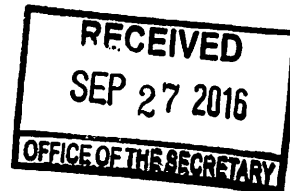


UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-17387



In the Matter of

DONALD F. ("JAY") LATHEN, JR., EDEN
ARC CAPITAL MANAGEMENT, LLC,
and EDEN ARC CAPITAL ADVISORS,
LLC

Respondents.

**DECLARATION OF ALEXANDER JANGHORBANI IN SUPPORT OF THE DIVISION
OF ENFORCEMENT'S MOTION TO PRECLUDE RESPONDENTS' ADVICE OF
COUNSEL DEFENSE AND TO ISSUE SUBPOENAS**

I, Alexander Janghorbani, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Senior Trial Counsel in the Division of Enforcement (the "Division"). I submit this declaration in support of the Division's Memorandum of Law in Support of Its Motion to Preclude Respondents' Advice of Counsel Defense and to Issue Subpoenas. I am fully familiar with the facts and circumstances herein.

2. Attached hereto as Exhibit A is a true and correct copy of the transcript of the Prehearing Conference, dated September 12, 2016.

3. Attached hereto as Exhibit B is a true and correct copy of a letter from Harlan Protass to Hon. James E. Grimes, September 23, 2016.

4. Attached hereto as Exhibit C is a true and correct copy of e-mail correspondence between Alexander Janghorbani and Harlan Protass, dated September 23-24, 2016.

5. Attached hereto as Exhibit D is a true and correct copy of a Memorandum from Margaret D. Farrell to Donald F. (“Jay”) Lathen, dated December 20, 2012.
6. Attached hereto as Exhibit E is a true and correct copy of Respondents’ privilege log produced to the Commission.
7. Attached hereto as Exhibit F is a true and correct copy of excerpts of the investigative testimony of Donald F. Lathen, dated July 22 and 23, 2015.
8. Attached hereto as Exhibit G is a true and correct copy of a letter from Corey Chivers to Kevin Galbraith, dated October 10, 2014.
9. Attached hereto as Exhibit H is a true and correct copy of a table titled “Attorney List” produced by Respondents to the Commission.
10. Attached hereto as Exhibit I is a true and correct copy of correspondence between Judith Weinstock and Harlan Protass, between June 22 and July 5, 2016.
11. Attached hereto as Exhibit J is a true and correct copy of a letter from Harlan Protass to Judith Weinstock, dated September 23, 2016.
12. Attached hereto as Exhibit K is a true and correct copy of e-mail correspondence between Alexander Janghorbani and Harlan Protass, between September 23 and 25, 2016.
13. Attached hereto as Exhibit L is a true and correct copy of e-mail from Judith Weinstock to Harlan Protass, dated September 13, 2016.
14. Attached hereto as Exhibit M is a true and correct copy of e-mail correspondence between Judith Weinstock and Harlan Protass, dated September 18, 2016.
15. Attached hereto as Exhibit N is a true and correct copy of a letter from Harlan Protass to Judith Weinstock, dated September 20, 2016.

16. Attached hereto as Exhibit O is a true and correct copy of an e-mail from Nancy Brown to Harlan Protass, dated September 21, 2016.

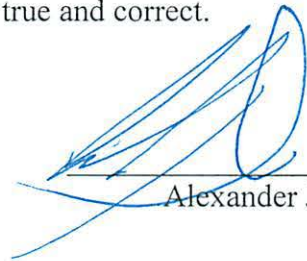
17. Attached hereto as Exhibit P is a true and correct copy of a letter from Harlan Protass to Nancy Brown, dated September 22, 2016.

18. Attached hereto as Exhibit Q is a true and correct copy of an email from Jay Lathen to Lindsey Allen, dated April 19, 2011, as well as an excerpt of the attached investor presentation.

19. Attached hereto as Exhibit R are true and correct copies of requested subpoenas directed to Margaret F. Farrell, Esq., Robert G. Flanders, Jr., Esq., Eric Roper, Esq. and Cheryl J. Calaguio, Esq.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2016
New York, NY



Alexander Janghorbani

1 UNITED STATES SECURITIES AND EXCHANGE COMMISSION

2
3 In the Matter of:)
4) File No. 3-17387
5 DONALD F. ("JAY") LATHEN, JR.,)
6 EDEN ARC CAPITAL MANAGEMENT, LLC,)
7 EDEN ARC CAPITAL ADVISORS, LLC)

8
9 ADMINISTRATIVE PROCEEDINGS - PRE-HEARING CONFERENCE

10 PAGES: 1 through 25
11 PLACE: Securities and Exchange Commission
12 200 Vesey Street, Suite 400
13 New York, New York 10281
14 DATE: Monday, September 12, 2016
15

16 The above-entitled matter came on for hearing,
17 pursuant to notice, at 1:30 p.m.
18

19
20 BEFORE (Via Telephone):
21 JAMES E. GRIMES, ADMINISTRATIVE LAW JUDGE
22

23
24 Diversified Reporting Services, Inc.
25 (202) 467-9200

0002

1 APPEARANCES:

2
3 On behalf of the Securities and Exchange Commission:

4 JUDITH WEINSTOCK, ESQ.
5 NANCY BROWN, ESQ.
6 ALEX JANGHORBANI, ESQ.
7 JANNA BERKE, ESQ.
8 Securities and Exchange Commission
9 Division of Enforcement
10 200 Vesey Street, Suite 400
11 New York, New York 10281
12 (212) 336-0094
13

14 On behalf of the Respondent Jay Lathen (Via Telephone):

15 HARLAN J. PROTASS, ESQ.
16 WAYNE GOSNELL, ESQ.
17 CHRISTINA CORCORAN, ESQ.
18 Clayman & Rosenberg, LLP
19 305 Madison Avenue
20 New York, New York 10165
21 (212) 922-1080
22
23
24
25

0003

1 P R O C E E D I N G S

2 JUDGE GRIMES: Good afternoon. Today
3 is Monday, September 12th, 2016 and we're holding a
4 telephonic pre-hearing conference in Securities and
5 Exchange Commission Administrative Proceeding, File
6 Number 3-17387. This is in the matter of three
7 respondents and they are Donald F. Lathen, Jr., Eden Arc
8 Capital Management, LLC and Eden Arc Capital Advisors,
9 LLC.
10

My name is James Grimes. I'm the presiding

Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17
11 administrative law judge in this matter.

12 For the record, could I have appearances of
13 counsel for the Division of Enforcement, please.

14 MR. JANGHORBANI: Yes. Good afternoon, Your
15 Honor. Again, this is Alex Janghorbani and with me today
16 are my co-counsel Judith Weinstock, Janna Berke and Nancy
17 Brown.

18 JUDGE GRIMES: Thank you very much. And then
19 for Respondents.

20 MR. PROTASS: Yes. Good afternoon, Judge
21 Grimes. This is Harlan Protass, P as in Peter, R-O-T, as
22 in Thomas, A-S-S, from Clayman and Rosenberg. And with
23 me from my firm here are Wayne Gosnell and Christina
24 Corcoran. And also present on the line here with us is
25 Respondent Jay Lathen.

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1 JUDGE GRIMES: All right. Thank you, Mr.
2 Protass. I appreciate that.

3 The purpose of today's conference is to discuss
4 the schedule for this proceeding and how matters will be
5 handled, as well as to address any questions or concerns
6 the parties might have.

7 Let me just lay out for the record that by
8 letter the parties have informed me the Respondents were
9 served with the Order Instituting Proceedings on
10 August 17th, 2016. The parties have also agreed that the
11 hearing should be -- should take place in New York City,
12 which is perfectly fine with me. So that's where we'll
13 have it. And, interestingly, Respondents have exercised
14 their right to a hearing within 60 days of service of the
15 Order Instituting Proceedings and based on that fact, the
16 parties have proposed starting the hearing on
17 October 17th, 2016 and have jointly submitted a proposed
18 hearing schedule, which is also acceptable to me, and I'm
19 prepared to adopt it.

20 I just have a few questions. The proposed
21 schedule does not include a date for exchanging exhibits.
22 Do the parties -- are exchanging exhibit lists sufficient
23 or did you mean not to include exchanging exhibits before
24 we get started? What's the Division have to say about
25 that?

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1 MR. JANGHORBANI: Your Honor, this is Alex
2 Janghorbani for the Division again. Apologies if it
3 wasn't clear in the letter. At least our intention is
4 that the exchange of exhibit lists would also include the
5 exchange of exhibits and is normally done electronically
6 via disk or whatever.

7 JUDGE GRIMES: Right. Okay, that's probably my
8 mistake. I just wanted to clarify that.

9 Mr. Protass, does that sound all right to you?

10 MR. PROTASS: Yes, it does. That was our
11 understanding as well, Your Honor.

12 JUDGE GRIMES: Okay. Well then, I'm sure it
13 was just my mistake then.

14 Has the investigative file been made available?

15 MR. JANGHORBANI: It has, Your Honor. We made
16 the -- we produced, again in electronic form, our
17 investigative file on August 23rd.

18 JUDGE GRIMES: And, Mr. Protass, I assume
19 you've had a chance to take a look at it?

20 MR. PROTASS: Yes, we have, Your Honor. We've
21 received it and are going through it. It's a -- it's an

Donald F. (Jay) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17
22 extensive file.

23 JUDGE GRIMES: Okay. All right. Well, by way
24 of background and for the record, the Commission has
25 adopted new rules which will go into effect at the end of

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1 September. The parties have informed me by letter that
2 Respondents want the old rules to apply. So, the old
3 rules will apply in this proceeding.

4 Let me just ask about service. Have the
5 parties agreed to serve each other by e-mail? I
6 assume -- I assume they have, but let me just clarify
7 that for the record.

8 MR. JANGHORBANI: Again, this is Alex
9 Janghorbani from the Division, Your Honor. We have
10 discussed that and we're amenable to that with the one
11 caveat, which Mr. Protass and -- and I have discussed,
12 which is that if it's very voluminous exhibit records to
13 also send a courtesy copy to the parties by UPS.

14 JUDGE GRIMES: Okay. Mr. Protass, does that
15 sound acceptable to you?

16 MR. PROTASS: Yes, it's cost effective and I
17 accept.

18 JUDGE GRIMES: Oh, great. Okay. I think
19 everyone knows this, but just to be clear, my office's
20 e-mail address is ALJ@sec.gov. So I would appreciate
21 being -- receiving courtesy copies of filings as well.
22 Of course the Rules of Practice still require us --
23 excuse me, still require the parties to send paper copies
24 to the secretary's office, but courtesy copies would
25 certainly help.

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1 And I -- I had one other question. The -- the
2 proposed schedule includes expert reports and rebuttal
3 reports. I would definitely like copies of those. And I
4 will address this in a scheduling order, but your reports
5 should contain the information required under Rule Civil
6 Procedure 26(a)(2). That's -- that's not required under
7 the previous rules, but it's something I've always asked
8 for and I think it's something we're all pretty much used
9 to.

10 Does either party object to that? I'll start
11 with the Division.

12 MR. JANGHORBANI: To the extent that there are
13 going to be expert reports, Your Honor, we -- we don't
14 object to that. I think we're still trying from our end
15 to get our arms around exactly what experts we would use
16 and whether they would be solely testifying or whether
17 they would also put in an expert report.

18 JUDGE GRIMES: All right. Mr. Protass, what's
19 your view?

20 MR. PROTASS: Same applies here, Your Honor.

21 JUDGE GRIMES: All right. Okay. Let me move
22 on then.

23 As far as exhibits go, the parties will be
24 exchanging them. Please don't file them with me
25 beforehand. I don't need to see them until the hearing.

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1 And the parties will file those with the secretary after
2 the hearing, but I would like a final paper copy of
3 exhibit lists just for housekeeping purposes at the start
4 of the hearing, but it's because that's how I keep track
5 of what's been admitted and what has not.

6 Now, let's move on. I'm going to get onto --

7 move onto summary disposition, but before we move onto
8 summary disposition I'll ask the Division whether there
9 are any other issues that you would like to address.

10 MR. JANGHORBANI: So just a couple of quick
11 housekeeping issues and then one other potential issue
12 that may be better after Your Honor addresses summary
13 disposition.

14 So -- so, Your Honor has ruled that it would be
15 in New York. Do I take it that Your Honor wants it to be
16 at Federal Plaza? And I say that just so that we can
17 start the process of getting a courtroom.

18 JUDGE GRIMES: I think it's actually our
19 responsibility to find the courtroom. So we'll -- we'll
20 deal with that. Probably Federal Plaza, perhaps SDNY.
21 I'm -- I'm not sure, but we'll -- we'll go through the
22 steps that are necessary to secure the courtroom.

23 MR. JANGHORBANI: That's fine, Your Honor. I
24 just wanted to make sure I wasn't asleep at the switch on
25 something the Division was supposed to be doing.

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1 And then one other issue goes to courtesy
2 copies. So we will serve Your Honor with electronic
3 courtesy copies. Do you also want mailed copies by UPS
4 of everything? That's been my practice, but I just
5 wasn't sure from -- from -- from what Your Honor just
6 said.

7 JUDGE GRIMES: I personally don't care. I --
8 we -- we end up getting a copy from the Secretary's
9 office anyway. So you don't need to send them by -- by
10 UPS.

11 MR. JANGHORBANI: Got it, Your Honor.

12 JUDGE GRIMES: Anything else?

13 MR. JANGHORBANI: No. I think we'll have
14 another issue, but it may be best to wait to the end.

15 JUDGE GRIMES: Okay. Mr. Protass, is there
16 anything else you'd like to discuss before we talk about
17 summary disposition?

18 MR. PROTASS: Not at this time, Your Honor, no.

19 JUDGE GRIMES: Okay. And I understand that
20 the -- so, here's what -- for the record, Respondents
21 have filed a letter seeking to move for summary
22 disposition and the Division has indicated that it
23 intends to file an opposition.

24 Mr. Protass, I want to make sure I understand
25 exactly what's going on, and this is not a loaded

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1 question. I just want to understand what's going on.
2 Would you say that the heart of the dispute in this case
3 is about the nature of the financing that the fund
4 provided to the fund and the joint accounts? Excuse me,
5 to fund the joint accounts.

6 MR. PROTASS: Not really, Your Honor. I think
7 that the heart of this issue are the joint tenancies that
8 Mr. Lathen formed with terminally ill individuals who are
9 known as participants. And as laid out in our letter, he
10 formed these joint tenancies. The joint tenancies are
11 statutorily presumptively true and valid joint tenancies
12 because there's a New York Banking Statute Section 675
13 that says they are if you open them using the magic words
14 "joint tenancy with right of survivorship," which he did.
15 And that the relevant case law in New York says that
16 there are only several ways in which a presumptively true
17 and valid joint tenancy can be invalidated. Not only are

18 none of those circumstances present here, but the SEC has
19 not alleged that any of those circumstances are present
20 here.

21 So if you -- if you take it from there, that
22 you have a statutorily presumptuous, valid -- true and
23 valid joint tenancy, there is nothing alleged that would
24 undermine the validity of that, then what you have is a
25 situation where you have a joint tenancy that owns

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1 survivor's options, bonds and CDs. One of those joint
2 tenants passes away, the assets in that -- in that
3 account passed, by operation of law, to the surviving
4 joint tenant, Mr. Lathen, who then redeems them from the
5 issuer. And in doing so, makes true and accurate
6 representations as to his survivor/owner status to the
7 issuer.

8 And -- and, therefore, it's our position that,
9 in light of the fact there have been no
10 misrepresentations made, that there cannot be a
11 securities fraud, you know, case. I mean, essentially
12 what the Commission is saying is that, no, no, no. Mr.
13 Lathen does not own these securities. He's acting as a
14 nominee for the funds that provided financing for the
15 purchase of the securities, but the fact of the matter
16 remains is that as a joint tenant on this account he has
17 actual, legal title to the securities.

18 And regardless of the nominee language, the
19 fund that's financed the purchase of these securities
20 couldn't call up the brokerage firm and say, Hey, please
21 buy or sell. The brokerage firm would say, I don't know
22 who you are. You are not on this account. You don't
23 have actual, legal title to these securities.

24 JUDGE GRIMES: Can I ask you a question? Does
25 one of the accounts for valid joint accounts matter

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1 insofar as -- as the -- the issuer's concerned? Let me
2 put it this way: Let's assume for sake of argument --
3 for the sake of argument the factual allegations in the
4 Order Instituting Proceedings. Are you saying the
5 issuers would only have cared that there was a valid
6 joint tenancy and not that the fund was allegedly paying
7 for the bond or the CD or whatever the security is in
8 question?

9 MR. PROTASS: That's correct, Your Honor.

10 JUDGE GRIMES: Does -- does showing that the
11 joint tenancy was only a matter of convenience eliminate
12 the presumption?

13 MR. PROTASS: Well, yes. Under New York law
14 showing that a joint tenancy account is a convenience
15 account is one of the ways in which to invalidate a
16 presumptively valid joint tenancy, but I'd say, Judge,
17 there's no allegation here that they are convenience
18 accounts. The SEC hasn't said they're convenience
19 accounts. And in any event, there's a case that we cite
20 in our application paper, the Graham Farak case, which
21 is -- is on force with the situation here as -- as you
22 can get in which you have a joint tenancy between two
23 individuals, both of whom arguably are acting as nominees
24 for a third party who actually owns the assets.

25 JUDGE GRIMES: I've read it. So I just want to

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1 get -- I'm just getting my arms around what's going on.
2 Are you saying that you think that the Division has to

3 allege that this was not a valid joint tenancy here or do
4 they just need to allege facts that could lead to that
5 conclusion? Is that what you're saying?

6 MR. PROTASS: I'm saying that they have to get
7 passed the New York law speed bump of invalidating these
8 joint tenancies before they could even get to the
9 question of whether there were any representations that
10 were misleading.

11 JUDGE GRIMES: Well --

12 MR. PROTASS: But they've not -- and if they've
13 not gotten passed that New York speed -- that New York
14 law speed bump, they haven't -- they haven't made any
15 allegations to invalidate the statutorily valid joint
16 tenancies.

17 JUDGE GRIMES: Is -- would you say that an
18 account is one that's open for a matter of convenience if
19 one party lacks the authority to withdraw the funds?

20 MR. PROTASS: No. No, that's not what a
21 convenience account is. A convenience account under New
22 York law is an account that is set up for the convenience
23 of one of the parties. The traditional, customary
24 convenience account is -- is, you know,
25 grandmother/grandson where the -- they set up a joint

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1 account so the grandson can manage the grandmother's
2 affairs. It's set up for her convenience. That's what a
3 convenience account is.

4 JUDGE GRIMES: I think I understand what you're
5 saying.

6 Mr. Janghorbani, do you -- the Division intends
7 to file a response by Friday; is that right?

8 MR. JANGHORBANI: That's right, Your Honor.

9 JUDGE GRIMES: Okay. What I propose is this, I
10 will consider the letter that Respondent filed and of
11 course I'll consider the Division's response. And then
12 I'll rule on whether I'm going to grant leave to file a
13 motion for summary disposition. If I do, then the motion
14 for summary disposition will be due on the 23rd, the
15 opposition will be due on October 3rd and the reply will
16 be due October 11th. Does that make sense? I'll start
17 with the Division. Does that make sense to you?

18 MR. JANGHORBANI: As long as -- well, I mean,
19 obviously we don't think summary disposition is going to
20 advance the ball here and we're --

21 JUDGE GRIMES: And I understand that. And I'm
22 not assuming it is one way or the other. I'm just letting
23 you know, in the event I do, that will be the schedule.

24 MR. JANGHORBANI: Give me one second, Your
25 Honor, to just look at the calendar.

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1 I think that schedule makes sense, Your Honor.
2 Obviously without waiving any of our arguments that we
3 don't think it should go forward at all.

4 JUDGE GRIMES: Right. I understand that. I
5 just wanted to get some clarity on what's -- what's going
6 on. And we know you're not waiving any of your
7 arguments.

8 How about Respondents, does that schedule work
9 for Respondents?

10 MR. PROTASS: Could you just hold for two
11 seconds, Your Honor?

12 JUDGE GRIMES: Certainly. Take your time.

13 MR. PROTASS: Judge, my one -- my one concern

14 is this, is that if the Division's opposition is going to
15 be submitted to Your Honor on Friday and --

16 JUDGE GRIMES: No. No. No. Not Friday. It's
17 on October 3rd -- Monday, October 3rd.

18 MR. PROTASS: No. No. The opposition to our
19 application.

20 JUDGE GRIMES: Oh, I'm sorry. That's correct,
21 yes. Yes. Yes. Go ahead.

22 MR. PROTASS: And our proposal would be, for
23 submission of our motion, a week from this coming Friday.
24 If Your Honor, for example, grants leave on Wednesday
25 then we'd have two days to get our motion in. Meaning,

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1 we'd be sort of -- I suppose we can do this. We'd be
2 working on the motion without knowledge as to whether
3 we're going to be granted leave.

4 JUDGE GRIMES: I'm going to do my best to get
5 the decision out by Tuesday.

6 MR. PROTASS: Okay.

7 JUDGE GRIMES: With the -- I mean, we're all
8 operating under, you know, a compressed schedule here.
9 And that's not to suggest upsurge on the Respondents
10 choice to go within -- you know, to exercise that right.
11 That's perfectly fine, but the reality is we're all
12 operating under a compressed schedule and I'm going to do
13 my best to -- to get the decision out as soon as I can.
14 Of course, the sooner the Division gets their opposition
15 in the sooner I can consider it and then issue a
16 decision. So that's what I can do for you, Mr. Protass.

17 MR. PROTASS: I appreciate it, Your Honor.

18 JUDGE GRIMES: So, Mr. Janghorbani, you said
19 that you had another issue you wanted to address?

20 MR. JANGHORBANI: Yeah. So -- so we just want
21 to flag this. It hasn't really come to a head yet and it
22 may not come to a head until motions in limine, but given
23 the truncated schedule that -- that Respondents want to
24 proceed on, we think it's worthwhile getting ahead of it.

25 There may be an issue as to whether -- it's

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1 unclear to us whether Respondents are going to be
2 asserting reliance on advice of counsel. We had had
3 discussions with them during the investigation that lead
4 to this case. They told us repeatedly that they were not
5 at that time asserting reliance on advice of counsel, but
6 obviously they said they weren't waiving their right to
7 do so if and when a litigation arose.

8 Plainly, I think it's in everybody's interest
9 to bottom that out as soon as possible because if they
10 are asserting it, we need to know sooner rather than
11 later so that we can seek documents, we can seek a list
12 of lawyers that they talked to and we can attempt to talk
13 to those lawyers. And to the extent they're not
14 waiving -- or rather, not asserting a reliance defense
15 then it's fine and it goes away, but we don't want to be
16 in a position of having it popped at us at the end and
17 then having to make a preclusion motion when all of this
18 could have simply been dealt with earlier.

19 So we're going to try to work with defendants
20 about this and -- and hopefully we can and hopefully
21 there won't be any issue, but if there is, we may be back
22 to Your Honor with -- with some more asks.

23 JUDGE GRIMES: What do the Respondents have to
24 say about that?

25 MR. PROTASS: I think it's -- the Division's

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1 representations with respect to our communications before
2 they filed their OIP are accurate. They kept on asking
3 and we kept on saying we are not, at this time, doing
4 so, but we reserve the right to do so because we didn't
5 know what the -- you know, what they were going to be.
6 And we didn't want to waive that right, nor were we
7 required to.

8 In our answer we asserted a good faith defense.
9 And to be perfectly frank with Your Honor and the
10 Division, we are currently -- well, let me say this,
11 given the distinctions or the differences between what is
12 alleged in the OIP and what we thought was going to be
13 alleged in the OIP; because we didn't have a crystal ball
14 and couldn't tell, we are exploring whether there is a
15 viable advice of counsel defense, but we have not yet
16 reached a conclusion as to whether there is a viable
17 advice of counsel defense upon which we will rely on.

18 MR. JANGHORBANI: Your Honor, may I be heard on
19 that?

20 JUDGE GRIMES: Go ahead.

21 MR. JANGHORBANI: You know, I think I'm glad I
22 raised this and I'm glad that we're trying to work
23 through it sooner rather than later. I think we need a
24 date certain in the very, very near future as to whether
25 they're going to assert that defense. And if they are,

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1 they're going to have to give us certain disclosures.
2 You know, they've had the OIP for a month. So I think
3 that a reasonable time for them to let us know by would
4 candidly be tomorrow.

5 JUDGE GRIMES: Mr. Protass, what do you have to
6 say about that?

7 MR. PROTASS: I don't think that -- I think
8 obviously that it serves the Division's interests, of
9 course, to say that the earlier they get it the better
10 for them. Obviously it serves our interests the later
11 they get it, the better it is for us. I think to the
12 extent that we're going to assert it, we ought to find a
13 date that works for everyone. I don't think it's
14 necessarily fair or appropriate to say tomorrow, but if I
15 want to look at my calendar, Judge, I can give you a date
16 that I think would be a reasonable date.

