse their continued non-compliance with FINRA's file size requirements. If Respondent truly lacks the technical capability to properly size electronic files, they should have sought assistance rather than making false technical claims.
4. Respondent has failed to engage in good faith efforts to resolve this technical issue, instead placing the burden on Claimant to identify specific problematic files when Respondent itself should be ensuring compliance with FINRA's clearly stated file size requirements.

V. CONCLUSION

For the foregoing reasons, Claimant respectfully requests that Mr. Ordower:

1. Find that Respondent has NOT complied with the March 14, 2025 Order by producing an access log instead of the clearly agreed-upon client financial records.
2. Order immediate production of the actual "Client Financials Report" containing comprehensive transaction data, account balances, and other relevant financial information in Excel spreadsheet format as was explicitly agreed to during the pre-hearing conference.
3. Order Respondent to specifically include and clearly identify within this report the total dollar amount of all commissions and fees charged from January 2021 to present, with monthly and



annual totals clearly delineated, to prevent any potential disputes regarding these numbers during the hearing.

4. Order Respondent to ensure that ALL discovery files comply with the 30MB size limitation requirement within 5 business days, utilizing appropriate file optimization techniques that preserve document integrity, and hold Respondent to their word regarding production of properly sized files.
5. Impose appropriate sanctions for Respondent's deliberate mischaracterization of discovery requirements and continued attempts to withhold critical financial evidence.
6. Set a firm deadline of no more than 5 business days for Respondent to produce the actual financial records and properly sized files, given that Respondent has already had ample time to comply with the original order.

Respectfully submitted,

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