

119. According to Diane Clark, IDT's Managing Attorney in 2003, "The owner of agent [Mont Salem] may be a government official." Levine January 28, 2009, Page 1-67 (Confidential and Non-Confidential Portion).
120. According to Diane Clark, IDT's Managing Attorney in 2003, the Teleco Haiti Deal sounded "fishy" and this is not "something IDT ever does." Levine January 28, 2009, Page 1-67 (Confidential and Non-Confidential Portion).
121. On October 21, 2003, prior to final implementation of the Teleco Haiti Deal, Diane Clark, IDT's Managing Attorney in 2003, had FCPA "concerns" about it. Levine January 28, 2009, Page 1-67 (Confidential and Non-Confidential Portion).
122. On October 21, 2003, Diane Clark, believed her FCPA concerns were legitimate. Id.
123. On or about October 21, 2003, Diane Clark, IDT's Managing Attorney, consulted with David Levine, an attorney with the firm of McDermott, Will and Emory, about her FCPA concerns with the Teleco Haiti Deal. Levine January 28, 2009, Page 1-67 (Confidential and Non-Confidential Portion; Clark 2-4-2009, Page 61:5-63:12 (Non-Confidential Portion).
124. On October 21, 2003, David Levine, while acting as counsel for IDT, made the following statement to his partners concerning his discussions and consultation with Diane Clark that same day:

"Subject IDT Call with Diane Clark

David, Mark – I spoke at some length with Diane Clark this afternoon about the FCPA issue she raised, I agreed with her own initial reaction to a prospective transaction – that it raised some FCPA concerns. I suggested that she pursue the matter by undertaking some due diligence regarding the agent arrangement at issue, which, for now, she raised with me only in hypothetical terms. She was glad to hear confirmation of her concerns, but admitted that the business folks obviously do not like this because it may kill the deal. She said she may have more questions if this goes forward, and I invited her to contact me anytime to discuss further. I'll let you know of any developments.

Best regards,

David"

Levine Deposition Exhibits 8 through 11.

125. David Levine, agreed with Diane Clark that the proposed Teleco Haiti Deal raised “FCPA concerns.”