17 JUDGE GRIMES: Why don't you -- why don't you
18 look at your calendar and bearing in mind that motions in
19 limine are due October 7th under the proposed scheduled
20 and tell me what you think is reasonable.

21 MR. PROTASS: I think Friday, September 23rd.

22 JUDGE GRIMES: Friday, September 23rd. That is
23 a week from Friday.

24 MR. JANGHORBANI: That's okay with us if -- if
25 what that means is we're going to get full disclosure on

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1 that date. We're going to get all the documents that are
2 relevant. We're going to get a list of the lawyers.
3 We're going to get a representation that those lawyers
4 have been talked to and told that it's okay to talk to
5 us.

6 My concern is that this is going to end up
7 being a death by 1,000 cuts and we'll get a little
8 information, then there will be a little more, then there
9 will be a little more. And, practically speaking, we

10 won't have time to bottom out the facts prior to the
11 October 17th date, which was -- which was chosen by
12 Respondents. That really doesn't advance anyone's
13 interests to the extent that the purpose of the hearing
14 is to find out what happened.

15 JUDGE GRIMES: Well, I think September 23rd is
16 reasonable to me. It's hard for me to say exactly
17 what -- what would be deficient in a filing that
18 hasn't -- we don't even know is going to be made. So
19 let's -- disclosure by the 23rd of September sounds fine
20 with me. To the extent the Division finds that the
21 disclosure or feels the disclosure is not sufficient then
22 you can make an appropriate filing. And if that means
23 we're going to have to hold the hearing a little bit
24 longer than expected then that's what will happen. So
25 we'll deal with that eventuality as it presents itself.

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1 MR. PROTASS: Your Honor, may I consult with my
2 colleagues here for just one second?

3 JUDGE GRIMES: Certainly. Go ahead.

4 MR. PROTASS: My wiser associates suggested to
5 me that -- that to the extent that we make a production
6 and disclose on the 23rd that we are in fact going to
7 rely on the advice of counsel, that we -- and the
8 Division finds that whatever we have produced is
9 deficient, that we should meet and confer with the
10 Division and see if we can work it out before having to
11 involve the court.

12 JUDGE GRIMES: Well, I would really appreciate
13 that. If the parties could work that out, that would be
14 quite helpful. So if the parties could work that out.
15 Obviously, if you're going to invoke an advice of counsel
16 defense, you're recognizing you're waiving the
17 attorney/client relationship as to that advice. I
18 assume -- well, obviously everyone knows that, but
19 anyway, go ahead. I was speaking out loud.

20 MR. JANGHORBANI: Your Honor, this is Alex
21 Janghorbani for the Division again. We will, of course,
22 try to resolve this with the other side without having to
23 involve the court if possible, but we just wanted to flag
24 the issue given the calendar that we're all living with.

25 JUDGE GRIMES: Okay. I just -- Mr.

0022

1 Janghorbani, based on some -- some comments you made, I
2 just want to make sure, this is -- I understand it's the
3 Respondents who invoked the right to -- their right to
4 have the hearing in 60 days, but the proposed hearing
5 schedule, in light of that implication of 60-day right,
6 is a joint proposal, isn't it?

7 MR. JANGHORBANI: Yes, Your Honor. In other
8 words, the sign post, the due dates along the road to
9 October 17th, is joint. The decision to invoke the 30 to
10 60 days was Respondent's decision as it is.

11 JUDGE GRIMES: Right. Of course. I just
12 wanted to make sure that this was in fact a joint
13 proposal that I have adopted.

14 MR. JANGHORBANI: Yes, Your Honor. And I
15 wasn't trying to suggest that it wasn't. I'm
16 simply acknowledging the reality that it starts on
17 October 17th.

18 JUDGE GRIMES: Fair enough.

19 Do you have anything else that you would like
20 to address before we adjourn?

21 MR. JANGHORBANI: I don't, Your Honor. Thank
22 you for your time.
23 JUDGE GRIMES: Sure. And thank you.
24 And do the Respondents have anything else that
25 they would like to address?

0023
1 MR. PROTASS: Nothing, Your Honor. Thank you
2 very much for your time.
3 JUDGE GRIMES: Certainly. Well, I'll thank
4 everyone else for their time as well. And -- let me just
5 make sure there isn't anything else.
6 We're having a final pre-hearing conference on
7 the 14th of October according to the schedule. I will --
8 I will come up with a time for that probably in
9 consultation with you all at some point in the future,
10 and we'll set up a time for that.
11 Other than that, thank you everyone for your
12 time. And I hope you have a good day. We're adjourned.
13 (Whereupon, at 1:55 p.m., the pre-hearing
14 conference was concluded.)
15 * * * * *

0024
1 PROOFREADER'S CERTIFICATE
2
3 In the Matter of: DONALD F. ("JAY") LATHEN, JR.,
4 EDEN ARC CAPITAL MANAGEMENT, LLC,
5 EDEN ARC CAPITAL ADVISORS, LLC
6 ADMINISTRATIVE PROCEEDINGS - PRE-HEARING CONFERENCE
7 File Number: 3-17387
8 Date: Monday, September 12, 2016
9 Location: New York, New York 10281

10
11 This is to certify that I, Donna S. Raya,
12 (the undersigned), do hereby swear and affirm that the
13 attached proceedings before the U.S. Securities and
14 Exchange Commission were held according to the record and
15 that this is the original, complete, true and accurate
16 transcript that has been compared to the reporting or
17 recording accomplished at the hearing.

18
19
20 _____
(Proofreader's Name) (Date)

21
22
23
24
25



305 Madison Avenue
New York, NY 10165
T: 212-922-1080
F: 212-949-8255

Harlan J. Protass
Partner
protass@clayro.com

September 23, 2016

VIA E-MAIL AND U.S. MAIL

Hon. James E. Grimes
Administrative Law Judge
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

Re: In the Matter of Donald F. Lathen, Jr., Eden Arc Capital Management, LLC
and Eden Arc Capital Advisors, LLC, Admin. Proc. File No. 3-17387

Dear Judge Grimes:

This firm represents Donald F. Lathen, Jr., Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC (the "Eden Arc Respondents") in the referenced matter. Pursuant to the Order Following Prehearing Conference, dated September 13, 2016, we write to advise the Court that the Eden Arc Respondents intend to invoke the advice of counsel defense at the hearing in the referenced matter with respect to (and hereby waive the attorney-client privilege with respect to attorney-client communications, whether written, oral or electronic, concerning) the legal advice they received concerning and relating to the structure of, and structuring of, the Eden Arc Respondents' investment strategy.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Harlan Protass

cc: Judith Weinstock, Esq. (via e-mail)
Janna Berke, Esq. (via e-mail)
Alex Janghorbani, Esq. (via e-mail)
Nancy Brown, Esq. (via e-mail)

Janghorbani, Alexander

From: Janghorbani, Alexander
Sent: Saturday, September 24, 2016 3:10 PM
To: 'Harlan Protass'
Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
Subject: RE: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Harlan,

I understand that you are not available to speak today. However, any delay plainly prejudices the Division. Thus, we request that you respond to our questions and requests—including that you provide us with all relevant documents—in writing today.

Thank you.

Best,
Alex

From: Harlan Protass [mailto:protass@clayro.com]
Sent: Saturday, September 24, 2016 3:06 PM
To: Janghorbani, Alexander
Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
Subject: Re: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Alex --

As I said in my last email, I'm not available today. If you'd like to talk tomorrow, though, just let me know. I'm available any time after 11:00 am. You choose the time.

-- Harlan

Harlan Protass
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[REDACTED]
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On Sep 24, 2016, at 2:06 PM, Janghorbani, Alexander <JanghorbaniA@sec.gov> wrote:

Harlan,

We think it is necessary to resolve these issues today. As you cannot speak, please provide us with responses to our below questions and requests today in writing.

In addition to the information in our below email, we note that you have not produced any communications from Katten Muchin Roosenman LLP, Seward Kissel, or any of the other “handful of firms” that Lathen testified that he “pursued conversations” with about “render[ing] an opinion.” (See Tr. of Testimony of Donald F. Lathen at 321.) Moreover, Mr. Lathen testified that he began receiving advice about his business model as early as 2009. (Id. at 329.) Thus, please also let us know whether, with respect to these firms, you will be producing documents, identifying the relevant attorneys, and informing them of your waiver, as to the entire relevant time period.

Thank you.

Sincerely,
Alex

From: Harlan Protass [<mailto:protass@clayro.com>]
Sent: Saturday, September 24, 2016 12:34 PM
To: Janghorbani, Alexander
Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
Subject: Re: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Alex --

I am not available to speak today (Saturday). But I will be available to speak tomorrow (Sunday) after 11:00 am. When would you like to speak?

-- Harlan

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[REDACTED]
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On Sep 24, 2016, at 10:33 AM, Janghorbani, Alexander <JanghorbaniA@sec.gov> wrote:

Harlan,

We write in response to your letter of yesterday, invoking the advice of counsel defense as to “the legal advice [Respondents] received concerning and relating to the structure of, and structuring of, the Eden Arc Respondents’ investment strategy.” In your letter, you stated that you intend to “supplement the attached production of attorney-client privileged correspondence and/or documents consistent with the invocation of the advice of counsel defense detailed above during the week of September 26, 2016.” This letter raises a number of issues, which need to be addressed immediately.

First, during the September 12th Prehearing conference, the Court ordered that Respondents make a full waiver by September 23rd. However, by your own admission, it appears that you have not yet produced all relevant documents and, thus, have failed to make a complete waiver. Moreover, the documents you have produced indicate additional relevant documents that have not been produced. For example, document 20160932195108 includes a link to a Dropbox file, but does not attach the documents in that Dropbox file. (See also document 20160923173901 (email referencing attachments, but failing to attach them).)

Second, as you know, the Commission alleges that, among other things, your clients failed to disclose to bond issuers the full and accurate picture concerning their purported ownership structure (including, *inter alia*, the existence and terms of the Participant Agreements, the Investment Management Agreement, the Discretionary Line Agreement, and the Profit Sharing Agreement). However, you purport to waive privilege—not as to the relevant question of disclosure to issuers and other third parties—but only as to the advice Respondents received relating to the “structure of, and structuring of,” their “investment strategy.” Thus, it is unclear whether you are asserting advice of counsel—and waiving privilege—as to the relevant question of whether Respondents needed to disclose their arrangement to issuers and other third parties.

Third, your letter indicates that you are waiving privilege as to communications with only four attorneys, Ms. Farrell, Mr. Flanders, Mr. Roper and Ms. Calaguio. However, your current and prior document productions make it clear that Mr. Lathen discussed these issues with other attorneys, including Mr. Galbraith, Stephen Derosa, Jessica Montello, Jackie Mancini, and Matt Doring. Mr. Lathen also testified that he had consulted other, unnamed attorneys. Please confirm that you are waiving privilege as to communications with all attorneys, or anyone working at their direction, with whom your client discussed the relevant issues, have produced all relevant communications with those attorneys, and have instructed those attorneys as to your client’s waiver and that they are free to speak with the Division of Enforcement.

Given the short time until the Hearing, by the end of today, please (1) inform us whether you are asserting that Respondents received advice of counsel concerning the failure to disclose the relevant information to issuers and others; (2) produce—or confirm that you already have produced—all communications relevant to your advice of counsel defense; and (3) confirm that you have provided us with a complete list of attorneys consulted, including as to the relevant disclosure issues, and have instructed those attorney to speak with the Division.

Should you wish to discuss, we are free to meet and confer today at 2:00 pm.

Sincerely,
Alex

From: Harlan Protass [<mailto:protass@clayro.com>]
Sent: Friday, September 23, 2016 9:35 PM
To: Weinstock, Judith; Janghorbani, Alexander; Berke, Janna; Brown, Nancy A
Cc: Wayne Gosnell; Christina Corcoran
Subject: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Dear Judy --

Please see the attached letter and the attachments to this email.

My initial attempt at sending these materials bounced back. The data was too large for one email. I am therefore trying again and will split the attachments into four separate emails.

Best regards,

Harlan

Harlan Protass
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This message is intended only for the personal and confidential use of the designated recipient(s) named above. If you are not the intended recipient of this message you are hereby notified that any review, dissemination, distribution or copying of this message is strictly prohibited.

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HinckleyAllenSnyderLLP

Attorneys at Law

MEMORANDUM

TO: Donald F. ("Jay") Lathen
FROM: Margaret D. Farrell *MDF*
DATE: December 20, 2012
RE: EndCare Program - Guidance regarding the Caramedre Indictment

1. Introduction

You have advised us that your business (the "Business"), carried out through Eden Arc Capital Management, LLC, and Eden Arc Capital Partners, LP, ("EndCare"), is engaged in a for-profit securities investment venture operated as follows: You individually invest in certain securities that will typically contain a "survivor's option" or similar feature (the "SO Investments"). You or your designee, using funds supplied by Eden Arc Capital Partners, LP (the "Partnership"), purchase the SO Investments in joint accounts (the "Accounts") established by you and terminally ill individuals ("Participants"). You identify terminally ill individuals through a network of hospices and social workers under the program name "EndCare Financial Assistance Program" (the "Program"). Participants receive a \$10,000 one-time, up-front cash payment (the "Payment"). In exchange, Participants agree to the formation of a joint brokerage account with you and must disclose certain identifying information, including names, addresses, social security numbers, and dates of birth (the "Identifying Information"), which is used to set up the Accounts. This memorandum is in response to your request to provide a review and analysis of the Program's vulnerability to the types of charges made in the indictment against Joseph Caramadre. This memorandum does not address any other matters.

In preparing this memorandum, we have reviewed the following documents (the "Participant Documents") which you have represented are used in the Program as of the date of this memorandum: (1) EndCare Financial Assistance Program brochure (the "Brochure"), (2) Participant Agreement (the "Participant Agreement"), (3) Authorization to Release Medical Information (the "Release"), (4) Enrollment Form (the "Enrollment Form"), (5) Limited Power of Attorney (the "POA"), and (6) Participant's Agent Agreement. Copies of the Brochure, Participant Agreement, Release, Enrollment Form, POA and Participant's Agent Agreement in the form reviewed by us are attached to this memorandum. We have assumed that the description of the Program in Participant Documents is accurate and that you will operate the Program as described in the Participant Documents.

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Survivor's options, sometimes referred to as death puts, are optional redemption features of debt instruments that allow the investment to be sold back to the issuer at par prior to the maturity date in the event of the death of the owner. Though traditionally recognized as valid securities, certain practices whereby third parties purchase these instruments jointly in their own name and in the name of an unrelated individual near the end of his or her life have become controversial in the wake of Joseph Caramadre's indictment and recent plea agreement.

2. The Caramadre Indictment

In November 2011, Joseph Caramadre ("Caramadre"), a Rhode Island estate planning attorney, and Raymour Radhakrishnan, one of Caramadre's employees, were charged in a 66-count federal grand jury indictment (the "Indictment") alleging that these men knowingly devised and intended to devise a scheme to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises.

The Indictment alleges that Caramadre committed fraud by making material misrepresentations and omissions to (i) terminally-ill and elderly people (and their families), (ii) insurance companies, (iii) bond issuers, and (iv) intermediaries, including brokerage houses and broker-dealers. The Indictment does not assert that it is illegal to compensate individuals for use of Identifying Information to set up brokerage accounts to purchase certain securities, including SO Investments.

On November 19, 2012, Caramadre and Radhakrishnan entered into plea agreements pursuant to which they pleaded guilty to two counts of the Indictment: Count 9 (wire fraud in violation of 18 U.S.C. §371) and Count 33 (conspiracy to commit offenses against the United States, to wit mail fraud, wire fraud and identity theft, in violation of 18 U.S.C. §371).

3. Program Analysis

This analysis addresses only the Participant Documents and our current understanding of how you conduct your business. Whether the Business is vulnerable to the kinds of allegations contained in the Indictment depends on actual business and program operations and whether you could prove, for example, that Participants received, read and fully understood the documentation and disclosures and that such Participants were not unduly influenced or subject to duress when they decided to participate in the Program. In addition, certain allegations set forth in the Indictment are not addressed in this memorandum because they are not relevant to the Program. These claims relate to (a) Caramadre's status as an attorney, and (b) the purchase of annuities from insurance companies. It is our understanding that neither you nor your colleagues are, or are acting as, attorneys, and that the Program does not involve annuities, insurance companies or other insurance products. Finally, this memorandum does not address the validity of the joint account arrangements or any differences between the structure of Caramadre's activities and the Program that are not the basis for allegations in the Indictment.

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a. Disclosure to Participants of Purpose and Intent

The Indictment alleges that Caramadre intentionally misled terminally ill individuals with respect to the purpose and intent of his program. Specifically, the Indictment asserts that Caramadre misled terminally ill individuals, their families and others by advertising that his program was charitable, that he worked as a philanthropist, and that payments to terminally ill individuals were gifts (rather than consideration for his ability to purchase annuities or open joint accounts). The Indictment further asserts that as part of Caramadre's scheme to defraud, he did not advertise that participants would be required to provide Identifying Information and, further, that participants determined to have short life expectancies were told that they were approved to receive additional payments.¹ In addition, the indictment asserts that Caramadre told social workers and nurses that he was acting charitably, that he intentionally concealed from these social workers and nurses that he stood to profit upon the deaths of the terminally ill individuals and that as a result of these misrepresentations, the social workers and nurses referred their patients to Caramadre.

Based on your business practices as represented to us and as described in the Participant Documents, we believe you are well-positioned to successfully defend claims similar to those set forth in the Indictment. ~~The Participant Documents do not contain the types of alleged misrepresentations that formed the basis of the Indictment, but instead disclose:~~

- that EndCare is not a philanthropic or charitable organization and that its intent is not to act philanthropically or charitably;
- that the Payment is likely to be the only money that the Participants will receive for ~~participating in the Program;~~
- that participation in the Program will require Participants to disclose Identifying Information;
- that Identifying Information will be used by EndCare to open the Account and purchase SO Investments; and
- that you, EndCare and the Partnership intend to profit from such investments and that such profits are likely to materially exceed the \$10,000 payment to the Participant.

The Participant Documents explain the general nature and intent of the Program, including its profit motive, and specify the Program eligibility requirements. The Participant Documents do not provide that EndCare's purpose is to be a philanthropic or charitable organization, nor that you or EndCare's employees are intending to act philanthropically or charitably, other than stating that EndCare has in the past, and may in the future, make charitable contributions to not-for-profit healthcare providers in the markets that it serves. ~~The Participant Agreement specifically provides that a \$10,000 payment will be made to Participants and that no other payments will be made to Participants, except in the unlikely scenario that you (or another joint account holder selected by you) predecease the Participant.~~

~~The Participant Agreement further provides that Participants must complete the POA and that Participants will be required to provide Identifying Information for the purpose of (a)~~

¹ The Indictment does not indicate whether or not these payments were made.

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opening the investment accounts used to purchase securities jointly in your name and in the name of Participants and (b) consulting with Participants' physicians to verify such Participants' medical condition. Additionally, the Brochure specifically provides that EndCare "expects to make a profit on the investments substantially greater than the payment to the participant." This message is reiterated in the Participant Agreement, which provides, "profits accruing to Lathen and any Investors pursuant to this Agreement are likely to be substantially in excess of the payment to Participant."

b. Disclosure to Participants of Possible Financial Consequences

The Indictment alleges that Caramadre falsely advised certain terminally ill individuals or their family members that they would not be liable for any losses that could potentially occur in the accounts on which they were identified as co-owners when, in fact, Caramadre purchased financial products on margin in these accounts and thereby exposed the terminally ill co-owners to potential liability for losses that resulted (although the Indictment does not assert that any actual liabilities or losses resulted). The PPM indicates that you may purchase investments on margin. This is reiterated in the Participant Agreement, which additionally provides that "while such investment practice could expose Account holders, including Participant, to liability for so-called "margin calls" if the value of the securities in the Account(s) declines, Lathen hereby assumes sole responsibility to fund any such liabilities."

The Indictment alleges that Caramadre's scheme to defraud included his misrepresenting to terminally ill individuals that they would not incur any tax obligations for monies paid to them. The Participant Agreement states that "payments made pursuant to this Agreement are taxable income and that Participant will receive Form 1099 (a copy of which will be filed with the Internal Revenue Service) reporting Participant's receipt of payments." Further, the Brochure states that the Payment is taxable income and is not a gift.

The Indictment alleges that it was part of Caramadre's scheme to defraud to misrepresent to terminally ill individuals that the monies paid to them did not need to be reported to the government and that such payments could not affect such individual's eligibility to receive government benefits such as Medicaid and Supplemental Security Income.

With respect to Medicaid, the Participant Agreement provides that "payments Participant receives pursuant to this Agreement could be considered income or assets for Medicaid and could have an adverse impact on Participant's eligibility for insurance and/or for governmental programs, including Medicare and Medicaid." The Brochure further states that "payment may impact eligibility for Medicaid, or other government benefits. Special arrangements may be necessary for Medicaid participants in certain cases."

c. Participant Consent

Participants must consent to participation in the Program, and that consent must be an informed consent. Specifically, Participants must consent to the use of their Identifying Information for the purposes that such information will be used (i.e., to set up brokerage accounts to purchase investments in certain securities, including SO Investments).

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The Indictment alleges that Caramadre acted without consent because he collected Identifying Information (which he used to set up brokerage accounts) by misrepresenting his intent with respect to such information to the terminally ill individuals, telling them that the documents were to record his charitable giving or were for insurance policies to benefit the individual's family. The Indictment further alleges that Caramadre acted without consent by using the Identifying Information of individuals that had engaged Caramadre for estate planning purposes or other business through his business entity, Estate Planning Resources, to set up the joint accounts.

EndCare secures Participant consent by requiring Participants to execute certain Participant Documents that specify as follows:

- the Participant Agreement explains that certain Identifying Information may be used to purchase investments in certain securities, including SO Investments;
- the Participant Agreement gives Participants the option to cancel or rescind consent to participation in the Program for three days following delivery of the executed Participant Agreement to you;
- the POA specifically grants you and Eden Arc Capital Management LLC the power to open brokerage accounts and trade in securities in the name of the Participant;
- the Release gives you the right to receive certain Participant medical information and requires the Participant to acknowledge that its grant of such release is voluntary;
- the Participant Agreement explains that the Release will be used for the sole and exclusive purpose of requesting Participant's medical records from Participant's physician(s) as necessary for you to determine and verify Participant's medical history; and
- the Enrollment Form requires the Participant to acknowledge that their Identifying Information is being provided to you pursuant to the Participant Agreement for the sole and exclusive purpose of setting up and opening the Accounts.

Several of the claims set forth in the Indictment relate to forged signatures, or signatures obtained by fraud or misrepresentation. The Indictment alleges that Caramadre obtained signatures on applications to open joint accounts by misrepresenting to the signatories that the documents were, for example, to evidence charitable giving or to open accounts for the purpose of assisting other terminally ill individuals, and that he intentionally failed to inform the individuals that he might profit from these accounts upon their deaths. The Indictment further alleges that signatures obtained on a document entitled "Terminal Illness Philanthropy Account Receipt" (which documented that individuals received a \$2,000 payment) were copied and forged on applications to open joint accounts. In addition, the Indictment alleges that, as part of his scheme to defraud, Caramadre caused employees of Estate Planning Resources to falsely notarize the signatures of some of the terminally ill individuals.

It is critical, therefore, that Participant signatures on any Program documents be genuine. To protect against claims that signatures are illegitimate, signatures should be witnessed and/or notarized. This method of verification is most valuable when the witness and/or notary acts independently (i.e., is unaffiliated with EndCare and does not have an interest in the transaction).

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These precautions will reduce, but cannot completely protect against, the risk of claims that signatures are forged.

The Participant Agreement and the POA require that the Participant's signature be notarized. To the extent that any Participant Documents are being executed by the Participant's attorney-in-fact, such person must provide documentation evidencing his/her authority to execute the Participant Documents on the Participant's behalf.

d. Representations to Third Parties

EndCare must disclose to investors the nature and purpose of its activities. The Indictment indicates that part of Caramadre's scheme to defraud was to represent to investors that he discovered a "loophole" permitting the use of terminally ill persons as "measuring lives," or annuitants, on annuities and co-owners on joint brokerage accounts used to purchase death put bonds. The Indictment further indicates that part of Caramadre's scheme to defraud involved him entering into profit sharing agreements with outside investors, pursuant to which Caramadre received a significant percentage of all profits earned. However, the Indictment does not explain, how the foregoing conduct specifically violates the law or otherwise contributes to Caramadre's alleged scheme to defraud.

Representations to third parties, including broker-dealers, must not misrepresent Participants' contact information, Participants' finances, Participants' investment history, or the nature of the relationship between Participants and you and/or EndCare. Further, such representations should not misrepresent the nature or intent of the Program. The Indictment indicates that part of Caramadre's scheme to defraud was to tell brokerage houses that a portion of the invested funds came from the co-owners and that "succession plans" had been created in which the profits made in the accounts would flow to the estate of the co-owners upon their deaths. Further, the Indictment alleges that Caramadre intentionally withheld from brokerage houses that the co-owners were terminally ill and that Caramadre attempted to conceal his true ownership of the securities by purchasing the securities in the names of his friends and relatives.

