

**From:** rjacobson@ymail.com  
**Sent:** Monday, April 25, 2022 11:00 PM  
**To:** 'Jennifer Zachary'; 'Bart J. Cannon'  
**Cc:** 'arisbuinevicius@hotmail.com'; 'susan.rohol@warnerbros.com'; 'Dan Rearick'; 'Lucy Martinez'  
**Subject:** FW: Automatic reply: Whistleblower concerns re Jennifer Zachary (General Counsel)

Ms. Zachary,

Please forward this to every board member of Code the Dream, Inc. They deserve to know about my concerns. Please confirm immediately once you've done so.

I've reached out to your media team to get information for Kenneth Frazier. I don't want to stab you in the back. I want to be upfront that I believe that you're a terrible attorney. As an American public taxpayer, my current understanding is that you have perhaps engaged in criminal corruption to defend your perhaps classmate Daniel Rearick. I'll stipulate that he graduated from the Harvard Law Class of 2004 if you will. I do not have complete information, and my current understanding could be wrong.

Would you care to put me in touch with Kenneth Frazier so that he and I can have a private conversation? I am appalled at your behavior. I've been averse to Merck before, but I view Merck as a fellow victim here. I do not want the innocent shareholders of Merck & Co., Inc. to be hurt by your representation. (I have avoided every temptation to "humblebrag," but I literally drafted every winning brief in the Merck v. Mediplan litigation while burning the midnight oil as a fifth-year associate. That's the sweet spot, where associates are "smart enough" without having partner-level billing rates. Mine was around \$550/hour. I'm guessing that would be \$900/hour today, but who knows. I attained a good result for my client, which wasn't Merck.)

Please review your obligations under the Rules of Professional Conduct, including the Preamble to the Rules of Professional Conduct for North Carolina and equivalent rules in your jurisdiction. I have never been so ashamed of attorneys from the Harvard Law Class of 2004, or any attorneys anywhere, before.

Please also remember that I graduated with Douglas Colt. When I mentioned that the first time, I meant it in jest and sardonically, with the complete assumption that you weren't a close personal friend of Daniel Rearick. I literally forced Aris, Dan, and Daisy into putting you into contact with me because I considered all three hopelessly corrupt. My expectation was that you were an honest, ethical, kick-ass General Counsel of Merck & Co., Inc. who I could trust implicitly as a professional.

Now read the above sentence. Am I insane? Nobody has ever before written an English sentence that includes "General Counsel of Merck & Co., Inc." and "implicit trust." I feel like a fool. I feel sorry for the shareholders of Merck and Mr. Frasier, nothing more.

Rob

---

**From:** Global Media Relations <mediarelations@merck.com>  
**Sent:** Monday, April 25, 2022 9:56 PM  
**To:** rjacobson@ymail.com  
**Subject:** Automatic reply: Whistleblower concerns re Jennifer Zachary (General Counsel)

Your email has been received.

If you have reached this inbox outside of regular business hours (Monday – Friday, 7:00 am – 7:00 pm ET), we will follow up with you as soon as possible. If this is a product emergency, please reach out to the Merck National Service Center at [1-800-444-2080](tel:1-800-444-2080).

Thank you,  
Merck Global Media Relations

Notice: This e-mail message, together with any attachments, contains information of Merck & Co., Inc. (2000 Galloping Hill Road, Kenilworth, New Jersey, USA 07033), and/or its affiliates Direct contact information for affiliates is available at <http://www.merck.com/contact/contacts.html>) that may be confidential, proprietary copyrighted and/or legally privileged. It is intended solely for the use of the individual or entity named on this message. If you are not the intended recipient, and have received this message in error, please notify us immediately by reply e-mail and then delete it from your system.