We cannot assess whether EndCare is exposed to any risk or liability with respect to the foregoing requirements because that analysis is fact-specific and depends on how you actually operate the Program. We have assumed that you will provide the brokerage firms with accurate information regarding the Participants in connection with opening the Accounts. This assumption is partially supported by the Enrollment Form, which requests that the Participants complete the form by providing certain Identifying Information as well as information regarding their medical insurance coverage, income and assets, and their interests in securities businesses and investment experience, if any. This Enrollment Form requires that Participants, by signing the document, certify that the information provided is true and correct as of the date thereof. You have represented to us, and we have therefore assumed, that you will provide all Participant Documents to the brokerage firms where you establish the Accounts so that such firms are fully aware of the nature and intent of the Program. To the extent that you fully disclose the nature and intent of the Program to such brokerage firms, the firms may be reluctant to establish the Accounts.

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e. Representations Involving Death Certificates

The Indictment alleges that it was part of Caramadre's scheme to defraud to represent to cities and towns that the death certificates were sought for estate planning purposes. The Participant's Agent Agreement, as referenced in the Participant Agreement, requires the Participant's Agent to notify you upon the Participant's death and to assist you in obtaining the relevant death certificate. Thus, it does not appear that EndCare will be required to make any representations to governmental authorities in order to obtain death certificates. EndCare's exposure, however, will depend on how you in fact operate the Program. It is possible that the designated agent refuses to request and obtain the death certificate, in which case obtaining the documentation necessary to exercise the survivor's option could be difficult.

4. Conclusion

The Participant Documents do not contain the types of misrepresentations that form the basis for most of the allegations of fraudulent activity contained in the Caramadre Indictment. Most significantly, they disclose the underlying profit motive of the enterprise and the purpose of the documentation that the Participant is asked to sign and provide for a three-day cancelation period.

While there is no way to eliminate the claims that an individual did not fully understand what he or she was signing, documentation that clearly communicates the purpose and nature of the Program can mitigate the potential for credible claims of misrepresentation. The risk of such claims can best be managed by assuring that all parties involved (including Participants, broker dealers and investors) receive complete information regarding the purpose and nature of the Program and that you document their receipt of such written materials.

Finally, this memorandum does not address the validity of the joint account arrangements or any difference between the structure of Caramadre's activities and the Program that are not the basis for allegations in the Indictment.

This memorandum is provided solely for the information of the addressee, Eden Arc Capital Management, and Eden Arc Capital Partners, and not for any other person, entity or agency or for any other purpose. It may not be relied upon by any third party. Without our prior written consent, the guidance herein shall not be quoted or otherwise included, summarized or referred to in any publication or document, in whole or in part, for any purpose whatsoever.

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1	Email with Attachment(s)	4/2/09 11:39 AM	Grundstein, Robert	Lathen, Jay	Governals, Jack P.; Riordan, JoAnn	Engagement Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2	Email	4/2/09 6:38 PM	Grundstein, Robert	Lathen, Jay	Governals, Jack P.; Riordan, JoAnn	RE: Engagement Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
3	Email	4/8/09 10:20 AM	Grundstein, Robert	Lathen, Jay		RE: Survivor Option ...	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
4	Email with Attachment(s)	4/27/09 5:52 PM	Grundstein, Robert	Lathen, Jay		Market Timing Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
5	Email	5/13/09 10:53 AM	Grundstein, Robert	Lathen, Jay		FW: Bank of America Internetes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
6	Email with Attachment(s)	5/14/09 11:15 AM	Grundstein, Robert	Lathen, Jay		FW: Bank of America Internetes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
7	Email with Attachment(s)	7/10/09 4:49 PM	Grundstein, Robert	Lathen, Jay		Event Driven PPM	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
8	Email with Attachment(s)	7/14/09 11:09 AM	Grundstein, Robert	Lathen, Jay		RE: Power of Attorney	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
9	Email	9/30/09 10:15 PM	Lathen, Jay	Grundstein, Robert; Domina, Daren R.		Investment Advisor	Attorney Client Privilege	Communication requesting legal advice of counsel.		
10	Email	10/9/09 2:41 PM	Grundstein, Robert	Lathen, Jay		Rob Loewy (tax attorney) is out of the office today	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
11	Email with Attachment(s)	10/9/09 6:16 PM	Grundstein, Robert	Lathen, Jay	Domina, Daren R.	RE: Lathen/Arelas Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
12	Email	10/30/09 6:50 PM	Grundstein, Robert	Lathen, Jay	Tractenberg, Beth D.; Domina, Daren R.	Trusts & Estates Issues	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
13	Email	11/27/09 7:20 PM	Grundstein, Robert	Lathen, Jay	Tractenberg, Beth D.	IRS Ruling	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
14	Email with Attachment(s)	1/12/10 5:08 PM	D'Arrigo, Ruth A.	Lathen, Jay	Grundstein, Robert	RE: Invoice	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
15	Email with Attachment(s)	1/25/10 10:30 AM	Grundstein, Robert	Lathen, Jay		RE: I was scrambling	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
16	Email	2/18/10 6:00 PM	Flanders, Robert G.	Lathen, Jay	Bouton, William W.	Legal Review and Advice on EndCare Business Model	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
17	Email	2/19/10 10:23 AM	Flanders, Robert G.	Lathen, Jay	Bouton, William W.	Conference Call This Afternoon?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
18	Email	3/31/10 11:09 AM	Lathen, Jay	Flanders, Robert G.			Attorney Client Privilege	Communication requesting legal advice of counsel.		
19	Email with Attachment(s)	5/20/10 10:03 AM	Hood, Bruce E.	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
20	Email	6/1/10 4:47 PM	Hood, Bruce E.	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
21	Email	6/11/10 4:46 PM	Flanders, Robert G.	Lathen, Jay		RI Litigation re Annuities and Bonds	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
22	Email	6/18/10 5:31 PM	Hood, Bruce E.	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
23	Email	7/16/10 12:14 PM	Lathen, Jay	Roper, Eric		EndCare Materials	Attorney Client Privilege	Communication requesting legal advice of counsel.		
24	Email	7/19/10 1:19 PM	Roper, Eric	Lathen, Jay		RE: EndCare Materials	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
25	Email	7/19/10 3:34 PM	Lathen, Jay	Roper, Eric		Re: EndCare Materials	Attorney Client Privilege	Communication requesting legal advice of counsel.		
26	Email	7/26/10 2:46 PM	Lathen, Jay	Roper, Eric		Re: EndCare Materials	Attorney Client Privilege	Communication requesting legal advice of counsel.		
27	Email	7/26/10 6:02 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: EndCare Materials	Attorney Client Privilege	Communication requesting legal advice of counsel.		
28	Email	7/27/10 9:56 AM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		Re: EndCare Materials	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
29	Email	7/28/10 1:53 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: EndCare Materials	Attorney Client Privilege	Communication requesting legal advice of counsel.		
30	Email	7/28/10 3:32 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: EndCare Materials	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
31	Email	8/10/10 11:50 AM	Lathen, Jay	Roper, Eric		Re: EndCare - tax discussion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
32	Email	8/17/10 3:20 PM	Lathen, Jay	Roper, Eric		Running 10 mins late	Attorney Client Privilege	Communication requesting legal advice of counsel.		
33	Email	8/18/10 7:16 PM	Lathen, Jay	Robbins, David E.		FW: Complaint	Attorney Client Privilege	Communication requesting legal advice of counsel.		
34	Email	8/19/10 2:53 PM	Robbins, David E.	Lathen, Jay		RE: Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
35	Email	8/20/10 3:31 PM	Lathen, Jay	Robbins, David E.		Re: Robbins	Attorney Client Privilege	Communication requesting legal advice of counsel.		
36	Email	8/20/10 3:38 PM	Robbins, David E.	Lathen, Jay		Re: Robbins	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
37	Email	8/24/10 11:55 AM	Lathen, Jay	Robbins, David E.		Re: Robbins	Attorney Client Privilege	Communication requesting legal advice of counsel.		
38	Email	8/24/10 2:10 PM	Lathen, Jay	Robbins, David E.		Re: Robbins	Attorney Client Privilege	Communication requesting legal advice of counsel.		
39	Email with Attachment(s)	8/25/10 5:27 PM	Lathen, Jay	Robbins, David E.		Re: Robbins Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
40	Email with Attachment(s)	8/26/10 12:59 PM	Lathen, Jay	Robbins, David E.		Re: CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION	Attorney Client Privilege	Communication requesting legal advice of counsel.		
41	Email with Attachment(s)	8/26/10 4:54 PM	Robbins, David E.	McCarthy, Denis	Lathen, Jay	Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
42	Email	8/26/10 5:40 PM	Robbins, David E.	Lathen, Jay		Robbins to Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
43	Email	8/27/10 9:49 AM	Lathen, Jay	Robbins, David E.		Re: Donald Lathen	Attorney Client Privilege	Communication requesting legal advice of counsel.		
44	Email	8/27/10 2:55 PM	Lathen, Jay	Calaguio, Cheryl	Roper, Eric	Re: EndCare Term Sheet	Attorney Client Privilege	Communication requesting legal advice of counsel.		
45	Email	8/29/10 4:45 PM	Robbins, David E.	McCarthy, Denis	Lathen, Jay	Jay Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
46	Email	8/30/10 12:25 PM	Robbins, David E.	Lathen, Jay		CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
47	Email with Attachment(s)	8/30/10 2:21 PM	Robbins, David E.	Lathen, Jay		RE: CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
48	Email with Attachment(s)	8/31/10 12:41 PM	Robbins, David E.	McCarthy, Denis	Lathen, Jay	Jay Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
49	Email	8/31/10 12:46 PM	Robbins, David E.	Lathen, Jay		RE: CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
50	Email	9/9/10 7:58 PM	Lathen, Jay	Robbins, David E.		Arbitration Case I mentioned last week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
51	Email	9/10/10 2:13 PM	Lathen, Jay	Robbins, David E.		Re: Jay Lathen	Attorney Client Privilege	Communication requesting legal advice of counsel.		
52	Email	9/22/10 11:29 AM	Lathen, Jay	Roper, Eric		Re: How are you doing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
53	Email	9/22/10 8:14 PM	Lathen, Jay	Roper, Eric		Sorry I didn't get back to you today	Attorney Client Privilege	Communication requesting legal advice of counsel.		
54	Email	9/23/10 7:36 AM	Lathen, Jay	Roper, Eric		Re: Sorry I didn't get back to you today	Attorney Client Privilege	Communication requesting legal advice of counsel.		
55	Email	9/23/10 9:03 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		EndCare Term Sheet Edits	Attorney Client Privilege	Communication requesting legal advice of counsel.		
56	Email	9/28/10 4:55 PM	Lathen, Jay	Robbins, David E.		Re: JP Morgan	Attorney Client Privilege	Communication requesting legal advice of counsel.		
57	Email	10/4/10 8:21 PM	Lathen, Jay	Roper, Eric		Revised Term Sheet	Attorney Client Privilege	Communication requesting legal advice of counsel.		
58	Email	10/5/10 1:25 PM	Lathen, Jay	Robbins, David E.		Re: Robbins	Attorney Client Privilege	Communication requesting legal advice of counsel.		
59	Email	10/6/10 11:13 AM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: Endcare Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
60	Email	10/6/10 2:43 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: Endcare Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
61	Email	10/6/10 6:13 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: Endcare Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
62	Email	10/7/10 9:40 AM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
63	Email	10/8/10 3:33 PM	Russell, Judith	Lathen, Jay	Roper, Eric	FROM ERIC ROPER'S OFFICE	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
64	Email	10/12/10 7:21 PM	Lathen, Jay	Roper, Eric		Investor Pres	Attorney Client Privilege	Communication requesting legal advice of counsel.		
65	Email	10/14/10 11:48 AM	Lathen, Jay	Roper, Eric		Updated Investor Presentation and Sample EndCare contract	Attorney Client Privilege	Communication requesting legal advice of counsel.		
66	Email	10/14/10 3:32 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: Updated Investor Presentation and Sample EndCare contract	Attorney Client Privilege	Communication requesting legal advice of counsel.		
67	Email	10/18/10 5:27 PM	Lathen, Jay	Roper, Eric		Sample EndCare contract	Attorney Client Privilege	Communication requesting legal advice of counsel.		
68	Email	10/20/10 1:24 PM	Lathen, Jay	Roper, Eric		EndCare Fund	Attorney Client Privilege	Communication requesting legal advice of counsel.		
69	Email with Attachment(s)	11/1/10 3:30 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		LPA - 1st Draft	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
70	Email	11/2/10 6:42 PM	Lathen, Jay	Roper, Eric		Fw: Trusts & Estates Issues	Attorney Client Privilege	Communication requesting legal advice of counsel.		
71	Email	11/3/10 10:36 AM	Lathen, Jay	Flanders, Robert G.		Re: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
72	Email	11/3/10 1:46 PM	Flanders, Robert G.	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
73	Email	11/3/10 3:18 PM	Flanders, Robert G.	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
74	Email	11/3/10 4:58 PM	Lathen, Jay	Roper, Eric		See attached	Attorney Client Privilege	Communication requesting legal advice of counsel.		
75	Email	11/4/10 2:17 PM	Flanders, Robert G.	Lathen, Jay		Leader History and Billing Backup	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
76	Email	11/5/10 3:10 PM	Flanders, Robert G.	Lathen, Jay		Fw: Leader History and Billing Backup	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
77	Email	11/8/10 8:28 PM	Lathen, Jay	Roper, Eric		Fw: website	Attorney Client Privilege	Communication requesting legal advice of counsel.		
78	Email	11/8/10 9:52 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		LPA Comments	Attorney Client Privilege	Communication requesting legal advice of counsel.		
79	Email	11/9/10 3:05 PM	Lathen, Jay	Roper, Eric		Re: LPA Comments	Attorney Client Privilege	Communication requesting legal advice of counsel.		
80	Email	11/9/10 7:41 PM	Lathen, Jay	Flanders, Robert G.		Re: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
81	Email	11/10/10 10:07 AM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: LPA Comments	Attorney Client Privilege	Communication requesting legal advice of counsel.		
82	Email	11/10/10 6:19 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Encare.com website	Attorney Client Privilege	Communication requesting legal advice of counsel.		
83	Email	11/11/10 12:26 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl; Riley, John H.; Derosa, Stephen	Neroulias, Jason	RE: Encare.com website	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
84	Email	11/11/10 12:46 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl; Riley, John H.; Derosa, Stephen	Neroulias, Jason	Re: Encare.com website	Attorney Client Privilege	Communication requesting legal advice of counsel.		
85	Email	11/11/10 1:07 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl; Riley, John H.; Derosa, Stephen	Neroulias, Jason	RE: Encare.com website	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
86	Email	11/11/10 2:53 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		Contacts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
87	Email	11/12/10 2:46 PM	Lathen, Jay	Roper, Eric		Brochure for Hospices and Participants	Attorney Client Privilege	Communication requesting legal advice of counsel.		
88	Email	11/12/10 6:02 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		LPA Re-Draft	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
89	Email	11/16/10 11:20 AM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl; Neroulias, Jason; Derosa, Stephen	Lackowitz, David	FW:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
90	Email	11/17/10 9:11 AM	Roper, Eric	Lathen, Jay; Norenberg, Daniel	Glodet, Kevin; Belesis, Thomas	FW: D & O Insurance	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
91	Email	11/23/10 5:47 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl; Neroulias, Jason		Encare PPM	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
92	Email	11/23/10 9:59 AM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Fw: Valuation Language	Attorney Client Privilege	Communication requesting legal advice of counsel.		
93	Email	11/23/10 6:11 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		LP Agreement Edits	Attorney Client Privilege	Communication requesting legal advice of counsel.		
94	Email	11/30/10 5:36 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		FW: LP Agreement Edits	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
95	Email	11/30/10 5:52 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: LP Agreement Edits	Attorney Client Privilege	Communication requesting legal advice of counsel.		
96	Email	11/30/10 6:21 PM	Lathen, Jay	Calaguio, Cheryl; Roper, Eric		Re: LP Agreement Edits	Attorney Client Privilege	Communication requesting legal advice of counsel.		
97	Email	12/6/10 6:00 PM	Lathen, Jay	Roper, Eric; Savage, Michael; Calaguio, Cheryl		Re: 501(c)(3) Foundation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
98	Email	12/12/10 11:23 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Edits to Offering Memo	Attorney Client Privilege	Communication requesting legal advice of counsel.		
99	Email	12/15/10 9:07 PM	Lathen, Jay	Roper, Eric		Re: RULE 5130	Attorney Client Privilege	Communication requesting legal advice of counsel.		
100	Email	12/21/10 5:25 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Edits to PPM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
101	Email	12/21/10 6:02 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: Edits to PPM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
102	Email	12/22/10 2:12 PM	Lathen, Jay	Calaguio, Cheryl		Got your email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
103	Email	12/23/10 8:17 AM	Lathen, Jay	Calaguio, Cheryl		Call this morning	Attorney Client Privilege	Communication requesting legal advice of counsel.		
104	Email	12/23/10 8:37 AM	Lathen, Jay	Calaguio, Cheryl		Re: Call this morning	Attorney Client Privilege	Communication requesting legal advice of counsel.		
105	Email	12/27/10 10:52 AM	Lathen, Jay	Calaguio, Cheryl		Re: Edits to PPM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
106	Email	1/3/11 6:39 PM	Lathen, Jay	Calaguio, Cheryl	Roper, Eric	Re: Revised PPM and LPA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
107	Email	1/4/11 2:16 PM	Roper, Eric	Lathen, Jay		FW: J. Lathen - Retainer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
108	Email	1/12/11 10:52 AM	Russell, Judith	Lathen, Jay	Roper, Eric	FROM ERIC ROPEL'S OFFICE	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
109	Email	1/13/11 12:43 PM	Lathen, Jay	Roper, Eric		Fwd: EndCare Paperwork	Attorney Client Privilege	Communication requesting legal advice of counsel.		
110	Email	1/18/11 10:17 AM	Lathen, Jay	Roper, Eric		Re: Fwd: EndCare Paperwork	Attorney Client Privilege	Communication requesting legal advice of counsel.		
111	Email	1/20/11 12:17 PM	Roper, Eric	Lathen, Jay		FW: Eden Arc Agreements	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
112	Email	1/22/11 9:23 AM	Lathen, Jay	Calaguio, Cheryl		Fund Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
113	Email	1/22/11 11:25 AM	Lathen, Jay	Calaguio, Cheryl		Re: Fund Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
114	Email	1/26/11 7:18 PM	Lathen, Jay	Calaguio, Cheryl	Roper, Eric	Re: Lathen	Attorney Client Privilege	Communication requesting legal advice of counsel.		
115	Email	2/3/11 4:13 PM	Lathen, Jay	Roper, Eric		Fw:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
116	Email	2/3/11 5:21 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Mark-up to docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
117	Email	2/4/11 4:23 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		Participation Agreement Revised	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
118	Email	2/9/11 3:13 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Fw: Following up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
119	Email	2/9/11 5:39 PM	Lathen, Jay	Calaguio, Cheryl	Roper, Eric	Re: Mark-up to docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
120	Email	2/14/11 1:36 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Eden Arc Bank Accounts	Attorney Client Privilege	Communication requesting legal advice of counsel.		
121	Email	2/17/11 9:15 AM	Lathen, Jay	Calaguio, Cheryl		Article of Organization	Attorney Client Privilege	Communication requesting legal advice of counsel.		
122	Email	2/17/11 3:07 PM	Lathen, Jay	Calaguio, Cheryl		Publishing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
123	Email	2/23/11 10:01 AM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Fw: Eden Arc - draft admin agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
124	Email	2/23/11 10:43 AM	Russell, Judith	Lathen, Jay	Roper, Eric	FROM ERIC ROPEL'S OFFICE	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
125	Email	2/23/11 6:19 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		Administration Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
126	Email	2/25/11 3:54 PM	Russell, Judith	Lathen, Jay	Calaguio, Cheryl	FROM GERSTEN SAVAGE LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
127	Email	3/3/11 9:35 AM	Lathen, Jay	Roper, Eric; Calaguio, Cheryl		Re: Edits to Admin Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
128	Email	3/3/11 10:46 AM	Lathen, Jay	Roper, Eric		Re: Edits to Admin Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
129	Email	3/3/11 12:59 PM	Lathen, Jay	Calaguio, Cheryl		Re: Subscription Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
130	Email	4/27/11 8:08 PM	Lathen, Jay	Roper, Eric		Blue Sky Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
131	Email	10/20/11 8:13 AM	Lathen, Jay	Roper, Eric		Re: Meeting this morning	Attorney Client Privilege	Communication requesting legal advice of counsel.		
132	Email	10/19/11 11:52 AM	Lathen, Jay	Roper, Eric		Re: Meeting this morning	Attorney Client Privilege	Communication requesting legal advice of counsel.		
133	Email	10/21/11 4:37 PM	Lathen, Jay	Roper, Eric		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
134	Email	10/24/11 11:43 AM	Lathen, Jay	Roper, Eric		POA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
135	Email	10/24/11 5:16 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		FW: Follow-up our discussion.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
136	Email	10/25/11 11:29 AM	Roper, Eric	Lathen, Jay; Calaguio, Cheryl		Revised Documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
137	Email	10/25/11 12:36 PM	Lathen, Jay	Roper, Eric; Calagudo, Cheryl		Re: Follow-up our discussion.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
138	Email	10/25/11 2:29 PM	Roper, Eric	Lathen, Jay; Calagudo, Cheryl		FW:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
139	Email	10/31/11 11:07 AM	Lathen, Jay	Roper, Eric; Calagudo, Cheryl		Re: Revised Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
140	Email	10/31/11 11:29 AM	Lathen, Jay	Roper, Eric; Calagudo, Cheryl		Re: Revised Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
141	Email	11/1/11 10:41 AM	Lathen, Jay	Roper, Eric; Calagudo, Cheryl		Re: call - could we speak around 11:30 this morning Jay, Tx	Attorney Client Privilege	Communication requesting legal advice of counsel.		
142	Email	11/1/11 10:54 AM	Lathen, Jay	Roper, Eric		Re: call - could we speak around 11:30 this morning Jay, Tx	Attorney Client Privilege	Communication requesting legal advice of counsel.		
143	Email	11/7/11 12:41 PM	Lathen, Jay	Roper, Eric; Calagudo, Cheryl		Brokerage Account Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
144	Email	11/18/11 1:06 PM	Lathen, Jay	Roper, Eric; Calagudo, Cheryl		FW: Eden Arc Capital Partners - Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
145	Email	11/18/11 2:22 PM	Lathen, Jay	Roper, Eric; Calagudo, Cheryl		Re: Eden Arc Capital Partners - Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
146	Email	1/11/12 5:31 PM	Russell, Judith	Lathen, Jay		GERSTEN SAVAGE LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
147	Email	1/12/12 10:52 AM	Lathen, Jay	Roper, Eric	Bedard, David	Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
148	Email	1/24/12 6:54 PM	Lathen, Jay	Roper, Eric		Re: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
149	Email	4/5/12 2:59 PM	Lathen, Jay	Roper, Eric		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
150	Email	4/18/12 9:59 AM	Roper, Eric	Lathen, Jay; Derosa, Stephen		FW: C3 info	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
151	Email	5/9/12 5:45 PM	Russell, Judith	Lathen, Jay	Roper, Eric	FROM ERIC R. ROPEL'S OFFICE	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
152	Email	5/14/12 5:38 PM	Roper, Eric	Lathen, Jay; Derosa, Stephen		Firm Brochure Part 2A	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
153	Email	5/29/12 8:20 PM	Lathen, Jay	Roper, Eric		Re: Engagement Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
154	Email	5/30/12 2:36 PM	Lathen, Jay	Roper, Eric		Re: call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
155	Email	5/30/12 4:53 PM	Lathen, Jay	Roper, Eric		Re: call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
156	Email	6/5/12 2:40 PM	Roper, Eric	Lathen, Jay		Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
157	Email	6/7/12 2:31 PM	Lathen, Jay	Roper, Eric		Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
158	Email	6/15/12 1:47 PM	Flanders, Robert G.	Lathen, Jay		Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
159	Email	6/19/12 5:22 PM	Roper, Eric	Lathen, Jay; Derosa, Stephen	Nunez, Maria; Santos, Brenda		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
160	Email	6/21/12 4:55 PM	Flanders, Robert G.	Farrell, Margaret D.	Lathen, Jay	Fwd: Investment Management Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
161	Email	6/26/12 11:45 AM	Roper, Eric	Lathen, Jay; Derosa, Stephen; Montello, Jessica		Following Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
162	Email	6/26/12 2:09 PM	Lathen, Jay	Roper, Eric; Derosa, Stephen; Montello, Jessica		Re: Following Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
163	Email	6/28/12 9:52 AM	Lathen, Jay	Roper, Eric		Re: any thoughts on the LPA changes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
164	Email	6/28/12 9:56 AM	Roper, Eric	Lathen, Jay		RE: any thoughts on the LPA changes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
165	Email	6/28/12 4:51 PM	Lathen, Jay	Roper, Eric		Re: any thoughts on the LPA changes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
166	Email	7/18/12 10:43 AM	Lathen, Jay	Derosa, Stephen	Roper, Eric; Montello, Jessica; Robinson, Michael D.	RE: Following Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
167	Email	7/18/12 1:56 PM	Derosa, Stephen	Lathen, Jay	Roper, Eric; Montello, Jessica; Robinson, Michael D.	RE: Following Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
168	Email	7/18/12 1:57 PM	Robinson, Michael D.	Derosa, Stephen	Lathen, Jay; Roper, Eric; Montello, Jessica	Re: Following Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
169	Email	7/18/12 2:01 PM	Derosa, Stephen	Robinson, Michael D.	Lathen, Jay; Roper, Eric; Montello, Jessica	RE: Following Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
170	Email	7/20/12 1:19 PM	Russell, Judith	Lathen, Jay	Roper, Eric	FROM GERSTEN SAVAGE LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
171	Email	7/26/12 3:06 PM	Roper, Eric	Lathen, Jay; Derosa, Stephen; Montello, Jessica	Russell, Judith	Side letters	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
172	Email	7/26/12 3:51 PM	Falcoo, Donna M.	Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.	Amended Engagement Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
173	Email	7/26/12 5:22 PM	Lathen, Jay	Derosa, Stephen	Roper, Eric; Montello, Jessica; Robinson, Michael D.	RE: IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
174	Email	7/27/12 4:11 PM	Russell, Judith	Lathen, Jay	Roper, Eric	FW: Eden Arc Capital Partners, LP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
175	Email	7/30/12 2:32 PM	Falcoo, Donna M.	Lathen, Jay	Flanders, Robert G.; Farrell, Margaret D.	Amended Engagement Letter (revised July 30, 2012)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
176	Email	7/31/12 4:44 PM	Derosa, Stephen	Robinson, Michael D.	Roper, Eric; Montello, Jessica; Lathen, Jay	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
177	Email	7/31/12 5:23 PM	Robinson, Michael D.	Derosa, Stephen	Lathen, Jay	RE: IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
178	Email	8/1/12 6:39 PM	Derosa, Stephen	Robinson, Michael D.		RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
179	Email	8/1/12 7:15 PM	Robinson, Michael D.	Derosa, Stephen		RE: IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
180	Email with Attachment(s)	8/2/12 12:00 PM	Roper, Eric	Lathen, Jay; Robinson, Michael D.	Derosa, Stephen	Revised LPA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
181	Email	8/2/12 2:37 PM	Lathen, Jay	Roper, Eric; Robinson, Michael D.	Derosa, Stephen	Re: Revised LPA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
182	Email	8/3/12 3:53 PM	Flanders, Robert G.	Lathen, Jay; Falcoo, Donna M.	Farrell, Margaret D.	RE: Amended Engagement Letter (revised July 30, 2012)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
183	Email	8/3/12 5:11 PM	Lathen, Jay	Flanders, Robert G.; Falcoo, Donna M.	Farrell, Margaret D.	Re: Amended Engagement Letter (revised July 30, 2012)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
184	Email	8/7/12 11:33 AM	Robinson, Michael D.	Derosa, Stephen		RE: IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
185	Email with Attachment(s)	8/7/12 11:57 AM	Derosa, Stephen	Robinson, Michael D.	Roper, Eric; Lathen, Jay; Riley, John H.	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
186	Email	8/7/12 12:31 PM	Robinson, Michael D.	Derosa, Stephen		RE: IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
187	Email	8/9/12 11:14 AM	Derosa, Stephen	Roper, Eric; Robinson, Michael D.	Lathen, Jay; Riley, John H.	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
188	Email	8/9/12 11:15 AM	Roper, Eric	Derosa, Stephen; Robinson, Michael D.	Lathen, Jay; Riley, John H.	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
189	Email	8/15/12 4:56 PM	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric; Montello, Jessica; Riley, John H.	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
190	Email with Attachment(s)	8/16/12 4:08 PM	Derosa, Stephen	Robinson, Michael D.; Lathen, Jay	Roper, Eric; Montello, Jessica	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
191	Email	8/21/12 2:46 PM	Derosa, Stephen	Robinson, Michael D.; Lathen, Jay	Roper, Eric; Montello, Jessica	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
192	Email	8/23/12 9:56 AM	Lathen, Jay	Roper, Eric; Derosa, Stephen	Robinson, Michael D.	Re: Jay - let me know when you have look over the PPM so we can complete revisions. Best, Eric	Attorney Client Privilege	Communication requesting legal advice of counsel.		
193	Email	8/23/12 11:17 AM	Farrell, Margaret D.	Lathen, Jay		RE: Amended Engagement Letter (revised July 30, 2012)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
194	Email	8/23/12 1:54 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	RE: Prospectuses	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
195	Email	8/23/12 3:32 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	RE: Prospectuses	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
196	Email with Attachment(s)	8/23/12 3:48 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: Prospectuses	Attorney Client Privilege	Communication requesting legal advice of counsel.		
197	Email	8/23/12 5:38 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	RE: Prospectuses	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
198	Email	8/24/12 10:18 AM	Roper, Eric	Lathen, Jay; Derosa, Stephen; Robinson, Michael D.		11:00 call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
199	Email	8/24/12 10:25 AM	Farrell, Margaret D.	Lathen, Jay		Endcare	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
200	Email	8/24/12 11:00 AM	Lathen, Jay	Roper, Eric; Derosa, Stephen; Robinson, Michael D.		Re: 11:00 call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
201	Email	8/29/12 7:24 PM	Farrell, Margaret D.	Lathen, Jay		Joint Accounts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
202	Email	8/30/12 9:07 AM	Farrell, Margaret D.	Lathen, Jay		RE: Joint Accounts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
203	Email	8/30/12 12:15 PM	Farrell, Margaret D.	Lathen, Jay		RE: Joint Accounts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
204	Email	8/30/12 12:21 PM	Farrell, Margaret D.	Lathen, Jay		RE: Joint Accounts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
205	Email	8/30/12 12:39 PM	Farrell, Margaret D.	Lathen, Jay		RE: Joint Accounts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
206	Email	8/31/12 5:01 PM	Farrell, Margaret D.	Lathen, Jay	Flanders, Robert G.	Lathen - Memo re Caramadre.DOCX	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
207	Email	9/5/12 11:35 AM	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: 11:00 call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
208	Email	9/6/12 4:17 PM	Farrell, Margaret D.	Robinson, Michael D.	Lathen, Jay	RE: Conference Call RE: Caramadre.DOCX	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
209	Email	9/7/12 9:21 AM	Robinson, Michael D.	Derosa, Stephen	Lathen, Jay; Roper, Eric	11:00 call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
210	Email	9/7/12 10:07 AM	Russell, Judith	Robinson, Michael D.; Lathen, Jay; Derosa, Stephen	Roper, Eric	CALL INFORMATION FOR TODAY'S 11:00 CONFERENCE CALL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
211	Email with Attachment(s)	9/7/12 10:48 AM	Lathen, Jay	Russell, Judith; Robinson, Michael D.; Derosa, Stephen	Roper, Eric	RE: CALL INFORMATION FOR TODAY'S 11:00 CONFERENCE CALL	Attorney Client Privilege	Communication requesting legal advice of counsel.		
212	Email	9/7/12 10:59 AM	Russell, Judith	Lathen, Jay; Robinson, Michael D.; Derosa, Stephen	Roper, Eric	RE: CALL INFORMATION FOR TODAY'S 11:00 CONFERENCE CALL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
213	Email	9/7/12 11:03 AM	Robinson, Michael D.	Russell, Judith	Lathen, Jay; Derosa, Stephen; Roper, Eric	Re: CALL INFORMATION FOR TODAY'S 11:00 CONFERENCE CALL	Attorney Client Privilege	Communication requesting legal advice of counsel.		
214	Email	9/7/12 11:22 AM	Roper, Eric	Russell, Judith; Robinson, Michael D.; Lathen, Jay; Derosa, Stephen		RE: CALL INFORMATION FOR TODAY'S 11:00 CONFERENCE CALL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
215	Email	9/7/12 12:30 PM	Derosa, Stephen	Robinson, Michael D.; Lathen, Jay	Roper, Eric	ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
216	Email	9/7/12 1:49 PM	Lathen, Jay	Farrell, Margaret D.; Robinson, Michael D.		RE: Conference Call RE: Caramadre.DOCX	Attorney Client Privilege	Communication requesting legal advice of counsel.		
217	Email	9/7/12 1:53 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: Conference Call RE: Caramadre.DOCX	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
218	Email with Attachment(s)	9/7/12 2:25 PM	Lathen, Jay	Derosa, Stephen; Roper, Eric	Robinson, Michael D.	Final Brochure Part 2	Attorney Client Privilege	Communication requesting legal advice of counsel.		
219	Email	9/7/12 2:56 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: Conference Call RE: Caramadre.DOCX	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
220	Email	9/7/12 2:57 PM	Lathen, Jay	Farrell, Margaret D.; Robinson, Michael D.		Re: Conference Call RE: Caramadre.DOCX	Attorney Client Privilege	Communication requesting legal advice of counsel.		
221	Email	9/7/12 3:05 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: Conference Call RE: Caramadre.DOCX	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
222	Email	9/7/12 3:25 PM	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: RIA Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
223	Email with Attachment(s)	9/7/12 3:53 PM	Derosa, Stephen	Lathen, Jay; Roper, Eric	Robinson, Michael D.	RE: Final Brochure Part 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
224	Email with Attachment(s)	9/11/12 12:40 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
225	Email with Attachment(s)	9/11/12 2:15 PM	Farrell, Margaret D.	Robinson, Michael D.	Lathen, Jay	RE: Documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
226	Email	9/12/12 10:33 AM	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: Final Brochure Part 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
227	Email	9/12/12 11:00 AM	Lathen, Jay	Derosa, Stephen; Robinson, Michael D.	Roper, Eric	RE: Final Brochure Part 2	Attorney Client Privilege	Communication requesting legal advice of counsel.		
228	Email	9/12/12 11:01 AM	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: Final Brochure Part 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
229	Email	9/12/12 11:08 AM	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: Final Brochure Part 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
230	Email with Attachment(s)	9/13/12 12:01 PM	Robinson, Michael D.	Farrell, Margaret D.		Securities Account Control Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
231	Email	9/13/12 1:36 PM	Farrell, Margaret D.	Robinson, Michael D.		RE: Securities Account Control Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
232	Email	9/13/12 3:10 PM	Robinson, Michael D.	Farrell, Margaret D.		Re: Securities Account Control Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
233	Email	9/13/12 3:38 PM	Farrell, Margaret D.	Robinson, Michael D.		RE: Securities Account Control Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
234	Email	9/14/12 11:39 AM	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: Final Brochure Part 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
235	Email	9/18/12 10:37 AM	Farrell, Margaret D.	Robinson, Michael D.		RE: Securities Account Control Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
236	Email	9/18/12 10:40 AM	Robinson, Michael D.	Farrell, Margaret D.		End Care Project	Attorney Client Privilege	Communication requesting legal advice of counsel.		
237	Email with Attachment(s)	9/18/12 10:57 AM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: Securities Account Control Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
238	Email	9/18/12 11:16 AM	Farrell, Margaret D.	Robinson, Michael D.	Mandini, Jacquelyn A.; Doring, Matthew P.	RE: End Care Project	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
239	Email	9/18/12 11:45 AM	Robinson, Michael D.	Farrell, Margaret D.		RE: End Care Project	Attorney Client Privilege	Communication requesting legal advice of counsel.		
240	Email	9/18/12 11:52 AM	Farrell, Margaret D.	Robinson, Michael D.		RE: End Care Project	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
241	Email	9/18/12 12:02 PM	Farrell, Margaret D.	Robinson, Michael D.		RE: End Care Project	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
242	Email	9/18/12 12:02 PM	Robinson, Michael D.	Farrell, Margaret D.		Re: End Care Project	Attorney Client Privilege	Communication requesting legal advice of counsel.		
243	Email with Attachment(s)	9/18/12 12:22 PM	Robinson, Michael D.	Farrell, Margaret D.		Re: Securities Account Control Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
244	Email with Attachment(s)	9/18/12 2:25 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.	Mandini, Jacquelyn A.; Doring, Matthew P.	EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
245	Email with Attachment(s)	9/18/12 2:36 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.	Doring, Matthew P.; Mandini, Jacquelyn A.	Credit Line Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
246	Email	9/25/12 2:25 PM	Mandini, Jacquelyn A.	Robinson, Michael D.	Lathen, Jay	EndCare	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
247	Email with Attachment(s)	9/27/12 4:28 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay; Mandini, Jacquelyn A.; Doring, Matthew P.	Re: EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication requesting legal advice of counsel.		
248	Email	9/27/12 4:29 PM	Farrell, Margaret D.	Robinson, Michael D.		Out of Office: EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
249	Email	9/28/12 8:44 AM	Mandini, Jacquelyn A.	Robinson, Michael D.; Farrell, Margaret D.	Lathen, Jay; Doring, Matthew P.	RE: EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
250	Email with Attachment(s)	10/1/12 5:10 PM	Robinson, Michael D.	Farrell, Margaret D.	Doring, Matthew P.; Mandini, Jacquelyn A.; Lathen, Jay	Brochure and Participant's Agent Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
251	Email	10/1/12 6:55 PM	Farrell, Margaret D.	Robinson, Michael D.	Doring, Matthew P.; Mandini, Jacquelyn A.; Lathen, Jay	RE: Brochure and Participant's Agent Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
252	Email with Attachment(s)	10/4/12 9:37 AM	Robinson, Michael D.	Farrell, Margaret D.		Securities Account Control Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
253	Email	10/4/12 9:55 AM	Farrell, Margaret D.	Robinson, Michael D.		RE: Securities Account Control Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
254	Email with Attachment(s)	11/16/12 12:32 PM	Robinson, Michael D.	Farrell, Margaret D.; Lathen, Jay		Caramadre Memorandum Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
255	Email with Attachment(s)	11/19/12 10:54 AM	Roper, Eric	Lathen, Jay; Robinson, Michael D.		FW: vCard & Bio -- Darren Kane, Former SEC Agent with Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
256	Email with Attachment(s)	11/19/12 10:56 AM	Roper, Eric	Lathen, Jay		FW: vCard & Bio -- Darren Kane, Former SEC Agent with Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
257	Email	11/20/12 11:50 AM	Roper, Eric	Kane, Darren; Lathen, Jay; Robinson, Michael D.		FW: vCard & Bio -- Darren Kane, Former SEC Agent with Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
258	Email	11/20/12 12:10 PM	Lathen, Jay	Roper, Eric; Kane, Darren; Robinson, Michael D.		RE: vCard & Bio -- Darren Kane, Former SEC Agent with Mission Critical Services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
259	Email	11/20/12 12:11 PM	Lathen, Jay	Roper, Eric; Kane, Darren; Robinson, Michael D.		RE: vCard & Bio -- Darren Kane, Former SEC Agent with Mission Critical Services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
260	Email with Attachment(s)	11/20/12 4:42 PM	Kane, Darren	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: vCard & Bio -- Darren Kane, Former SEC Agent with Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
261	Email with Attachment(s)	11/28/12 9:40 AM	Kane, Darren	Lathen, Jay		SEC Exam Preparation -- Specific Topics & Questions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
262	Email	11/29/12 11:15 AM	Lathen, Jay	Kane, Darren	Robinson, Michael D.	RE: SEC Exam Preparation -- Specific Topics & Questions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
263	Email	11/29/12 11:34 AM	Kane, Darren	Lathen, Jay	Robinson, Michael D.	RE: SEC Exam Preparation -- Specific Topics & Questions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
264	Email	11/30/12 4:34 PM	Flanders, Robert G.	Lathen, Jay	Farrell, Margaret D.	Detail for Work on Caramadre Memorandum	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
265	Email	11/30/12 6:06 PM	Lathen, Jay	Flanders, Robert G.	Farrell, Margaret D.; Robinson, Michael D.	RE: Detail for Work on Caramadre Memorandum	Attorney Client Privilege	Communication requesting legal advice of counsel.		
266	Email	12/3/12 12:01 PM	Farrell, Margaret D.	Robinson, Michael D.; Lathen, Jay		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
267	Email	12/3/12 12:37 PM	Farrell, Margaret D.	Robinson, Michael D.; Lathen, Jay		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
268	Email with Attachment(s)	12/3/12 12:38 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
269	Email with Attachment(s)	12/3/12 4:00 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
270	Email	12/6/12 5:52 PM	Joseph, Cassandra E.	Beck, Rafael; Robinson, Michael D.; Lathen, Jay		RE: Compliance services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
271	Email	12/6/12 6:22 PM	Lathen, Jay	Joseph, Cassandra E.; Beck, Rafael; Robinson, Michael D.		RE: Compliance services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
272	Email	12/10/12 1:24 PM	Kane, Darren	Lathen, Jay		Your Availability -- Darren Kane/Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
273	Email with Attachment(s)	12/10/12 5:34 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		IA books and records	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
274	Email with Attachment(s)	12/10/12 5:35 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Steve Pope - Smash, Inc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
275	Email with Attachment(s)	12/10/12 5:36 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Robert Fredericks - SECCAS, LLC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
276	Email with Attachment(s)	12/10/12 5:37 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Warren Hopwood - Global Relay Communications Inc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
277	Email	12/10/12 5:38 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Email archives	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
278	Email	12/10/12 6:11 PM	Joseph, Cassandra E.	Lathen, Jay		RE: Email archives	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
279	Email	12/10/12 7:41 PM	Lathen, Jay	Joseph, Cassandra E.; Robinson, Michael D.; Lathen, Jay		RE: Email archives	Attorney Client Privilege	Communication requesting legal advice of counsel.		
280	Email	12/12/12 11:30 AM	Farrell, Margaret D.	Robinson, Michael D.	Lathen, Jay	RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
281	Email	12/12/12 12:01 PM	Lathen, Jay	Farrell, Margaret D.; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
282	Email	12/12/12 3:47 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
283	Email	12/14/12 1:33 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
284	Email	12/14/12 4:44 PM	Lathen, Jay	Farrell, Margaret D.; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
285	Email	12/14/12 5:44 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
286	Email	12/14/12 6:00 PM	Lathen, Jay	Farrell, Margaret D.; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
287	Email	12/14/12 6:06 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
288	Email	12/18/12 11:31 AM	Joseph, Cassandra E.	Robinson, Michael D.	Beck, Rafael	RE: Email archives	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
289	Email	12/19/12 6:32 AM	Joseph, Cassandra E.	Robinson, Michael D.	Stuppy, Michael; Beck, Rafael	Re: Email archives	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
290	Email with Attachment(s)	12/19/12 11:44 AM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
291	Email	12/19/12 12:05 PM	Farrell, Margaret D.	Robinson, Michael D.	Lathen, Jay	RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
292	Email	12/19/12 12:35 PM	Robinson, Michael D.	Farrell, Margaret D.		Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
293	Email with Attachment(s)	12/19/12 12:59 PM	Farrell, Margaret D.	Robinson, Michael D.	Lathen, Jay	RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
294	Email with Attachment(s)	12/19/12 1:05 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
295	Email with Attachment(s)	12/19/12 6:55 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		Memorandum	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
296	Email with Attachment(s)	12/21/12 10:17 AM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		Revised Memo	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
297	Email with Attachment(s)	12/21/12 1:55 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		Memo revised	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
298	Email	12/21/12 2:06 PM	Lathen, Jay	Farrell, Margaret D.; Robinson, Michael D.		RE: Memo revised	Attorney Client Privilege	Communication requesting legal advice of counsel.		
299	Email	12/21/12 2:12 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: Memo revised	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
300	Email	12/21/12 2:26 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: Memo revised	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	CC	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
301	Email with Attachment(s)	12/21/12 5:07 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.	Flanders, Robert G.	Memorandum	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
302	Email	12/21/12 6:55 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.; Flanders, Robert G.	RE: Memorandum	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
303	Email	12/21/12 6:55 PM	Lathen, Jay	Farrell, Margaret D.	Robinson, Michael D.; Flanders, Robert G.	Re: Memorandum	Attorney Client Privilege	Communication requesting legal advice of counsel.		
304	Email	12/26/12 10:42 AM	Joseph, Cassandra E.	Robinson, Michael D.	Beck, Rafael; Lathen, Jay; Stupay, Michael	Re: Eden Arc - Compliance Services proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
305	Email	1/8/13 10:18 AM	Beck, Rafael	Robinson, Michael D.	Lathen, Jay; Stupay, Michael; Joseph, Cassandra E.	Re: Eden Arc - Compliance Services proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
306	Email	1/9/13 5:33 PM	Robinson, Michael D.	Doring, Matthew P.	Farrell, Margaret D.	Discretionary Line Agreement "Draft"	Attorney Client Privilege	Communication requesting legal advice of counsel.		
307	Email	1/9/13 5:40 PM	Doring, Matthew P.	Robinson, Michael D.	Farrell, Margaret D.	Re: Discretionary Line Agreement "Draft"	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
308	Email with Attachment(s)	2/18/13 3:48 PM	Joseph, Cassandra E.	Robinson, Michael D.; Lathen, Jay		Eden Arc Manual 2013 0201.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
309	Email	2/19/13 3:01 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Accredited Investors	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
310	Email with Attachment(s)	2/20/13 4:29 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Eden Arc Code of Ethics 2013 0201.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
311	Email	2/26/13 1:49 PM	Robinson, Michael D.	Joseph, Cassandra E.	Lathen, Jay	Re: Eden Arc Code of Ethics 2013 0201.doc	Attorney Client Privilege	Communication requesting legal advice of counsel.		
312	Email	2/26/13 1:56 PM	Joseph, Cassandra E.	Robinson, Michael D.	Lathen, Jay	Re: Eden Arc Code of Ethics 2013 0201.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
313	Email	2/26/13 1:57 PM	Robinson, Michael D.	Joseph, Cassandra E.	Lathen, Jay	Re: Eden Arc Code of Ethics 2013 0201.doc	Attorney Client Privilege	Communication requesting legal advice of counsel.		
314	Email	3/12/13 10:49 AM	Robinson, Michael D.	Joseph, Cassandra E.	Lathen, Jay	Discussion of the Draft Compliance Manuals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
315	Email	3/12/13 10:51 AM	Robinson, Michael D.	Joseph, Cassandra E.		Manuals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
316	Email	3/12/13 2:10 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
317	Email	3/12/13 2:40 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Manuals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
318	Email with Attachment(s)	3/13/13 11:49 AM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Manuals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
319	Email	3/13/13 11:50 AM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
320	Email with Attachment(s)	3/13/13 1:13 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Manuals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
321	Email	3/13/13 1:22 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
322	Email	3/13/13 8:21 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
323	Email	3/14/13 2:19 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		IA registration	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
324	Email	3/14/13 2:35 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		TX IA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
325	Email with Attachment(s)	3/14/13 2:42 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Oscar Gonzalez - Texas State Securities Board	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
326	Email with Attachment(s)	3/14/13 2:45 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Series 65 & 66 licenses.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
327	Email with Attachment(s)	3/14/13 3:42 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Performance Fees.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
328	Email	3/14/13 3:48 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		IA overall requirements per SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
329	Email	3/14/13 3:50 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		More from SEC re regulatory requirements	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
330	Email with Attachment(s)	3/14/13 4:10 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Eden Arc Privacy Notice 2013 0314.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
331	Email with Attachment(s)	3/14/13 5:07 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		COMPLIANCE CHECKLIST for IAs.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
332	Email	3/14/13 7:29 PM	Lathen, Jay	Joseph, Cassandra E.	Robinson, Michael D.	RE: TX IA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
333	Email	3/14/13 7:31 PM	Joseph, Cassandra E.	Lathen, Jay		RE: TX IA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
334	Email	3/14/13 7:33 PM	Joseph, Cassandra E.	Lathen, Jay		RE: TX IA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
335	Email	3/14/13 7:44 PM	Lathen, Jay	Joseph, Cassandra E.		RE: TX IA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
336	Email	3/21/13 4:04 PM	Robinson, Michael D.	Joseph, Cassandra E.		The Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
337	Email	3/21/13 4:08 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: The Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
338	Email	3/21/13 4:53 PM	Robinson, Michael D.	Joseph, Cassandra E.		RE: The Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
339	Email	3/22/13 7:09 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		TX IAR NOTICE Ring	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
340	Email	3/22/13 7:15 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		TX IAR registration - from FL FAQs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
341	Email	3/25/13 11:06 AM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		TX registration	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
342	Email	3/25/13 11:08 AM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		TX issues	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
343	Email	3/26/13 11:34 AM	Lathen, Jay	Joseph, Cassandra E.	Robinson, Michael D.	Re: TX registration	Attorney Client Privilege	Communication requesting legal advice of counsel.		
344	Email	3/26/13 11:52 AM	Joseph, Cassandra E.	Lathen, Jay		RE: TX registration	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
345	Email	4/1/13 12:24 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: The Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
346	Email	4/2/13 3:22 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: Updates from Us	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
347	Email with Attachment(s)	4/8/13 2:12 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		EdenArc AML Procedures 2013 0408.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
348	Email with Attachment(s)	4/8/13 2:55 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Eden Arc BCP 2013 0408.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
349	Email with Attachment(s)	4/9/13 9:53 AM	Robinson, Michael D.	Joseph, Cassandra E.	Lathen, Jay	Code of Ethic + Compliance Policies and Procedures	Attorney Client Privilege	Communication requesting legal advice of counsel.		
350	Email	4/24/13 10:35 PM	Robinson, Michael D.	Joseph, Cassandra E.		Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
351	Email	4/24/13 11:38 PM	Robinson, Michael D.	Joseph, Cassandra E.		Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
352	Email	4/25/13 4:07 AM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
353	Email	4/25/13 7:31 AM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
354	Email	4/25/13 8:05 AM	Kane, Darren	Lathen, Jay		Time to talk about compliance?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
355	Email	5/13/13 1:12 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Do you have availability today?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
356	Email	5/13/13 3:44 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Do you have availability today?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
357	Email	5/13/13 4:10 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Do you have availability today?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
358	Email	5/13/13 4:17 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Do you have availability today?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
359	Email	5/13/13 4:20 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Do you have availability today?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
360	Email	5/13/13 4:30 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Do you have availability today?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
361	Email	5/15/13 4:07 PM	Joseph, Cassandra E.	Robinson, Michael D.		Still on the phone....	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
362	Email	5/15/13 4:12 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Still on the phone....	Attorney Client Privilege	Communication requesting legal advice of counsel.		
363	Email	5/15/13 4:22 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: Still on the phone....	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
364	Email	5/15/13 7:09 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Still on the phone....	Attorney Client Privilege	Communication requesting legal advice of counsel.		
365	Email	5/15/13 7:10 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: Still on the phone....	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
366	Email	5/22/13 12:59 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Still on the phone....	Attorney Client Privilege	Communication requesting legal advice of counsel.		
367	Attachment(s)	6/20/13 3:03 PM	Lathen, Jay	Roper, Eric		Current Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
368	Attachment(s)	6/26/13 8:19 PM	Roper, Eric	Lathen, Jay; Calagulo, Cheryl		FW: Revised Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
369	Attachment(s)	6/27/13 12:36 PM	Lathen, Jay	Roper, Eric; Calagulo, Cheryl		RE: Revised Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
370	Email	6/27/13 1:30 PM	Roper, Eric	Lathen, Jay; Calagulo, Cheryl		Final documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
371	Attachment(s)	7/2/13 5:30 PM	Joseph, Cassandra E.	Robinson, Michael D.	Lathen, Jay	Eden Arc Manual v. 2 2013 0702.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
372	Email	7/2/13 5:50 PM	Robinson, Michael D.	Joseph, Cassandra E.	Lathen, Jay	Re: Eden Arc Manual v. 2 2013 0702.docx	Attorney Client Privilege	Communication requesting legal advice of counsel.		
373	Email	7/3/13 2:30 AM	Joseph, Cassandra E.	Robinson, Michael D.	Lathen, Jay	Re: Eden Arc Manual v. 2 2013 0702.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
374	Email	7/7/13 5:38 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Eden Arc Manual v. 2 2013 0702.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
375	Email	7/7/13 5:38 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Eden Arc Manual v. 2 2013 0702.docx	Attorney Client Privilege	Communication requesting legal advice of counsel.		
376	Attachment(s)	7/8/13 6:59 PM	Lathen, Jay	Roper, Eric; Calagulo, Cheryl		RE: Final documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
377	Email	7/16/13 9:14 PM	Roper, Eric	Lathen, Jay		Out of Office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
378	Email	7/26/13 12:17 PM	Joseph, Cassandra E.	Robinson, Michael D.		Still in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
379	Email	7/26/13 3:14 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Still in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
380	Email	7/26/13 3:15 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Still in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
381	Email	7/26/13 3:16 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Still in Maine?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
382	Email	7/26/13 3:17 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Still in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
383	Email	7/31/13 5:19 PM	Robinson, Michael D.	Joseph, Cassandra E.		Re: Still in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
384	Email	7/31/13 5:29 PM	Joseph, Cassandra E.	Robinson, Michael D.		Re: Still in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
385	Email	8/9/13 1:47 PM	Joseph, Cassandra E.	Robinson, Michael D.		Back in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
386	Email	8/9/13 2:26 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: Back in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
387	Email	8/9/13 2:29 PM	Robinson, Michael D.	Joseph, Cassandra E.	Lathen, Jay	Re: Back in Maine?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
388	Email	8/9/13 2:30 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: Back in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
389	Email	8/9/13 3:07 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: Back in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
390	Email	8/9/13 3:08 PM	Joseph, Cassandra E.	Robinson, Michael D.		Meet w/ M. Robinson (Eden Arc)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
391	Email	8/12/13 3:10 PM	Joseph, Cassandra E.	Robinson, Michael D.		RE: Back in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
392	Attachment(s)	8/13/13 1:55 PM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.		Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
393	Email	8/23/13 12:09 PM	Lathen, Jay	Farrell, Margaret D.		FW: Benchmark Plus ODD follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
394	Email	8/23/13 12:30 PM	Farrell, Margaret D.	Lathen, Jay		Re: Benchmark Plus ODD follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
395	Email	8/23/13 12:43 PM	Lathen, Jay	Farrell, Margaret D.		RE: Benchmark Plus ODD follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
396	Email	8/23/13 1:00 PM	Farrell, Margaret D.	Lathen, Jay		Re: Benchmark Plus ODD follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
397	Email	8/23/13 3:26 PM	Lathen, Jay	Farrell, Margaret D.		RE: Benchmark Plus ODD follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
398	Email	9/9/13 1:15 PM	Lathen, Jay	Malino, Phaedra	Roper, Eric	RE: Law Offices of Eric R. Roper PC - SECOND NOTICE	Attorney Client Privilege	Communication requesting legal advice of counsel.		
399	Attachment(s)	9/18/13 10:33 AM	Kane, Darren	Lathen, Jay	Davis, Amanda; Brooks, Jenna	Engagement Letter -- Mission Critical Services & Eden Arc Capital Management	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
400	Email	9/20/13 6:46 PM	Joseph, Cassandra E.	Lathen, Jay		FW: SEC Charges Father and Son in South Carolina for Fraudulent Program Designed to Profit From Fate of Terminally Ill	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
401	Email	9/21/13 4:22 AM	Lathen, Jay	Flanders, Robert G.; Farrell, Margaret D.		SEC Case Related to Survivor's Option Bonds	Attorney Client Privilege	Communication requesting legal advice of counsel.		
402	Email	9/21/13 8:32 AM	Lathen, Jay	Lathen, Kathy		Fwd: SEC Charges Father and Son in South Carolina for Fraudulent Program Designed to Profit From Fate of Terminally Ill	Attorney Client Privilege	Communication reflecting legal advice of Cassandra Joseph.		
403	Attachment(s)	9/25/13 10:29 AM	Robinson, Michael D.	Farrell, Margaret D.		Profit Sharing Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
404	Attachment(s)	9/25/13 10:46 AM	Lathen, Jay	Flanders, Robert G.; Farrell, Margaret D.		FW: Redemption Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
405	Email	9/25/13 11:01 AM	Robinson, Michael D.	Farrell, Margaret D.		Boilerplate	Attorney Client Privilege	Communication requesting legal advice of counsel.		
406	Email	9/25/13 1:49 PM	Farrell, Margaret D.	Robinson, Michael D.	Lathen, Jay	RE: Profit Sharing Agreement/Privileged communication	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
407	Attachment(s)	9/25/13 3:51 PM	Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.	Robinson, Michael D.	Fwd: Goldman Sachs Bank USA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
408	Email	9/25/13 4:02 PM	Farrell, Margaret D.	Lathen, Jay; Flanders, Robert G.	Robinson, Michael D.	RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
409	Attachment(s)	9/25/13 9:35 PM	Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.	Robinson, Michael D.	RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
410	Email	9/25/13 10:31 PM	Robinson, Michael D.	Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.	Re: Goldman Sachs Bank USA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
411	Email	9/26/13 8:54 AM	Farrell, Margaret D.	Robinson, Michael D.; Lathen, Jay	Flanders, Robert G.	RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
412	Attachment(s)	9/26/13 10:18 AM	Robinson, Michael D.	Farrell, Margaret D.		CL King Standard Account Form	Attorney Client Privilege	Communication requesting legal advice of counsel.		
413	Email	9/27/13 10:24 AM	Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.		Response Letter to Sidley Austin	Attorney Client Privilege	Communication requesting legal advice of counsel.		
414	Email	9/27/13 11:02 AM	Flanders, Robert G.	Lathen, Jay	Farrell, Margaret D.	RE: Response Letter to Sidley Austin	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
415	Attachment(s)	9/27/13 1:16 PM	Flanders, Robert G.	Lathen, Jay	Farrell, Margaret D.	Sidley Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
416	Email	9/27/13 1:26 PM	Lathen, Jay	Flanders, Robert G.	Farrell, Margaret D.	RE: Sidley Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
417	Email	9/27/13 1:55 PM	Flanders, Robert G.	Lathen, Jay	Farrell, Margaret D.	RE: Sidley Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
418	Attachment(s)	9/27/13 2:15 PM	Flanders, Robert G.	Lathen, Jay		Case Summaries You Requested	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
419	Attachment(s)	9/27/13 2:24 PM	Flanders, Robert G.	Masse, William R		Goldman Sachs/Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
420	Attachment(s)	9/30/13 10:01 AM	Lathen, Jay	Lathen, Jay		FW: Revised Participant Agreement	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Margaret Farrell.		
421	Email	9/30/13 10:02 AM	Lathen, Jay	Lathen, Jay		FW: Benchmark Plus Questions	Attorney Client Privilege	Communication reflecting legal advice of Margaret Farrell.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Notes
422	Email	9/30/13 5:07 PM	Lathen, Jay	Flanders, Robert G.		RE: Case Summaries You Requested	Attorney Client Privilege	Communication requesting legal advice of counsel.		
423	Email	10/1/13 8:22 AM	Lathen, Jay	Roper, Eric		Got your message yesterday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
424	Email	10/1/13 3:25 PM	Roper, Eric	Lathen, Jay; Strohmenger, Richard		RE: Got your message yesterday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
425	Email	10/1/13 5:17 PM	Lathen, Jay	Roper, Eric; Strohmenger, Richard		RE: Got your message yesterday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
426	Email	10/2/13 10:19 AM	Lathen, Jay	Kane, Darren	Davis, Amanda; Brooks, Jenna; Robinson, Michael D.	RE: Engagement Letter -- Mission Critical Services & Eden Arc Capital Management	Attorney Client Privilege	Communication requesting legal advice of counsel.		
427	Email	10/2/13 10:27 AM	Kane, Darren	Lathen, Jay		RE: Engagement Letter -- Mission Critical Services & Eden Arc Capital Management	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
428	Email with Attachment(s)	10/2/13 10:36 AM	Robinson, Michael D.	Zane, Darren	Lathen, Jay; Davis, Amanda; Brooks, Jenna	RE: Engagement Letter -- Mission Critical Services & Eden Arc Capital Management	Attorney Client Privilege	Communication requesting legal advice of counsel.		
429	Email with Attachment(s)	10/2/13 5:35 PM	Strohmenger, Richard	Lathen, Jay	Tannenbaum, Michael G.; Roper, Eric	Eden Arc Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
430	Email with Attachment(s)	10/2/13 9:56 PM	Kane, Darren	Robinson, Michael D.	Lathen, Jay; Davis, Amanda; Brooks, Jenna	RE: Engagement Letter -- Mission Critical Services & Eden Arc Capital Management	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
431	Email with Attachment(s)	10/2/13 9:56 PM	Kane, Darren	Lathen, Jay	Robinson, Michael D.	Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
432	Email with Attachment(s)	10/2/13 4:57 PM	Flanders, Robert G.	Lathen, Jay	Farrell, Margaret D.	FW: Goldman Sachs Bank USA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
433	Email with Attachment(s)	10/3/13 4:57 PM	Lathen, Jay	Flanders, Robert G.		FW: Goldman Sachs Bank USA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
434	Email	10/7/13 6:13 PM	Lathen, Jay	Kane, Darren	Robinson, Michael D.	RE: Your Availability	Attorney Client Privilege	Communication requesting legal advice of counsel.		
435	Email	10/7/13 6:38 PM	Kane, Darren	Lathen, Jay	Robinson, Michael D.	RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
436	Email	10/7/13 6:40 PM	Lathen, Jay	Kane, Darren	Robinson, Michael D.	RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
437	Email	10/7/13 7:27 PM	Kane, Darren	Lathen, Jay	Robinson, Michael D.	RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
438	Email	10/7/13 8:23 PM	Kane, Darren	Lathen, Jay		RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
439	Email with Attachment(s)	10/9/13 2:29 PM	Lathen, Jay	Lathen, Jay		Fwd: Memorandum to Jay Lathen	Attorney Work Product	Communication attaching privileged work product.		
440	Email	10/9/13 7:41 PM	Flanders, Robert G.	Massey, William R.	Zarchan, Aryeh H.; Stern, Andrew W.	RE: Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
441	Email	10/10/13 10:07 AM	Flanders, Robert G.	Massey, William R.	Zarchan, Aryeh H.; Stern, Andrew W.	RE: Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
442	Email	10/15/13 12:07 PM	Lathen, Jay	Flanders, Robert G.		Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
443	Email	10/15/13 1:22 PM	Flanders, Robert G.	Lathen, Jay		RE: Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
444	Email	10/15/13 1:37 PM	Lathen, Jay	Flanders, Robert G.		RE: Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
445	Email	10/15/13 3:44 PM	Lathen, Jay	Kane, Darren		Today's call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
446	Email	10/15/13 3:48 PM	Kane, Darren	Lathen, Jay		RE: Today's call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
447	Email	10/17/13 12:46 PM	Lathen, Jay	Kane, Darren		RE: Today's call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
448	Email	10/17/13 12:57 PM	Kane, Darren	Lathen, Jay		RE: Today's call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
449	Email	10/17/13 1:02 PM	Lathen, Jay	Kane, Darren	Robinson, Michael D.	RE: Today's call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
450	Email	10/17/13 1:32 PM	Kane, Darren	Lathen, Jay	Robinson, Michael D.	RE: Today's call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
451	Email with Attachment(s)	10/20/13 7:46 PM	Flanders, Robert G.	Lathen, Jay		RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
452	Email with Attachment(s)	10/21/13 11:44 AM	Lathen, Jay	Flanders, Robert G.		RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
453	Email	10/21/13 5:38 PM	Flanders, Robert G.	Lathen, Jay		RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
454	Email with Attachment(s)	10/21/13 5:44 PM	Lathen, Jay	Flanders, Robert G.		RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
455	Email	10/23/13 10:20 AM	Roper, Eric	Lathen, Jay		RE: Eden Arc Capital Partners - September 2013 Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
456	Email with Attachment(s)	10/23/13 11:41 AM	Flanders, Robert G.	Lathen, Jay	Farrell, Margaret D.	RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
457	Email with Attachment(s)	10/23/13 1:05 PM	Lathen, Jay	Flanders, Robert G.	Farrell, Margaret D.	RE: Goldman Sachs Bank USA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
458	Email	10/23/13 4:18 PM	Lathen, Jay	Flanders, Robert G.		Call tomorrow	Attorney Client Privilege	Communication requesting legal advice of counsel.		
459	Email with Attachment(s)	10/23/13 4:31 PM	Kane, Darren	Lathen, Jay		SEC Enforcement Action	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
460	Email with Attachment(s)	10/23/13 4:58 PM	Kane, Darren	Lathen, Jay		Snipit 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
461	Email with Attachment(s)	10/23/13 5:02 PM	Kane, Darren	Lathen, Jay		Sent from Snipping Tool	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
462	Email	10/23/13 7:43 PM	Kane, Darren	Lathen, Jay		Document Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
463	Email	10/23/13 9:26 PM	Kane, Darren	Lathen, Jay	Kane, Darren	Document Request 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
464	Email	10/24/13 1:08 PM	Kane, Darren	Lathen, Jay		RE: Document Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
465	Email	10/24/13 1:08 PM	Kane, Darren	Lathen, Jay		RE: Document Request 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
466	Email	10/24/13 1:44 PM	Kane, Darren	Lathen, Jay		RE: Document Request 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
467	Email with Attachment(s)	10/24/13 4:55 PM	Kane, Darren	Lathen, Jay		RE: Eden Arc Capital Partners - September 2013 Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
468	Email with Attachment(s)	10/25/13 12:50 PM	Lathen, Jay	Flanders, Robert G.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
469	Email with Attachment(s)	10/25/13 2:12 PM	Flanders, Robert G.	Lathen, Jay		FW: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
470	Email	10/25/13 2:56 PM	Farrell, Margaret D.	Flanders, Robert G.; Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
471	Email	10/25/13 3:41 PM	Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
472	Email	10/25/13 6:15 PM	Farrell, Margaret D.	Lathen, Jay; Flanders, Robert G.		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
473	Email	10/28/13 9:54 AM	Lathen, Jay	Roper, Eric		RE: Eden Arc Capital Partners - September 2013 Performance Summary	Attorney Client Privilege	Communication requesting legal advice of counsel.		
474	Email	10/28/13 11:36 AM	Kane, Darren	Lathen, Jay		RE: Eden Arc Capital Partners - September 2013 Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
475	Email	10/28/13 2:13 PM	Roper, Eric	Lathen, Jay		RE: Eden Arc Capital Partners - September 2013 Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
476	Email with Attachment(s)	10/28/13 2:23 PM	Flanders, Robert G.	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
477	Email with Attachment(s)	10/28/13 2:47 PM	Lathen, Jay	Flanders, Robert G.		FW: Fwd:slip 38143A550	Attorney Client Privilege	Communication requesting legal advice of counsel.		
478	Email	10/28/13 2:48 PM	Lathen, Jay	Flanders, Robert G.		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
479	Email	10/29/13 6:55 AM	Kane, Darren	Lathen, Jay		New Rule 506(d)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
480	Email	11/4/13 11:24 AM	Lathen, Jay	Loneragan, Kyle A.		RE: Talk	Attorney Client Privilege	Communication requesting legal advice of counsel.		
481	Email	11/4/13 11:25 AM	Loneragan, Kyle A.	Lathen, Jay		RE: Talk	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
482	Email with Attachment(s)	11/4/13 11:55 AM	Lathen, Jay	Loneragan, Kyle A.		RE: Talk	Attorney Client Privilege	Communication requesting legal advice of counsel.		
483	Email	11/4/13 3:26 PM	Kane, Darren	Lathen, Jay		RE: New Rule 506(d)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
484	Email	11/4/13 3:54 PM	Kane, Darren	Lathen, Jay		RE: New Rule 506(d)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
485	Email with Attachment(s)	11/6/13 11:28 AM	Robbins, David E.	Lathen, Jay		Robbins	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
486	Email	11/6/13 12:10 PM	Loneragan, Kyle A.	Lathen, Jay		Your call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
487	Email	11/6/13 12:11 PM	Lathen, Jay	Loneragan, Kyle A.		RE: Your call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
488	Email with Attachment(s)	11/6/13 5:05 PM	Lathen, Jay	Robbins, David E.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
489	Email	11/6/13 5:14 PM	Loneragan, Kyle A.	Lathen, Jay		RE: Your call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
490	Email	11/7/13 10:54 AM	Robbins, David E.	Lathen, Jay	Gildin, Daniel	RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
491	Email with Attachment(s)	11/7/13 2:47 PM	Lathen, Jay	Lathen, Jay		Attorney Recommendations	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
492	Email	11/7/13 5:49 PM	Lathen, Jay	Flanders, Robert G.		FIRREA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
493	Email	11/7/13 6:39 PM	Lathen, Jay	Flanders, Robert G.	Robinson, Michael D.	New Goldman Death Put Language	Attorney Client Privilege	Communication requesting legal advice of counsel.		
494	Email	11/7/13 7:33 PM	Flanders, Robert G.	Lathen, Jay		Re: New Goldman Death Put Language	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
495	Email	11/7/13 7:41 PM	Flanders, Robert G.	Lathen, Jay		Re: FIRREA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
496	Email	11/7/13 9:37 PM	Flanders, Robert G.	Lathen, Jay		Fwd: FIRREA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
497	Email	11/8/13 9:50 AM	Flanders, Robert G.	Lathen, Jay		FW: FIRREA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
498	Email	11/8/13 7:03 PM	Lathen, Jay	Loneragan, Kyle A.		RE: Attorney Recommendations	Attorney Client Privilege	Communication requesting legal advice of counsel.		
499	Email	11/13/13 10:45 AM	Lathen, Jay	Farrell, Margaret D.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
500	Email	11/13/13 10:48 AM	Farrell, Margaret D.	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
501	Email	11/13/13 10:58 AM	Lathen, Jay	Farrell, Margaret D.		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
502	Email	11/13/13 11:07 AM	Farrell, Margaret D.	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
503	Email	11/13/13 1:57 PM	Lathen, Jay	Farrell, Margaret D.		FW: New Goldman Death Put Language	Attorney Client Privilege	Communication requesting legal advice of counsel.		
504	Email with Attachment(s)	11/14/13 11:10 AM	Lathen, Jay	Farrell, Margaret D.		Survivor Option Guidelines	Attorney Client Privilege	Communication requesting legal advice of counsel.		
505	Email with Attachment(s)	11/20/13 11:45 AM	Lathen, Jay	Flanders, Robert G.		FW: FINRA Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
506	Email with Attachment(s)	11/20/13 12:37 PM	Lathen, Jay	Flanders, Robert G.		USA v Parker	Attorney Client Privilege	Communication requesting legal advice of counsel.		
507	Email	11/20/13 1:44 PM	Flanders, Robert G.	Lathen, Jay		RE: USA v Parker	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
508	Email with Attachment(s)	11/22/13 4:11 PM	Flanders, Robert G.	Lathen, Jay		Draft CL King letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
509	Email	12/1/13 4:47 PM	Kane, Darren	Lathen, Jay		Your Availability - Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
510	Email	12/3/13 5:02 PM	Kane, Darren	Lathen, Jay		RE: Your Availability - Monthly Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
511	Email	12/3/13 5:16 PM	Lathen, Jay	Flanders, Robert G.		RE: Draft CL King letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
512	Email	12/3/13 5:26 PM	Flanders, Robert G.	Lathen, Jay		Re: Draft CL King letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
513	Email with Attachment(s)	12/3/13 5:44 PM	Lathen, Jay	Flanders, Robert G.		FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication requesting legal advice of counsel.		
514	Email	12/3/13 8:15 PM	Kane, Darren	Lathen, Jay		RE: Your Availability - Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
515	Email	12/4/13 2:54 PM	Lathen, Jay	Kane, Darren		RE: Your Availability - Monthly Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
516	Email	12/4/13 3:14 PM	Kane, Darren	Lathen, Jay		RE: Your Availability - Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
517	Email	12/4/13 3:18 PM	Lathen, Jay	Kane, Darren		RE: Your Availability - Monthly Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
518	Email with Attachment(s)	12/6/13 2:44 PM	Lathen, Jay	Flanders, Robert G.; Farrell, Margaret D.		FBI Memo on Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
519	Email	12/6/13 2:45 PM	Farrell, Margaret D.	Lathen, Jay; Flanders, Robert G.		RE: FBI Memo on Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
520	Email with Attachment(s)	12/6/13 5:35 PM	Flanders, Robert G.	Lathen, Jay		Fwd: Accounts #7090-0028, Donald Lathen and Frederick Jackson, JTWROS	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
521	Email with Attachment(s)	12/8/13 6:49 PM	Kane, Darren	Lathen, Jay		RE: Your Availability - Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
522	Email	12/9/13 11:39 AM	Robinson, Michael D.	Kane, Darren		Log-in	Attorney Client Privilege	Communication requesting legal advice of counsel.		
523	Email	12/9/13 11:23 AM	Robinson, Michael D.	Kane, Darren		Grandfather	Attorney Client Privilege	Communication requesting legal advice of counsel.		
524	Email with Attachment(s)	12/9/13 11:28 AM	Lathen, Jay	Kane, Darren		Blue Sand Solicitation Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
525	Email	12/9/13 11:28 AM	Kane, Darren	Robinson, Michael D.		RE: Log-in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
526	Email	12/9/13 11:30 AM	Kane, Darren	Robinson, Michael D.		RE: Grandfather	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
527	Email	12/9/13 11:37 AM	Kane, Darren	Lathen, Jay		RE: Blue Sand Solicitation Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
528	Email	12/10/13 5:13 PM	Lathen, Jay	Montgomery, Michael H.		Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
529	Email	12/10/13 5:17 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
530	Email	12/10/13 5:18 PM	Lathen, Jay	Montgomery, Michael H.		Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
531	Email with Attachment(s)	12/10/13 5:43 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
532	Email with Attachment(s)	12/18/13 9:56 AM	Flanders, Robert G.	Lathen, Jay	Farrell, Margaret D.	Caramadre appeal decision	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
533	Email	12/20/13 3:00 PM	Roper, Enc	Lathen, Jay		RE: Eden Arc Capital Partners - November 2013 Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
534	Email with Attachment(s)	12/30/13 7:09 AM	Kane, Darren	Lathen, Jay		FW: Invoices from Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
535	Email	12/31/13 2:55 PM	Lathen, Jay	Kane, Darren		RE: Invoices from Mission Critical Services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
536	Email	12/31/13 8:49 PM	Kane, Darren	Lathen, Jay		RE: Invoices from Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
537	Email	1/6/14 8:54 AM	Kane, Darren	Lathen, Jay	Hartman, David	Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
538	Email	1/6/14 10:47 AM	Lathen, Jay	Kane, Darren	Hartman, David	RE: Your Availability	Attorney Client Privilege	Communication requesting legal advice of counsel.		
539	Email	1/6/14 11:07 AM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
540	Email	1/6/14 1:05 PM	Lathen, Jay	Kane, Darren	Hartman, David	RE: Your Availability	Attorney Client Privilege	Communication requesting legal advice of counsel.		
541	Email with Attachment(s)	1/7/14 2:54 PM	Kane, Darren	Lathen, Jay	Hartman, David	Draft Risk Assessment & Gap Analysis Matrix	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
542	Email	1/7/14 4:57 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	1/9/14 2:33 PM	Hartman, David	Lathen, Jay	Kane, Darren	Follow up to our call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
544	Email	1/13/14 4:20 PM	Roper, Eric	Lathen, Jay		RE: Lunch tomorrow	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
545	Email	1/13/14 6:50 PM	Roper, Eric	Lathen, Jay		RE: Lunch tomorrow	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
546	Email	1/15/14 8:04 AM	Roper, Eric	Lathen, Jay		RE: Lunch tomorrow	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
547	Email	1/15/14 10:17 AM	Roper, Eric	Lathen, Jay		RE: Lunch tomorrow	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	1/29/14 3:46 PM	Lathen, Jay	Roper, Eric		Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
549	Attachment(s)	1/29/14 4:38 PM	Roper, Eric	Lathen, Jay		FW: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
550	Email	1/31/14 5:14 PM	Lathen, Jay	Grundstein, Robert; Zitter, Ken		RE: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
551	Email	2/3/14 12:53 PM	Hartman, David	Lathen, Jay	Kane, Darren	Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
552	Email	2/3/14 3:41 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: Your Availability	Attorney Client Privilege	Communication requesting legal advice of counsel.		
553	Email	2/4/14 2:55 PM	Coumoutos, Jami	Lathen, Jay	Sarkozi, Paul D.; Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
554	Email	2/4/14 3:59 PM	Lathen, Jay	Coumoutos, Jami	Sarkozi, Paul D.; Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
555	Email	2/4/14 3:10 PM	Coumoutos, Jami	Lathen, Jay		RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
556	Email	2/7/14 2:57 PM	Lathen, Jay	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
557	Email	2/7/14 4:17 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
558	Email	2/7/14 4:50 PM	Lathen, Jay	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
559	Email	2/7/14 5:09 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	2/7/14 7:42 PM	Sarkozi, Paul D.	Lathen, Jay		RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
561	Attachment(s)	2/10/14 11:52 AM	Sarkozi, Paul D.	Lathen, Jay	Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
562	Email	2/11/14 12:29 PM	Sarkozi, Paul D.	Lathen, Jay	Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	2/11/14 3:00 PM	Lathen, Jay	Sarkozi, Paul D.	Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
564	Email	2/12/14 4:55 PM	Lathen, Jay	Hood, Bruce E.		Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	2/12/14 7:02 PM	Hartman, David	Lathen, Jay	Kane, Darren	ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
566	Email	2/12/14 7:42 PM	Hood, Bruce E.	Lathen, Jay		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
567	Email	2/12/14 7:54 PM	Lathen, Jay	Hood, Bruce E.		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
568	Email	2/12/14 7:38 AM	Lathen, Jay	Lathen, Jay		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
569	Email	2/12/14 7:28 AM	Lathen, Jay	Hood, Bruce E.		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
570	Email	2/12/14 7:47 PM	Lathen, Jay	Hood, Bruce E.		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
571	Email	2/13/14 4:10 PM	Kane, Darren	Lathen, Jay		[Auto-Reply] RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
572	Email	2/13/14 4:10 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
573	Email	2/14/14 8:50 AM	Hartman, David	Lathen, Jay	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
574	Email	2/14/14 9:18 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
575	Email	2/14/14 9:19 AM	Kane, Darren	Lathen, Jay		[Auto-Reply] RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	2/14/14 11:10 AM	Lathen, Jay	Farrell, Margaret D.	Robinson, Michael D.	Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege	Communication requesting legal advice of counsel.		
577	Email	2/14/14 2:50 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
578	Email	2/20/14 12:51 PM	Kane, Darren	Lathen, Jay		[Auto-Reply] RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
579	Email	2/20/14 12:51 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
580	Email	2/20/14 2:27 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
581	Email	2/20/14 6:17 PM	Hood, Bruce E.	Lathen, Jay		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
582	Email	2/20/14 6:55 PM	Lathen, Jay	Hood, Bruce E.		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
583	Email	2/20/14 7:28 PM	Kane, Darren	Lathen, Jay		SEC Announces Initiative Directed at Never-Before Examined Registered Investment Advisers	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
584	Email	2/21/14 1:04 PM	Hood, Bruce E.	Lathen, Jay		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
585	Email	2/21/14 1:12 PM	Lathen, Jay	Hood, Bruce E.		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
586	Email	2/21/14 4:42 PM	Hood, Bruce E.	Lathen, Jay		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	2/21/14 7:08 PM	Lathen, Jay	Sarkozi, Paul D.	Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
588	Email	2/22/14 9:15 AM	Roper, Eric	Lathen, Jay	Sarkozi, Paul D.	RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	2/22/14 12:45 PM	Lathen, Jay	Roper, Eric		Fwd: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
590	Email	2/22/14 11:25 PM	Roper, Eric	Lathen, Jay		RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	2/24/14 11:08 AM	Lathen, Jay	Roper, Eric		RE: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
592	Email	2/24/14 6:55 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	RE: Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	3/3/14 12:11 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	RE: Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
594	Email	3/12/14 8:51 AM	Hartman, David	Lathen, Jay	Kane, Darren	regulatory assets under management	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	3/13/14 6:59 AM	Kane, Darren	Lathen, Jay		Ryan Dylan Kane	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
596	Email	3/13/14 11:55 AM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.	Beck, Rafael	FW: Michael A. Horowitz and Moshe Marc Cohen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
597	Email	3/14/14 10:56 AM	Joseph, Cassandra E.	Lathen, Jay; Robinson, Michael D.	Beck, Rafael	RE: Michael A. Horowitz and Moshe Marc Cohen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
598	Email	3/14/14 11:00 AM	Lathen, Jay	Hartman, David	Kane, Darren; Robinson, Michael D.	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
599	Email	3/14/14 11:11 AM	Hartman, David	Lathen, Jay	Kane, Darren; Robinson, Michael D.	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
600	Email	3/14/14 11:35 AM	Lathen, Jay	Hartman, David	Kane, Darren; Robinson, Michael D.	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
601	Email	3/14/14 2:40 PM	Lathen, Jay	Hood, Bruce E.		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
602	Email	3/16/14 6:48 PM	Hood, Bruce E.	Lathen, Jay		RE: RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
603	Email	3/19/14 9:20 AM	Hartman, David	Lathen, Jay; Robinson, Michael D.	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
604	Email	3/19/14 11:03 AM	Robinson, Michael D.	Hartman, David; Lathen, Jay	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
605	Attachment(s)	3/20/14 4:00 PM	Robinson, Michael D.	Hartman, David; Lathen, Jay	Kane, Darren	Re: ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
606	Email	3/25/14 11:39 AM	Hood, Bruce E.	Lathen, Jay		RE: RE: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
607	Attachment(s)	3/26/14 2:32 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay	Form ADV Questionnaire	Attorney Client Privilege	Communication requesting legal advice of counsel.		
608	Attachment(s)	3/26/14 2:35 PM	Robinson, Michael D.	Hartman, David		ADV Info	Attorney Client Privilege	Communication requesting legal advice of counsel.		
609	Email	3/26/14 4:19 PM	Hood, Bruce E.	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
610	Email	3/26/14 6:03 PM	Lathen, Jay	Hood, Bruce E.		Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
611	Email	3/27/14 9:14 PM	Hartman, David	Robinson, Michael D.; Lathen, Jay		ADV Log In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
612	Email	3/27/14 11:55 PM	Lathen, Jay	Hartman, David	Robinson, Michael D.	Re: ADV Log In	Attorney Client Privilege	Communication requesting legal advice of counsel.		
613	Email	3/27/14 11:56 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay	Re: ADV Log In	Attorney Client Privilege	Communication requesting legal advice of counsel.		
614	Attachment(s)	3/28/14 7:33 AM	Hartman, David	Lathen, Jay; Robinson, Michael D.		Draft ADV for Review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
615	Email	3/28/14 10:10 AM	Robinson, Michael D.	Hartman, David	Lathen, Jay	Re: Draft ADV for Review	Attorney Client Privilege	Communication requesting legal advice of counsel.		
616	Attachment(s)	3/29/14 11:06 AM	Hartman, David	Lathen, Jay; Robinson, Michael D.		ADV 1A FOR REVIEW AND QUESTION FOR ADV THAT MUST BE FILED MONDAY 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
617	Attachment(s)	3/29/14 11:11 AM	Hartman, David	Lathen, Jay; Robinson, Michael D.		Better version of the ADV 1A	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
618	Email	3/30/14 7:23 PM	Hartman, David	Lathen, Jay; Robinson, Michael D.		RE: Better version of the ADV 1A	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
619	Email	3/30/14 7:43 PM	Lathen, Jay	Hartman, David	Robinson, Michael D.	RE: Better version of the ADV 1A	Attorney Client Privilege	Communication requesting legal advice of counsel.		
620	Email	3/30/14 7:43 PM	Hartman, David	Lathen, Jay		RE: Better version of the ADV 1A	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
621	Email	3/31/14 9:51 AM	Robinson, Michael D.	Hartman, David		Re: Better version of the ADV 1A	Attorney Client Privilege	Communication requesting legal advice of counsel.		
622	Attachment(s)	3/31/14 2:17 PM	Hartman, David	Lathen, Jay		Updated ADV 1A for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
623	Attachment(s)	3/31/14 3:32 PM	Lathen, Jay	Hartman, David	Robinson, Michael D.	FINAL EDITS	Attorney Client Privilege	Communication requesting legal advice of counsel.		
624	Attachment(s)	3/31/14 6:32 PM	Hartman, David	Lathen, Jay	Robinson, Michael D.	RE: FINAL EDITS	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
625	Email	3/31/14 6:37 PM	Lathen, Jay	Hartman, David	Robinson, Michael D.	RE: FINAL EDITS	Attorney Client Privilege	Communication requesting legal advice of counsel.		
626	Email	4/1/14 8:17 PM	Lathen, Jay	Hood, Bruce E.		RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
627	Email	4/1/14 9:16 PM	Hood, Bruce E.	Lathen, Jay		RE: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
628	Email	4/2/14 7:32 AM	Lathen, Jay	Hood, Bruce E.		RE: RE:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
629	Email	4/2/14 1:24 PM	Hood, Bruce E.	Lathen, Jay		This is the definition of "actively traded" that we will have to meet	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
630	Email	4/4/14 10:25 AM	Galbraith, Kevin	Lathen, Jay		Message from Kevin Galbraith (Jay Lathen)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
631	Email	4/4/14 11:13 AM	Lathen, Jay	Galbraith, Kevin		RE: Message from Kevin Galbraith (Jay Lathen)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
632	Email	4/4/14 11:19 AM	Galbraith, Kevin	Lathen, Jay		RE: Message from Kevin Galbraith (Jay Lathen)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
633	Email	4/4/14 11:21 AM	Lathen, Jay	Galbraith, Kevin		RE: Message from Kevin Galbraith (Jay Lathen)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
634	Email	4/4/14 11:24 AM	Galbraith, Kevin	Lathen, Jay		RE: Message from Kevin Galbraith (Jay Lathen)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
635	Email	4/4/14 11:35 AM	Lathen, Jay	Galbraith, Kevin		RE: Message from Kevin Galbraith (Jay Lathen)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
636	Email	4/8/14 4:26 PM	Lathen, Jay	Flanders, Robert G.		Audit Confirm	Attorney Client Privilege	Communication requesting legal advice of counsel.		
637	Email	4/8/14 5:02 PM	Flanders, Robert G.	Lathen, Jay		Re: Audit Confirm	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
638	Email	4/24/14 12:00 PM	Lathen, Jay	Farrell, Margaret D.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
639	Email	4/24/14 12:01 PM	Farrell, Margaret D.	Lathen, Jay		Automatic reply: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
640	Email	4/25/14 1:40 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
641	Attachment(s)	5/5/14 5:41 PM	Hartman, David	Lathen, Jay		Risk Assessment and Gap Analysis	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
642	Attachment(s)	5/16/14 9:33 AM	Hartman, David	Lathen, Jay		Updated ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
643	Email	5/16/14 3:53 PM	Lathen, Jay	Hartman, David		RE: Updated ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
644	Email	5/16/14 4:46 PM	Hartman, David	Lathen, Jay		RE: Updated ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
645	Attachment(s)	5/29/14 11:39 AM	Lathen, Jay	Roper, Eric		Subscription Doc	Attorney Client Privilege	Communication requesting legal advice of counsel.		
646	Email	6/17/14 3:09 PM	Lathen, Jay	Farrell, Margaret D.	Robinson, Michael D.	RE: Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege	Communication requesting legal advice of counsel.		
647	Email	6/17/14 3:19 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
648	Email	6/17/14 3:23 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
649	Attachment(s)	6/17/14 5:30 PM	Lathen, Jay	Tannenbaum, Michael G.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
650	Email	6/17/14 5:37 PM	Lathen, Jay	Hartman, David		RE: Updated ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
651	Attachment(s)	6/17/14 5:49 PM	Lathen, Jay	Tannenbaum, Michael G.		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
652	Attachment(s)	6/17/14 6:50 PM	Lathen, Jay	Roper, Eric		FW: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
653	Email	6/18/14 11:39 AM	Hartman, David	Lathen, Jay	Ito, David; Kane, Darren	RE: Updated ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
654	Email	6/18/14 12:08 PM	Ito, David	Lathen, Jay	Hartman, David; Kane, Darren	RE: Updated ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
655	Email	6/18/14 12:50 PM	Lathen, Jay	Ito, David	Hartman, David; Kane, Darren	RE: Updated ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
656	Attachment(s)	6/18/14 5:17 PM	Ito, David	Lathen, Jay	Hartman, David; Kane, Darren	RE: Updated ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
657	Email	6/19/14 3:36 PM	Galbraith, Kevin	Lathen, Jay		Your Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
658	Attachment(s)	6/19/14 6:30 PM	Lathen, Jay	Galbraith, Kevin		RE: Your Message	Attorney Client Privilege	Communication requesting legal advice of counsel.		
659	Email	6/19/14 6:36 PM	Galbraith, Kevin	Lathen, Jay		RE: Your Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
660	Email	6/19/14 7:11 PM	Lathen, Jay	Ito, David	Hartman, David; Kane, Darren	RE: Updated ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
661	Email	6/23/14 4:37 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	RE: Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
662	Email	6/23/14 5:16 PM	Lathen, Jay	Farrell, Margaret D.	Robinson, Michael D.	RE: Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege	Communication requesting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
663	Email	6/23/14 5:38 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	RE: Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
664	Email with Attachment(s)	6/25/14 4:25 PM	Galbraith, Kevin	Lathen, Jay		Engagement Letter (Eden Arc Capital Management, LLC)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
665	Email	6/25/14 5:37 PM	Galbraith, Kevin	Lathen, Jay		Opinion Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
666	Email	6/25/14 5:40 PM	Lathen, Jay	Galbraith, Kevin		Re: Opinion Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
667	Email	6/25/14 6:12 PM	Galbraith, Kevin	Lathen, Jay		Re: Opinion Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
668	Email	6/26/14 12:50 PM	Kane, Darren	Lathen, Jay		Submission Notification	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
669	Email with Attachment(s)	6/30/14 3:37 PM	Lathen, Jay	Galbraith, Kevin		FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication requesting legal advice of counsel.		
670	Email	6/30/14 3:51 PM	Galbraith, Kevin	Lathen, Jay		RE: FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
671	Email	6/30/14 3:53 PM	Lathen, Jay	Galbraith, Kevin		RE: FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication requesting legal advice of counsel.		
672	Email	6/30/14 4:17 PM	Galbraith, Kevin	Lathen, Jay		RE: FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
673	Email	6/30/14 6:05 PM	Lathen, Jay	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
674	Email	6/30/14 6:16 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
675	Email	6/30/14 6:18 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
676	Email	6/30/14 6:21 PM	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
677	Email	6/30/14 6:22 PM	Lathen, Jay	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
678	Email	6/30/14 6:25 PM	Lathen, Jay	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
679	Email with Attachment(s)	6/30/14 8:46 PM	Lathen, Jay	Galbraith, Kevin		RE: FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication requesting legal advice of counsel.		
680	Email	6/30/14 8:52 PM	Galbraith, Kevin	Lathen, Jay		Re: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
681	Email with Attachment(s)	7/1/14 1:03 PM	Galbraith, Kevin	Lathen, Jay		RE: FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
682	Email with Attachment(s)	7/1/14 2:21 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Signed Engagement Letter & Payment	Attorney Client Privilege	Communication requesting legal advice of counsel.		
683	Email	7/1/14 4:39 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	RE: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
684	Email with Attachment(s)	7/1/14 4:49 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Kevin Galbraith has signed Engagement Letter -- Fully Executed.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
685	Email	7/1/14 5:13 PM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Re: Kevin Galbraith has signed Engagement Letter -- Fully Executed.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
686	Email	7/1/14 8:48 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.		RE: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication requesting legal advice of counsel.		
687	Email	7/1/14 8:50 PM	Lathen, Jay	Lathen, Kathy		FW: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
688	Email	7/1/14 10:56 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		RE: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
689	Email	7/2/14 8:14 AM	Lathen, Jay	Galbraith, Kevin		Re: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication requesting legal advice of counsel.		
690	Email	7/2/14 9:12 AM	Lathen, Kathy	Lathen, Jay		Re: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
691	Email	7/2/14 1:08 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
692	Email	7/2/14 1:09 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication requesting legal advice of counsel.		
693	Email	7/3/14 11:50 AM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Call with Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
694	Email	7/3/14 12:07 PM	Robinson, Michael D.	Galbraith, Kevin		Re: Call with Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
695	Email	7/3/14 12:11 PM	Galbraith, Kevin	Robinson, Michael D.		RE: Call with Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
696	Email	7/3/14 2:32 PM	Hartman, David	Lathen, Jay		Documents for Best Execution Review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
697	Email	7/3/14 2:54 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
698	Email	7/3/14 5:18 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
699	Email	7/7/14 9:59 AM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
700	Email with Attachment(s)	7/7/14 1:07 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
701	Email	7/7/14 1:20 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
702	Email	7/7/14 4:03 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
703	Email	7/8/14 11:34 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
704	Email with Attachment(s)	7/8/14 3:54 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
705	Email	7/9/14 10:29 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
706	Email	7/9/14 1:03 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
707	Email	7/9/14 3:08 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
708	Email	7/9/14 6:29 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
709	Email	7/9/14 7:20 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
710	Email with Attachment(s)	7/10/14 3:40 PM	Lathen, Jay	Tannenbaum, Michael G.	Roper, Eric	FW: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
711	Email	7/10/14 3:40 PM	Roper, Eric	Lathen, Jay		Out of Office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
712	Email	7/10/14 4:10 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
713	Email	7/10/14 4:18 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
714	Email	7/10/14 4:29 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
715	Email	7/10/14 5:03 PM	Tannenbaum, Michael G.	Lathen, Jay	Roper, Eric; Sarkozl, Paul D.	Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
716	Email	7/10/14 5:41 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
717	Email	7/10/14 7:07 PM	Roper, Eric	Lathen, Jay		Out of Office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
718	Email	7/10/14 7:07 PM	Lathen, Jay	Tannenbaum, Michael G.	Roper, Eric; Sarkozl, Paul D.	Re: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
719	Email	7/11/14 6:37 AM	Tannenbaum, Michael G.	Lathen, Jay	Roper, Eric; Sarkozl, Paul D.	Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
720	Email	7/11/14 5:47 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
721	Email	7/11/14 5:56 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital -- Follow-Up (Correction to Tuesday availability for DeBols)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
722	Email with Attachment(s)	7/14/14 10:23 AM	Lathen, Jay	Galbraith, Kevin		Prospect Holdings	Attorney Client Privilege	Communication requesting legal advice of counsel.		
723	Email	7/14/14 11:04 AM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
724	Email	7/14/14 11:59 AM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
725	Email with Attachment(s)	7/14/14 12:04 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Holdings	Attorney Client Privilege	Communication requesting legal advice of counsel.		
726	Email	7/14/14 1:07 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
727	Email with Attachment(s)	7/15/14 4:39 PM	Kane, Darren	Lathen, Jay		FW: Invoices from Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
728	Email	7/16/14 9:31 AM	Galbraith, Kevin	Lathen, Jay		Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
729	Email	7/16/14 9:57 AM	Lathen, Jay	Galbraith, Kevin		Re: Schedule the rest of the week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
730	Email	7/16/14 9:59 AM	Galbraith, Kevin	Lathen, Jay		RE: Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
731	Email with Attachment(s)	7/16/14 5:05 PM	Galbraith, Kevin	Lathen, Jay		RE: Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
732	Email	7/16/14 5:21 PM	Lathen, Jay	Galbraith, Kevin		RE: Schedule the rest of the week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
733	Email	7/16/14 5:26 PM	Galbraith, Kevin	Lathen, Jay		RE: Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
734	Email	7/16/14 5:35 PM	Galbraith, Kevin	Lathen, Jay		RE: Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
735	Email	7/16/14 5:49 PM	Lathen, Jay	Galbraith, Kevin		RE: Schedule the rest of the week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
736	Email	7/16/14 6:05 PM	Galbraith, Kevin	Lathen, Jay		RE: Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
737	Email	7/17/14 2:16 PM	Galbraith, Kevin	Robinson, Michael D.		RE: Michael_Robinson_wants_to_share_"PROSPECT_CAPITAL_DATABASE" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
738	Email	7/17/14 3:46 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: Michael_Robinson_wants_to_share_"PROSPECT_CAPITAL_DATABASE" with you	Attorney Client Privilege	Communication requesting legal advice of counsel.		
739	Email	7/17/14 3:54 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	RE: Michael_Robinson_wants_to_share_"PROSPECT_CAPITAL_DATABASE" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
740	Email	7/23/14 12:06 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Michael_Robinson_wants_to_share_"PROSPECT_CAPITAL_DATABASE" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
741	Email	7/23/14 12:50 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Michael_Robinson_wants_to_share_"PROSPECT_CAPITAL_DATABASE" with you	Attorney Client Privilege	Communication requesting legal advice of counsel.		
742	Email	7/23/14 1:03 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: Michael_Robinson_wants_to_share_"PROSPECT_CAPITAL_DATABASE" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
743	Email	7/23/14 1:42 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Michael_Robinson_wants_to_share_"PROSPECT_CAPITAL_DATABASE" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
744	Email with Attachment(s)	7/23/14 4:01 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		FW: Fw: Supplemental Indenture to Eden Arc Prospect Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
745	Email	7/24/14 5:31 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Next week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
746	Email	7/24/14 5:48 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: Next week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
747	Email	7/31/14 5:19 PM	Farrell, Margaret D.	Lathen, Jay	Flanders, Robert G.	Michael Horowitz	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
748	Email	7/31/14 7:17 PM	Lathen, Jay	Farrell, Margaret D.	Flanders, Robert G.	Re: Michael Horowitz	Attorney Client Privilege	Communication requesting legal advice of counsel.		
749	Email	8/4/14 3:00 PM	Lathen, Jay	Blattmachr, Jonathan		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
750	Email	8/4/14 3:03 PM	Blattmachr, Jonathan	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
751	Email	8/4/14 3:15 PM	Zeydel, Diana	Lathen, Jay; Zeydel, Diana; Figueras, Marilyn		Telephone Conference: Diana Zeydel and Jay Lathen re seeking legal opinion (referred by J. Blattmachr)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
752	Email	8/4/14 6:31 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
753	Email	8/4/14 6:41 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
754	Email	8/5/14 1:41 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
755	Email	8/5/14 2:02 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
756	Email	8/5/14 2:49 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
757	Email	8/14/14 6:09 PM	Galbraith, Kevin	Lathen, Jay		FW: from US Bank outside counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
758	Email	8/15/14 3:07 AM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: from US Bank outside counsel	Attorney Client Privilege	Communication requesting legal advice of counsel.		
759	Email	8/15/14 3:24 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: from US Bank outside counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
760	Email	8/18/14 9:28 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: from US Bank outside counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
761	Email	8/18/14 9:48 AM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: from US Bank outside counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
762	Email	8/18/14 1:56 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: from US Bank outside counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
763	Email	8/18/14 6:05 PM	Lathen, Jay	Blattmachr, Jonathan		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
764	Email	8/20/14 4:02 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
765	Email	8/25/14 6:36 PM	Kane, Darren	Lathen, Jay		Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
766	Email with Attachment(s)	8/26/14 4:29 PM	Lathen, Jay	Galbraith, Kevin		Goldman Correspondence	Attorney Client Privilege	Communication requesting legal advice of counsel.		
767	Email	8/26/14 5:13 PM	Galbraith, Kevin	Lathen, Jay		RE: Goldman Correspondence	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
768	Email	8/26/14 9:01 PM	Lathen, Jay	Galbraith, Kevin		Legal Research	Attorney Client Privilege	Communication requesting legal advice of counsel.		
769	Email	8/26/14 10:39 PM	Galbraith, Kevin	Lathen, Jay		Re: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
770	Email	8/27/14 6:37 AM	Lathen, Jay	Galbraith, Kevin		Re: Legal Research	Attorney Client Privilege	Communication requesting legal advice of counsel.		
771	Email with Attachment(s)	8/27/14 7:57 AM	Lathen, Jay	Galbraith, Kevin		My letter to US Bank dated January 29, 2014	Attorney Client Privilege	Communication requesting legal advice of counsel.		
772	Email	8/27/14 9:29 AM	Galbraith, Kevin	Lathen, Jay		RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
773	Email	8/27/14 2:48 PM	Galbraith, Kevin	Lathen, Jay		RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
774	Email	8/27/14 2:49 PM	Lathen, Jay	Galbraith, Kevin		RE: Legal Research	Attorney Client Privilege	Communication requesting legal advice of counsel.		
775	Email	8/27/14 11:35 PM	Galbraith, Kevin	Lathen, Jay		RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
776	Email	8/27/14 11:52 PM	Lathen, Jay	Galbraith, Kevin		Re: Legal Research	Attorney Client Privilege	Communication requesting legal advice of counsel.		
777	Email with Attachment(s)	8/28/14 1:44 PM	Lathen, Jay	Galbraith, Kevin		RE: Legal Research	Attorney Client Privilege	Communication requesting legal advice of counsel.		
778	Email	8/28/14 1:55 PM	Galbraith, Kevin	Lathen, Jay		RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
779	Email	8/29/14 12:48 PM	Galbraith, Kevin	Lathen, Jay		RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
780	Email with Attachment(s)	8/29/14 4:59 PM	Galbraith, Kevin	Lathen, Jay		Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
781	Email with Attachment(s)	8/29/14 5:54 PM	Lathen, Jay	Galbraith, Kevin		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
782	Email with Attachment(s)	9/2/14 1:03 PM	Lathen, Jay	Galbraith, Kevin		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
783	Email	9/2/14 1:17 PM	Galbraith, Kevin	Lathen, Jay		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
784	Email	9/2/14 1:52 PM	Lathen, Jay	Galbraith, Kevin		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
785	Email with Attachment(s)	9/2/14 2:08 PM	Lathen, Jay	Galbraith, Kevin		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
786	Email	9/2/14 2:20 PM	Galbraith, Kevin	Lathen, Jay		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
787	Email with Attachment(s)	9/2/14 2:43 PM	Galbraith, Kevin	Lathen, Jay		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
788	Email with Attachment(s)	9/2/14 5:27 PM	Lathen, Jay	Galbraith, Kevin		RE: Letter -- Draft with KG Suggested Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
789	Email with Attachment(s)	9/2/14 5:47 PM	Galbraith, Kevin	Lathen, Jay		[FWD: Prospect Capital Corporation Survivor's Option Submissions]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
790	Attachment(s)	9/2/14 6:34 PM	Galbraith, Kevin	Lathen, Jay		Bill 9-2-14	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
791	Email with Attachment(s)	9/3/14 2:03 PM	Lathen, Jay	Galbraith, Kevin		US Bank Recent Reject Letters	Attorney Client Privilege	Communication requesting legal advice of counsel.		
792	Email	9/3/14 2:05 PM	Galbraith, Kevin	Lathen, Jay		RE: US Bank Recent Reject Letters	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
793	Email with Attachment(s)	9/3/14 2:27 PM	Galbraith, Kevin	Lathen, Jay		[FWD: Eden Arc Capital -- Additional Submissions Rejected] RE: (FWD: Eden Arc Capital -- Additional Submissions Rejected)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
794	Email	9/3/14 3:47 PM	Lathen, Jay	Galbraith, Kevin		[FWD: Prospect Capital]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
795	Email	9/4/14 5:04 PM	Galbraith, Kevin	Lathen, Jay		RE: (FWD: Prospect Capital)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
796	Email	9/4/14 5:46 PM	Lathen, Jay	Galbraith, Kevin		RE: (FWD: Prospect Capital)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
797	Email	9/4/14 5:57 PM	Galbraith, Kevin	Lathen, Jay		RE: (FWD: Prospect Capital)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
798	Email	9/4/14 9:22 PM	Galbraith, Kevin	Lathen, Jay		RE: (FWD: Prospect Capital)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
799	Email	9/5/14 11:07 AM	Lathen, Jay	Galbraith, Kevin		RE: (FWD: Prospect Capital)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
800	Email	9/5/14 11:51 AM	Galbraith, Kevin	Lathen, Jay		Fwd: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
801	Email	9/5/14 11:51 AM	Galbraith, Kevin	Lathen, Jay		RE: (FWD: Prospect Capital)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
802	Email	9/5/14 3:16 PM	Lathen, Jay	Kane, Darren		RE: Monthly Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
803	Email	9/5/14 3:30 PM	Lathen, Jay	Galbraith, Kevin		FINRA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
804	Email	9/5/14 3:49 PM	Galbraith, Kevin	Lathen, Jay		RE: FINRA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
805	Email	9/5/14 6:21 PM	Kane, Darren	Lathen, Jay		RE: Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
806	Email	9/5/14 10:54 AM	Lathen, Jay	Kane, Darren		RE: Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
807	Email	9/6/14 9:33 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
808	Email	9/9/14 11:37 AM	Galbraith, Kevin	Lathen, Jay		FINRA Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
809	Email	9/9/14 2:20 PM	Lathen, Jay	Galbraith, Kevin		RE: FINRA Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
810	Email	9/9/14 2:50 PM	Galbraith, Kevin	Lathen, Jay		RE: FINRA Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
811	Email	9/9/14 2:59 PM	Lathen, Jay	Galbraith, Kevin		RE: FINRA Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
812	Email	9/9/14 3:05 PM	Lathen, Jay	Galbraith, Kevin		RE: FINRA Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
813	Email	9/9/14 3:28 PM	Galbraith, Kevin	Lathen, Jay		RE: FINRA Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
814	Email with Attachment(s)	9/9/14 4:34 PM	Lathen, Jay	Kane, Darren		FW: Invoice 1-360536 from Vintage	Attorney Client Privilege	Communication requesting legal advice of counsel.		
815	Email with Attachment(s)	9/9/14 4:35 PM	Lathen, Jay	Kane, Darren		FW: Invoice 1-362182 from Vintage	Attorney Client Privilege	Communication requesting legal advice of counsel.		
816	Email	9/9/14 10:50 PM	Kane, Darren	Lathen, Jay		RE: Invoice 1-362182 from Vintage	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
817	Email	9/10/14 10:39 AM	Lathen, Jay	Kane, Darren		RE: Invoice 1-362182 from Vintage	Attorney Client Privilege	Communication requesting legal advice of counsel.		
818	Email	9/10/14 10:57 AM	Kane, Darren	Lathen, Jay		RE: Invoice 1-362182 from Vintage	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
819	Email	9/10/14 11:32 AM	Kane, Darren	Lathen, Jay		FW: Invoice 1-362182 from Vintage	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
820	Email with Attachment(s)	9/10/14 12:04 PM	Lathen, Jay	Kane, Darren		FW: Invoice 1-362892 from Vintage	Attorney Client Privilege	Communication requesting legal advice of counsel.		
821	Email	9/10/14 12:55 PM	Kane, Darren	Lathen, Jay		RE: Invoice 1-362892 from Vintage	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
822	Email	9/10/14 3:36 PM	Roper, Eric	Lathen, Jay		Office Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
823	Email with Attachment(s)	9/11/14 2:45 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Agenda for 9/15 FINRA Conference Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
824	Email with Attachment(s)	9/11/14 4:00 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Base Indenture	Attorney Client Privilege	Communication requesting legal advice of counsel.		
825	Email	9/11/14 7:20 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Base Indenture	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
826	Email	9/15/14 1:05 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
827	Email	9/15/14 1:53 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
828	Email	9/15/14 1:57 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
829	Email	9/15/14 2:08 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
830	Email with Attachment(s)	9/15/14 6:40 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FWD: Eden Arc Capital -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
831	Email	9/17/14 12:56 PM	Lathen, Jay	Galbraith, Kevin		WSJ Article on Survivor's Option Securities	Attorney Client Privilege	Communication requesting legal advice of counsel.		
832	Email	9/17/14 1:06 PM	Galbraith, Kevin	Lathen, Jay		RE: WSJ Article on Survivor's Option Securities	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
833	Email	9/17/14 3:20 PM	Galbraith, Kevin	Lathen, Jay		[FWD: Eden Arc Capital -- Follow-Up Information]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
834	Email	9/17/14 3:34 PM	Galbraith, Kevin	Lathen, Jay		RE: [FWD: Eden Arc Capital -- Follow-Up Information]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
835	Email	9/17/14 3:52 PM	Lathen, Jay	Galbraith, Kevin		RE: [FWD: Eden Arc Capital -- Follow-Up Information]	Attorney Client Privilege	Communication requesting legal advice of counsel.		
836	Email	9/17/14 5:25 PM	Lathen, Jay	Galbraith, Kevin		RE: [FWD: Eden Arc Capital -- Follow-Up Information]	Attorney Client Privilege	Communication requesting legal advice of counsel.		
837	Email	9/17/14 5:36 PM	Lathen, Jay	Galbraith, Kevin		RE: [FWD: Eden Arc Capital -- Follow-Up Information]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
838	Email	9/17/14 5:50 PM	Lathen, Jay	Galbraith, Kevin		FW: Redemption Rejection	Attorney Client Privilege	Communication requesting legal advice of counsel.		
839	Email	9/17/14 5:57 PM	Galbraith, Kevin	Lathen, Jay		RE: [FWD: Eden Arc Capital -- Follow-Up Information]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
840	Email	9/17/14 6:55 PM	Lathen, Jay	Galbraith, Kevin		Mucta	Attorney Client Privilege	Communication requesting legal advice of counsel.		
841	Email	9/17/14 7:29 PM	Galbraith, Kevin	Lathen, Jay		Fwd: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
842	Email with Attachment(s)	9/19/14 2:47 PM	Lathen, Jay	Galbraith, Kevin		Cases	Attorney Client Privilege	Communication requesting legal advice of counsel.		
843	Email	9/19/14 3:04 PM	Galbraith, Kevin	Lathen, Jay		RE: Cases	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
844	Email with Attachment(s)	9/19/14 6:24 PM	Galbraith, Kevin	Lathen, Jay		Fwd: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
845	Email	9/19/14 7:02 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
846	Email	9/19/14 9:54 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
847	Email	9/20/14 11:37 AM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
848	Email	9/20/14 11:46 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
849	Email	9/22/14 8:34 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
850	Email	9/22/14 8:39 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
851	Email	9/22/14 8:42 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
852	Email with Attachment(s)	9/22/14 12:56 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
853	Email	9/22/14 1:17 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
854	Email	9/23/14 2:31 PM	Lathen, Jay	Galbraith, Kevin		RE: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
855	Email	9/23/14 2:35 PM	Galbraith, Kevin	Lathen, Jay		RE: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
856	Email	9/24/14 11:52 AM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
857	Email	9/24/14 12:27 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
858	Email	9/24/14 12:29 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
859	Email	9/24/14 12:30 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
860	Email	9/24/14 12:57 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital Corp. Survivor's Option Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
861	Email	9/29/14 4:01 PM	Lathen, Jay	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
862	Email	9/29/14 4:09 PM	Galbraith, Kevin	Lathen, Jay		FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
863	Email	9/29/14 4:33 PM	Lathen, Jay	Galbraith, Kevin		RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
864	Email	9/29/14 4:33 PM	Galbraith, Kevin	Lathen, Jay		RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
865	Email	9/29/14 6:10 PM	Galbraith, Kevin	Lathen, Jay		FWD: Eden Arc Capital -- GE Capital Internotes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
866	Email	9/30/14 10:18 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: FWD: Eden Arc Capital -- GE Capital Internotes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
867	Email	9/30/14 11:08 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
868	Email with Attachment(s)	9/30/14 12:06 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: FWD: Eden Arc Capital -- GE Capital Internotes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
869	Email	9/30/14 12:09 PM	Galbraith, Kevin	Lathen, Jay		RE: FWD: Eden Arc Capital -- GE Capital Internotes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
870	Email with Attachment(s)	9/30/14 12:26 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
871	Email	9/30/14 1:26 PM	Lathen, Jay	Galbraith, Kevin		RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
872	Email	9/30/14 2:02 PM	Galbraith, Kevin	Lathen, Jay		RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
873	Email	9/30/14 4:04 PM	Galbraith, Kevin	Lathen, Jay		RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
874	Email	9/30/14 5:25 PM	Galbraith, Kevin	Lathen, Jay		FWD: RE: Eden Arc Capital -- Follow-Up Information	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
875	Email	9/30/14 5:31 PM	Lathen, Jay	Galbraith, Kevin		RE: RE: Eden Arc Capital -- Follow-Up Information	Attorney Client Privilege	Communication requesting legal advice of counsel.		
876	Email with Attachment(s)	10/1/14 9:41 AM	Galbraith, Kevin	Lathen, Jay		FWD: E-mail from Fred Robustelli, GE Treasury	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
877	Email	10/1/14 12:37 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FWD: Eden Arc Capital -- GE Capital Internotes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
878	Email	10/1/14 12:58 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FWD: RE: Prospect Capital v. Lathen et al. -- Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
879	Email with Attachment(s)	10/1/14 2:34 PM	Galbraith, Kevin	Lathen, Jay		Cases cited in Prospect Email of 10/1/14	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
880	Email	10/1/14 4:09 PM	Kane, Darren	Lathen, Jay		SEC Charges Purported Money Manager In New York Who Schemed Investors and Lied to SEC Examiners	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
881	Email with Attachment(s)	10/1/14 5:03 PM	Kane, Darren	Lathen, Jay		SEC Document Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
882	Email with Attachment(s)	10/1/14 5:41 PM	Kane, Darren	Lathen, Jay		SEC Form ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
883	Email with Attachment(s)	10/1/14 6:41 PM	Lathen, Jay	Kane, Darren		RE: SEC Form ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
884	Email	10/1/14 7:16 PM	Kane, Darren	Lathen, Jay		RE: SEC Form ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
885	Email	10/2/14 11:09 AM	Hartman, David	Lathen, Jay		Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
886	Email	10/2/14 11:35 AM	Lathen, Jay	Hartman, David		Re: Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
887	Email	10/2/14 1:39 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
888	Email	10/2/14 1:44 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
889	Email with Attachment(s)	10/2/14 2:39 PM	Lathen, Jay	Kane, Darren		RE: SEC Form ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
890	Email	10/2/14 6:34 PM	Kane, Darren	Lathen, Jay		RE: SEC Form ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
891	Email	10/3/14 9:53 AM	Kane, Darren	Lathen, Jay		Do you have a second?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
892	Email	10/3/14 10:30 AM	Lathen, Jay	Kane, Darren		RE: Do you have a second?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
893	Email	10/3/14 10:57 AM	Kane, Darren	Lathen, Jay		206(4)-2 Custody of funds or securities of clients by investment advisers.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
894	Email with Attachment(s)	10/3/14 11:21 AM	Lathen, Jay	Kane, Darren		RE: 206(4)-2 Custody of funds or securities of clients by investment advisers.	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
895	Email	10/3/14 11:50 AM	Kane, Darren	Lathen, Jay		FW: Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
896	Email with Attachment(s)	10/3/14 12:55 PM	Lathen, Jay	Kane, Darren; Hartman, David		SEC Info Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
897	Email	10/3/14 1:21 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: SEC Info Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
898	Email with Attachment(s)	10/3/14 1:53 PM	Galbraith, Kevin	Lathen, Jay		Call with Prospect - Pushed Back to Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
899	Email	10/3/14 2:13 PM	Lathen, Jay	Kane, Darren	Hartman, David	RE: SEC Info Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
900	Email	10/3/14 2:17 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: SEC Info Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
901	Email	10/6/14 5:37 PM	Hartman, David	Lathen, Jay		call tomorrow	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
902	Email	10/6/14 6:16 PM	Lathen, Jay	Hartman, David		RE: call tomorrow	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
903	Email	10/8/14 2:20 PM	Galbraith, Kevin	Lathen, Jay		Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
904	Email	10/8/14 2:58 PM	Lathen, Jay	Galbraith, Kevin		Re: Status Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
905	Email	10/8/14 3:14 PM	Galbraith, Kevin	Lathen, Jay		RE: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
906	Email	10/9/14 10:49 AM	Galbraith, Kevin	Lathen, Jay		RE: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
907	Email	10/9/14 10:53 AM	Lathen, Jay	Galbraith, Kevin		RE: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
908	Email	10/9/14 11:15 AM	Galbraith, Kevin	Lathen, Jay		RE: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
909	Email with Attachment(s)	10/9/14 2:37 PM	Lathen, Jay	Kane, Darren		Line of Credit Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
910	Email	10/9/14 3:27 PM	Kane, Darren	Lathen, Jay		RE: Line of Credit Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
911	Email	10/9/14 4:43 PM	Lathen, Jay	Kane, Darren		RE: Line of Credit Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
912	Email	10/9/14 6:46 PM	Lathen, Jay	Kane, Darren		SEC Stuff	Attorney Client Privilege	Communication requesting legal advice of counsel.		
913	Email	10/9/14 7:27 PM	Kane, Darren	Lathen, Jay		RE: SEC Stuff	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
914	Email	10/9/14 7:46 PM	Galbraith, Kevin	Lathen, Jay		Fwd: GE Capital Internotes -- Follow-Up Information	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
915	Email with Attachment(s)	10/10/14 1:44 PM	Lathen, Jay	Kane, Darren		RE: SEC Stuff	Attorney Client Privilege	Communication requesting legal advice of counsel.		
916	Email with Attachment(s)	10/10/14 2:05 PM	Lathen, Jay	Kane, Darren		Litigation Summary	Attorney Client Privilege	Communication requesting legal advice of counsel.		
917	Email with Attachment(s)	10/10/14 2:21 PM	Kane, Darren	Lathen, Jay		Portfolio Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
918	Email with Attachment(s)	10/10/14 4:45 PM	Kane, Darren	Lathen, Jay		RE: Litigation Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
919	Email with Attachment(s)	10/10/14 4:48 PM	Kane, Darren	Lathen, Jay		RE: Litigation Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
920	Email with Attachment(s)	10/10/14 4:52 PM	Lathen, Jay	Kane, Darren		Letter to US Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
921	Email with Attachment(s)	10/10/14 5:16 PM	Galbraith, Kevin	Lathen, Jay		FINRA Letter -- Draft for Your Review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
922	Email with Attachment(s)	10/10/14 5:16 PM	Kane, Darren	Lathen, Jay		Redacted Investor Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
923	Email with Attachment(s)	10/10/14 5:23 PM	Galbraith, Kevin	Lathen, Jay		[FWD: Survivor's Option]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
924	Email with Attachment(s)	10/10/14 6:01 PM	Kane, Darren	Lathen, Jay		EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
925	Email	10/14/14 11:07 AM	Galbraith, Kevin	Lathen, Jay		Call Re: US Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
926	Email	10/14/14 11:21 AM	Lathen, Jay	Galbraith, Kevin		Re: Call Re: US Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
927	Email with Attachment(s)	10/14/14 12:10 PM	Lathen, Jay	Kane, Darren		FW: FW: EndCare Brochure	Attorney Client Privilege	Communication requesting legal advice of counsel.		
928	Email	10/14/14 2:29 PM	Kane, Darren	Lathen, Jay		RE: FW: EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
929	Email	10/14/14 4:53 PM	Galbraith, Kevin	Lathen, Jay		RE: Call Re: US Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
930	Email	10/14/14 4:58 PM	Lathen, Jay	Galbraith, Kevin		RE: Call Re: US Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
931	Email with Attachment(s)	10/14/14 5:33 PM	Galbraith, Kevin	Lathen, Jay		[FWD: Eden Arc Capital]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
932	Email	10/15/14 2:59 PM	Galbraith, Kevin	Lathen, Jay		RE: Call Re: US Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
933	Email	10/15/14 3:02 PM	Lathen, Jay	Galbraith, Kevin		Re: Call Re: US Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
934	Email	10/15/14 5:36 PM	Robinson, Michael D.	Roper, Eric		FedEx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
935	Email	10/16/14 10:14 AM	Lathen, Jay	Kane, Darren	Hartman, David	SEC Conference Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
936	Email	10/16/14 1:04 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: SEC Conference Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
937	Email	10/16/14 1:47 PM	Lathen, Jay	Kane, Darren	Hartman, David	Re: SEC Conference Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
938	Email	10/16/14 3:48 PM	Kane, Darren	Lathen, Jay		RE: SEC Conference Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
939	Email	10/16/14 7:43 PM	Kane, Darren	Lathen, Jay		do you have a sec? 212-229-2229	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
940	Email	10/17/14 10:50 AM	Galbraith, Kevin	Lathen, Jay		GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
941	Email with Attachment(s)	10/17/14 12:17 PM	Lathen, Jay	Kane, Darren; Hartman, David		SEC Additional Info Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
942	Email	10/17/14 2:50 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: SEC Additional Info Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
943	Email	10/17/14 4:10 PM	Lathen, Jay	Kane, Darren	Hartman, David	RE: SEC Additional Info Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
944	Email	10/17/14 4:32 PM	Kane, Darren	Lathen, Jay		RE: SEC Additional Info Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
945	Email	10/17/14 4:47 PM	Lathen, Jay	Kane, Darren		RE: SEC Additional Info Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
946	Email	10/17/14 6:12 PM	Kane, Darren	Lathen, Jay		RE: SEC Additional Info Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
947	Email	10/19/14 12:01 PM	Kane, Darren	Lathen, Jay		Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
948	Email	10/19/14 12:11 PM	Lathen, Jay	Kane, Darren		RE: Inquiry	Attorney Client Privilege	Communication requesting legal advice of counsel.		
949	Email	10/19/14 1:27 PM	Kane, Darren	Lathen, Jay		RE: Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
950	Email	10/20/14 12:40 PM	Galbraith, Kevin	Lathen, Jay		Status Update and Wednesday Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
951	Email	10/20/14 12:42 PM	Lathen, Jay	Galbraith, Kevin		RE: Status Update and Wednesday Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
952	Email	10/20/14 12:44 PM	Galbraith, Kevin	Lathen, Jay		RE: Status Update and Wednesday Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
953	Email with Attachment(s)	10/20/14 6:25 PM	Kane, Darren	Lathen, Jay		Revised EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
954	Email	10/21/14 8:35 AM	Galbraith, Kevin	Lathen, Jay		GE Capital Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
955	Email	10/21/14 9:27 AM	Lathen, Jay	Galbraith, Kevin		Re: GE Capital Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
956	Email	10/21/14 9:43 AM	Galbraith, Kevin	Lathen, Jay		RE: GE Capital Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
957	Email	10/21/14 9:48 AM	Lathen, Jay	Galbraith, Kevin		Re: GE Capital Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
954	Email with Attachment(s)	10/21/14 5:12 PM	Lathen, Jay	Kane, Darren		FBI Agent Grosse Memo	Attorney Client Privilege	Communication requesting legal advice of counsel.		
955	Email	10/21/14 6:45 PM	Kane, Darren	Lathen, Jay		RE: FBI Agent Grosse Memo	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
956	Email with Attachment(s)	10/22/14 2:58 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	GECC at First SouthWest	Attorney Client Privilege	Communication requesting legal advice of counsel.		
951	Email	10/22/14 3:30 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	RE: GECC at First SouthWest	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
952	Email	10/22/14 4:24 PM	Galbraith, Kevin	Lathen, Jay		Language for SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
953	Email with Attachment(s)	10/22/14 4:40 PM	Galbraith, Kevin	Lathen, Jay		RE: Language for SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
964	Email with Attachment(s)	10/22/14 10:19 PM	Kane, Darren	Lathen, Jay		Definition of "Documents"	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
965	Email with Attachment(s)	10/23/14 9:21 AM	Lathen, Jay	Kane, Darren		EndCare Application Form	Attorney Client Privilege	Communication requesting legal advice of counsel.		
966	Email	10/23/14 10:35 AM	Kane, Darren	Lathen, Jay		RE: EndCare Application Form	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
967	Email	10/23/14 1:03 PM	Lathen, Jay	Kane, Darren		SEC email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
968	Email with Attachment(s)	10/23/14 1:49 PM	Robinson, Michael D.	Kane, Darren	Lathen, Jay	EndCare Brochure	Attorney Client Privilege	Communication requesting legal advice of counsel.		
969	Email	10/23/14 3:03 PM	Kane, Darren	Robinson, Michael D.		RE: EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
970	Email	10/23/14 4:57 PM	Kane, Darren	Lathen, Jay		RE: SEC email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
971	Email	10/23/14 6:27 PM	Lathen, Jay	Galbraith, Kevin		Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
972	Email with Attachment(s)	10/23/14 8:04 PM	Kane, Darren	Lathen, Jay		RE: EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
973	Email	10/24/14 10:28 AM	Lathen, Jay	Galbraith, Kevin		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
974	Email	10/24/14 10:28 AM	Galbraith, Kevin	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
975	Email	10/24/14 11:42 AM	Galbraith, Kevin	Lathen, Jay		[FWD: RE: Eden Arc Capital]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
976	Email with Attachment(s)	10/24/14 7:51 PM	Lathen, Jay	Kane, Darren		Investor Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
977	Email	10/24/14 8:02 PM	Kane, Darren	Lathen, Jay		RE: Investor Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
978	Email	10/27/14 8:32 AM	Galbraith, Kevin	Lathen, Jay		Call today	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
979	Email	10/27/14 8:53 AM	Lathen, Jay	Galbraith, Kevin		RE: Call today	Attorney Client Privilege	Communication requesting legal advice of counsel.		
980	Email	10/27/14 9:55 AM	Galbraith, Kevin	Lathen, Jay		Re: Call today	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
981	Email with Attachment(s)	10/27/14 2:06 PM	Lathen, Jay	Galbraith, Kevin		US Bank Securities	Attorney Client Privilege	Communication requesting legal advice of counsel.		
982	Email with Attachment(s)	10/27/14 2:36 PM	Lathen, Jay	Galbraith, Kevin		FW: US Bank Securities	Attorney Client Privilege	Communication requesting legal advice of counsel.		
983	Email	10/27/14 3:13 PM	Lathen, Jay	Galbraith, Kevin		Prospect Talking Points	Attorney Client Privilege	Communication requesting legal advice of counsel.		
984	Email	10/27/14 3:30 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Talking Points	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
985	Email	10/27/14 4:58 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Talking Points	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
986	Email	10/27/14 7:00 PM	Lathen, Jay	Galbraith, Kevin		US Bank Talking Points	Attorney Client Privilege	Communication requesting legal advice of counsel.		
987	Email	10/27/14 8:33 PM	Lathen, Jay	Galbraith, Kevin		GE Capital Talking Points	Attorney Client Privilege	Communication requesting legal advice of counsel.		
988	Email	10/28/14 9:10 AM	Galbraith, Kevin	Lathen, Jay		RE: US Bank Talking Points	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
989	Email	10/28/14 12:44 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Process Server	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
990	Email with Attachment(s)	10/28/14 1:15 PM	Kane, Darren	Lathen, Jay		RE: Investor Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
991	Email	10/28/14 3:32 PM	Lathen, Jay	Galbraith, Kevin		4 o'clock call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
992	Email	10/28/14 3:40 PM	Galbraith, Kevin	Lathen, Jay		RE: 4 o'clock call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
993	Email	10/30/14 3:55 PM	Kane, Darren	Lathen, Jay		RE: Outstanding Invoices From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
994	Email	10/31/14 12:02 PM	Galbraith, Kevin	Lathen, Jay		Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
995	Email	10/31/14 3:08 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
996	Email	10/31/14 3:10 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
997	Email	11/2/14 7:27 PM	Kane, Darren	Lathen, Jay		Checking In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
998	Email	11/3/14 6:55 AM	Lathen, Jay	Kane, Darren		Re: Checking In	Attorney Client Privilege	Communication requesting legal advice of counsel.		
999	Email with Attachment(s)	11/3/14 11:23 AM	Lathen, Jay	Kane, Darren		SEC Request #2	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1000	Email with Attachment(s)	11/3/14 12:28 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1001	Email	11/3/14 12:33 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1002	Email	11/3/14 12:34 PM	Kane, Darren	Lathen, Jay		RE: SEC Request #2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1003	Email	11/3/14 12:36 PM	Lathen, Jay	Kane, Darren		Re: SEC Request #2	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1004	Email	11/3/14 12:42 PM	Kane, Darren	Lathen, Jay		RE: SEC Request #2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1005	Email	11/3/14 12:43 PM	Lathen, Jay	Galbraith, Kevin		RE: SEC Request #2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1006	Email	11/3/14 5:17 PM	Kane, Darren	Lathen, Jay		RE: SEC Request #2	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1007	Email	11/3/14 5:34 PM	Lathen, Jay	Kane, Darren		RE: Re: SEC Request #2	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1008	Email with Attachment(s)	11/3/14 6:26 PM	Lathen, Jay	Kane, Darren		Solicitation Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1009	Email	11/3/14 6:04 PM	Kane, Darren	Lathen, Jay		RE: Solicitation Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1010	Email	11/4/14 11:31 AM	Lathen, Jay	Kane, Darren; Hartman, David		SEC Conference Call Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1011	Email	11/4/14 11:50 AM	Hartman, David	Lathen, Jay; Kane, Darren		RE: SEC Conference Call Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1012	Email	11/4/14 12:30 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: SEC Conference Call Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1013	Email	11/4/14 12:40 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1014	Email with Attachment(s)	11/4/14 2:58 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1015	Email	11/4/14 3:27 PM	Lathen, Jay	Kane, Darren	Hartman, David	RE: SEC Conference Call Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1016	Email with Attachment(s)	11/4/14 7:19 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1017	Email	11/5/14 7:39 AM	Galbraith, Kevin	Lathen, Jay		RE: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1018	Email with Attachment(s)	11/5/14 8:23 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1019	Email	11/5/14 8:36 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1020	Email with Attachment(s)	11/5/14 9:13 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1021	Email	11/5/14 10:54 AM	Galbraith, Kevin	Lathen, Jay		Prospect Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1022	Email	11/5/14 1:33 PM	Kane, Darren	Lathen, Jay		Did you find your SEC Form ADV Part 2B?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1023	Email	11/5/14 3:09 PM	Lathen, Jay	Kane, Darren		RE: Did you find your SEC Form ADV Part 2B?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1024	Email	11/5/14 3:23 PM	Kane, Darren	Lathen, Jay		RE: Did you find your SEC Form ADV Part 2B?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1025	Email with Attachment(s)	11/5/14 3:30 PM	Kane, Darren	Lathen, Jay		FW: Invoices From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1026	Email with Attachment(s)	11/5/14 3:31 PM	Lathen, Jay	Kane, Darren		RE: Did you find your SEC Form ADV Part 2B?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1027	Email	11/5/14 3:39 PM	Kane, Darren	Lathen, Jay		RE: Did you find your SEC Form ADV Part 2B?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1028	Email	11/5/14 3:40 PM	Lathen, Jay	Kane, Darren		RE: Invoices From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1029	Email with Attachment(s)	11/5/14 4:45 PM	Hartman, David	Lathen, Jay		ADV 2B draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1030	Email	11/5/14 7:12 PM	Lathen, Jay	Hartman, David		RE: ADV 2B draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1031	Email with Attachment(s)	11/5/14 7:28 PM	Lathen, Jay	Hartman, David		RE: ADV 2B draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1032	Email	11/6/14 11:08 AM	Kane, Darren	Lathen, Jay	Robinson, Michael D.	RE: New SEC Folder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1033	Email with Attachment(s)	11/6/14 11:31 AM	Hartman, David	Lathen, Jay	Kane, Darren	RE: ADV 2B draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1034	Email	11/6/14 11:36 AM	Kane, Darren	Lathen, Jay	Robinson, Michael D.; Hartman, David	RE: New SEC Folder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1035	Email with Attachment(s)	11/6/14 11:42 AM	Kane, Darren	Lathen, Jay	Hartman, David	RE: ADV 2B draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1036	Email	11/6/14 11:48 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: ADV 2B draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1037	Email	11/6/14 11:48 AM	Lathen, Jay	Kane, Darren	Robinson, Michael D.; Hartman, David	RE: New SEC Folder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1038	Email with Attachment(s)	11/6/14 11:49 AM	Lathen, Jay	Kane, Darren	Robinson, Michael D.; Hartman, David	RE: New SEC Folder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1039	Email	11/6/14 1:23 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1040	Email	11/6/14 2:58 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1041	Email with Attachment(s)	11/6/14 6:24 PM	Hartman, David	Lathen, Jay	Kane, Darren	Initial document request for the annual review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1042	Email	11/7/14 9:32 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1043	Email with Attachment(s)	11/11/14 8:59 AM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1044	Email with Attachment(s)	11/11/14 2:00 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1045	Email with Attachment(s)	11/11/14 2:23 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1046	Email	11/11/14 10:30 PM	Lathen, Jay	Galbraith, Kevin		FW: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1047	Email	11/12/14 7:06 AM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1048	Email	11/12/14 8:59 AM	Lathen, Jay	Flanders, Robert G.		Re: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1049	Email	11/12/14 9:02 AM	Flanders, Robert G.	Lathen, Jay		RE: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1050	Email	11/12/14 10:09 AM	Flanders, Robert G.	Robertson, Christopher	Lathen, Jay	RE: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1051	Email	11/12/14 10:15 AM	Lathen, Jay	Robertson, Christopher	Galbraith, Kevin	RE: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1052	Email	11/12/14 10:17 AM	Robertson, Christopher	Lathen, Jay	Galbraith, Kevin	RE: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1053	Email	11/12/14 10:19 AM	Lathen, Jay	Robertson, Christopher	Galbraith, Kevin	RE: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1054	Email with Attachment(s)	11/12/14 10:20 AM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1055	Email	11/12/14 10:25 AM	Lathen, Jay	Robertson, Christopher	Galbraith, Kevin	Re: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1056	Email with Attachment(s)	11/12/14 10:27 AM	Galbraith, Kevin	Lathen, Jay; Robertson, Christopher		Re: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1057	Email	11/12/14 1:06 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Goldman Sachs File	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1058	Email with Attachment(s)	11/12/14 1:49 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.		RE: Goldman Sachs File	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1059	Email with Attachment(s)	11/12/14 1:55 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Re: Goldman Sachs File	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1060	Email	11/13/14 7:49 AM	Hartman, David	Lathen, Jay	Kane, Darren	RE: SEC Conference Call Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1061	Email	11/13/14 7:57 AM	Lathen, Jay	Hartman, David	Kane, Darren	Re: SEC Conference Call Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1062	Email	11/13/14 10:38 AM	Galbraith, Kevin	Lathen, Jay		GE Capital counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1063	Email with Attachment(s)	11/13/14 4:31 PM	Lathen, Jay	Kane, Darren; Hartman, David		SEC Request #3	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1064	Email	11/13/14 8:40 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: SEC Request #3	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1065	Email with Attachment(s)	11/14/14 3:08 PM	Galbraith, Kevin	Lathen, Jay		GE Capital authorities	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1066	Email with Attachment(s)	11/17/14 6:10 PM	Lathen, Jay	Galbraith, Kevin		Draft GE Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1067	Email	11/17/14 6:21 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft GE Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1068	Email with Attachment(s)	11/18/14 1:32 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft GE Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1069	Email with Attachment(s)	11/18/14 2:26 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft GE Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1070	Email with Attachment(s)	11/18/14 3:48 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1071	Email	11/19/14 8:57 AM	Hartman, David	Lathen, Jay		standing by for you call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1072	Email with Attachment(s)	11/19/14 4:16 PM	Lathen, Jay	Kane, Darren; Kane, Darren		SEC Request #4	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1073	Email	11/19/14 10:07 PM	Kane, Darren	Lathen, Jay		RE: SEC Request #4	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1074	Email	11/20/14 10:25 AM	Lathen, Jay	Kane, Darren		RE: SEC Request #4	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1075	Email	11/20/14 10:47 AM	Galbraith, Kevin	Lathen, Jay		U.S. Bank - Call with Muccia	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1076	Email	11/20/14 11:32 AM	Kane, Darren	Lathen, Jay		RE: SEC Request #4	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1077	Email	11/20/14 1:29 PM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank - Call with Muccia	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1078	Email with Attachment(s)	11/20/14 1:54 PM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank - Call with Muccia	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1079	Attachment(s)	11/20/14 2:03 PM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank -- Call with Muccia	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1080	Email	11/20/14 2:04 PM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank -- Call with Muccia	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1081	Attachment(s)	11/20/14 6:29 PM	Lathen, Jay	Kane, Darren		SEC Response #3 Reply	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1082	Email	11/24/14 4:13 PM	Lathen, Jay	Hartman, David; Kane, Darren		SEC Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1083	Email	11/24/14 4:20 PM	Hartman, David	Lathen, Jay; Kane, Darren		[BULK] RE: SEC Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1084	Email	11/24/14 4:21 PM	Lathen, Jay	Hartman, David; Kane, Darren		RE: [BULK] RE: SEC Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1085	Email	11/25/14 5:04 PM	Kane, Darren	Lathen, Jay		Tonight	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1086	Email	11/26/14 1:38 PM	Kane, Darren	Lathen, Jay		RE: Tonight	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1087	Email	11/26/14 4:47 PM	Kane, Darren	Lathen, Jay		204A-1	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1088	Email	11/27/14 9:14 AM	Kane, Darren	Lathen, Jay		[BULK] RE: Price file - October 2014	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1089	Email	12/2/14 11:27 AM	Lathen, Jay	Hartman, David	Kane, Darren	SEC Conference Call Request Tomorrow 1PM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1090	Email	12/2/14 11:39 AM	Hartman, David	Lathen, Jay	Kane, Darren	RE: SEC Conference Call Request Tomorrow 1PM	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1091	Email	12/2/14 11:40 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: SEC Conference Call Request Tomorrow 1PM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1092	Email	12/2/14 1:52 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: SEC Conference Call Request Tomorrow 1PM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1093	Email	12/2/14 3:00 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: SEC Conference Call Request Tomorrow 1PM	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1094	Email	12/2/14 4:02 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: SEC Conference Call Request Tomorrow 1PM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1095	Email	12/2/14 4:10 PM	Hartman, David	Lathen, Jay	Kane, Darren	[BULK] RE: SEC Conference Call Request Tomorrow 1PM	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1096	Email	12/3/14 9:43 AM	Galbraith, Kevin	Lathen, Jay		Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1097	Email	12/3/14 5:20 PM	Lathen, Jay	Galbraith, Kevin		You still on with Muccia?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1098	Email	12/4/14 10:59 AM	Lathen, Jay	Galbraith, Kevin		RE: 10 am call running long -- ITI call around 11:15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1099	Email	12/4/14 10:59 AM	Galbraith, Kevin	Lathen, Jay		10 am call running long -- ITI call around 11:15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1100	Email	12/4/14 1:11 PM	Lathen, Jay	Galbraith, Kevin		RE: 10 am call running long -- ITI call around 11:15	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1101	Attachment(s)	12/4/14 1:28 PM	Galbraith, Kevin	Lathen, Jay		RE: 10 am call running long -- ITI call around 11:15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1102	Attachment(s)	12/4/14 2:20 PM	Galbraith, Kevin	Lathen, Jay		RE: 10 am call running long -- ITI call around 11:15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1103	Attachment(s)	12/4/14 4:22 PM	Lathen, Jay	Hartman, David; Kane, Darren	Robinson, Michael D.	Request 5 from SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1104	Attachment(s)	12/4/14 8:43 PM	Lathen, Jay	Galbraith, Kevin		RE: 10 am call running long -- ITI call around 11:15	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1105	Attachment(s)	12/5/14 10:30 AM	Galbraith, Kevin	Lathen, Jay		New Participant Agreement and Chris Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1106	Attachment(s)	12/8/14 10:51 AM	Galbraith, Kevin	Lathen, Jay		Re: New Participant Agreement and Chns Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1107	Attachment(s)	12/8/14 12:08 PM	Lathen, Jay	Galbraith, Kevin		RE: New Participant Agreement and Chris Robertson	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1108	Attachment(s)	12/8/14 12:17 PM	Galbraith, Kevin	Lathen, Jay		Re: New Participant Agreement and Chris Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1109	Attachment(s)	12/9/14 11:56 AM	Lathen, Jay	Kane, Darren	Hartman, David	SEC Request 5	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1110	Email	12/9/14 12:03 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: SEC Request 5	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1111	Email	12/9/14 12:05 PM	Lathen, Jay	Kane, Darren	Hartman, David	RE: SEC Request 5	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1112	Email	12/9/14 1:04 PM	Kane, Darren	Lathen, Jay		RE: SEC Request 5	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1113	Attachment(s)	12/9/14 1:09 PM	Galbraith, Kevin	Lathen, Jay		Re: New Participant Agreement and Chris Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1114	Attachment(s)	12/9/14 3:53 PM	Galbraith, Kevin	Lathen, Jay		Re: New Participant Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1115	Email	12/10/14 1:42 PM	Galbraith, Kevin	Lathen, Jay		U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1116	Email	12/10/14 6:55 PM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1117	Attachment(s)	12/11/14 10:42 AM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1118	Email	12/11/14 5:21 PM	Galbraith, Kevin	Lathen, Jay		GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1119	Email	12/11/14 5:29 PM	Lathen, Jay	Galbraith, Kevin		RE: GE Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1120	Email	12/11/14 5:55 PM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1121	Attachment(s)	12/11/14 5:59 PM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1122	Email	12/11/14 6:05 PM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1123	Attachment(s)	12/11/14 8:19 PM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1124	Email	12/12/14 8:54 AM	Lathen, Jay	Galbraith, Kevin		Re: U.S. Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1125	Email	12/12/14 12:12 PM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1126	Email	12/12/14 12:18 PM	Lathen, Jay	Galbraith, Kevin		Re: U.S. Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1127	Email	12/15/14 3:04 PM	Galbraith, Kevin	Lathen, Jay		Suing Indenture Trustee for Damages	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1128	Email	12/15/14 3:48 PM	Lathen, Jay	Galbraith, Kevin		RE: Suing Indenture Trustee for Damages	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1129	Email	12/17/14 3:38 PM	Lathen, Jay	Galbraith, Kevin		Have you heard anything back from Muccia/Apar?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1130	Email	12/17/14 3:45 PM	Galbraith, Kevin	Lathen, Jay		Re: Have you heard anything back from Muccia/Apar?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1131	Attachment(s)	12/17/14 5:11 PM	Lathen, Jay	Galbraith, Kevin		RE: Have you heard anything back from Muccia/Apar?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1132	Attachment(s)	12/17/14 5:13 PM	Galbraith, Kevin	Lathen, Jay		Re: Have you heard anything back from Muccia/Apar?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1133	Email	12/18/14 9:46 AM	Galbraith, Kevin	Lathen, Jay		FW: NYSCEF Notification: New York - Tort - <STIPULATION> 156375/2014(PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1134	Attachment(s)	12/18/14 1:52 PM	Lathen, Jay	Galbraith, Kevin		Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1135	Email	12/18/14 3:27 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1136	Attachment(s)	12/18/14 5:34 PM	Lathen, Jay	Galbraith, Kevin		Legal cost reimbursement	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1137	Email with Attachment(s)	12/18/14 5:40 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital v. Lathen: Settlement Proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1138	Email with Attachment(s)	12/19/14 2:30 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1139	Email	12/19/14 3:26 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital etc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1140	Email with Attachment(s)	12/19/14 3:40 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1141	Email	12/19/14 5:34 PM	Galbraith, Kevin	Lathen, Jay		Fee Proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1142	Email with Attachment(s)	12/22/14 10:47 AM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1143	Email	12/24/14 3:03 PM	Lathen, Jay	Galbraith, Kevin		RE: Fee Proposal	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1144	Email	12/24/14 3:28 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital etc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1145	Email with Attachment(s)	12/24/14 3:52 PM	Galbraith, Kevin	Lathen, Jay		Re: Fee Proposal Re: Eden Arc Capital Partners - November 2014	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1146	Email	12/24/14 5:33 PM	Roper, Eric	Lathen, Jay		Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1147	Email	12/28/14 9:07 PM	Kane, Darren	Lathen, Jay		Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1148	Email	12/28/14 11:24 PM	Lathen, Jay	Kane, Darren		Re: Inquiry	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1149	Email	12/29/14 6:27 AM	Kane, Darren	Lathen, Jay		RE: Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1150	Email with Attachment(s)	12/30/14 9:51 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1151	Email	12/30/14 10:55 AM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Capital etc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1152	Email	1/6/15 1:52 PM	Galbraith, Kevin	Lathen, Jay		Updates: Prospect and GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1153	Email	1/6/15 2:03 PM	Lathen, Jay	Galbraith, Kevin		RE: Updates: Prospect and GE Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1154	Email with Attachment(s)	1/6/15 2:16 PM	Galbraith, Kevin	Lathen, Jay		Re: Updates: Prospect and GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1155	Email with Attachment(s)	1/7/15 12:07 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1156	Email	1/7/15 2:13 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option (Question from GE counsel)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1157	Email	1/7/15 2:33 PM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option (Question from GE counsel)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1158	Email with Attachment(s)	1/7/15 2:35 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Fwd: GECC Rejection Letter CUSIP 36966TGY2 (Nonone)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1159	Email	1/7/15 2:38 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: GECC Rejection Letter CUSIP 36966TGY2 (Nonone)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1160	Email with Attachment(s)	1/7/15 5:25 PM	Galbraith, Kevin	Lathen, Jay		Bill for Fees through 1-7-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1161	Email with Attachment(s)	1/9/15 1:52 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1162	Email	1/9/15 4:06 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1163	Email with Attachment(s)	1/9/15 4:13 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1164	Email	1/9/15 9:08 PM	Hartman, David	Lathen, Jay		Do you have a business continuity plan?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1165	Email with Attachment(s)	1/11/15 12:57 PM	Hartman, David	Lathen, Jay		Call and Annual Review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1166	Email with Attachment(s)	1/11/15 2:19 PM	Hartman, David	Lathen, Jay		Draft Risk Assessment	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1167	Email	1/12/15 5:16 PM	Lathen, Jay	Hartman, David		RE: Call and Annual Review	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1168	Email	1/12/15 5:21 PM	Lathen, Jay	Hartman, David		RE: Do you have a business continuity plan?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1169	Email with Attachment(s)	1/13/15 3:29 PM	Kane, Darren	Lathen, Jay		FW: Invoices From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1170	Email	1/14/15 10:26 AM	Lathen, Jay	Hartman, David	Kane, Darren	SEC Examination - Exit Interview	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1171	Email	1/14/15 11:06 AM	Hartman, David	Lathen, Jay	Kane, Darren	RE: SEC Examination - Exit Interview	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1172	Email	1/14/15 11:07 AM	Lathen, Jay	Hartman, David		RE: SEC Examination - Exit Interview	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1173	Email with Attachment(s)	1/15/15 10:04 AM	Kane, Darren	Lathen, Jay		QuickBooks	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1174	Email	1/16/15 2:48 PM	Lathen, Jay	Hartman, David		Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1175	Email	1/16/15 3:08 PM	Hartman, David	Lathen, Jay		RE: Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1176	Email	1/16/15 3:09 PM	Lathen, Jay	Hartman, David		RE: Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1177	Email	1/16/15 3:14 PM	Hartman, David	Lathen, Jay		RE: Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1178	Email	1/16/15 3:21 PM	Lathen, Jay	Hartman, David		RE: Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1179	Email	1/16/15 4:24 PM	Hartman, David	Lathen, Jay		RE: Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1180	Email	1/16/15 4:25 PM	Lathen, Jay	Hartman, David		RE: Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1181	Email with Attachment(s)	1/19/15 5:09 PM	Kane, Darren	Lathen, Jay	accounting@missioncriticalservices.com	FW: Invoices From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1182	Email with Attachment(s)	1/20/15 4:21 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1183	Email with Attachment(s)	1/20/15 5:10 PM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1184	Email	1/20/15 5:28 PM	Lathen, Jay	Galbraith, Kevin		RE: Eden Arc Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1185	Email with Attachment(s)	1/20/15 5:32 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1186	Email	1/21/15 9:25 AM	Hartman, David	Lathen, Jay		RE: Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1187	Email with Attachment(s)	1/21/15 9:35 AM	Lathen, Jay	Hartman, David		RE: Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1188	Email with Attachment(s)	1/21/15 9:59 AM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1189	Email with Attachment(s)	1/21/15 10:00 AM	Lathen, Jay	Galbraith, Kevin		RE: Eden Arc Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1190	Email	1/21/15 10:00 AM	Lathen, Jay	Galbraith, Kevin		RE: Eden Arc Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1191	Email	1/21/15 11:21 AM	Lathen, Jay	Kane, Darren		RE: Invoices From Mission Critical Services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1192	Email	1/21/15 11:42 AM	Lathen, Jay	Kane, Darren	Robinson, Michael D.	RE: QuickBooks	Attorney Client Privilege	Communication requesting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
1193	Email with Attachment(s)	1/21/15 12:06 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1194	Email	1/21/15 12:10 PM	Kane, Darren	Lathen, Jay		RE: Invoices from Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1195	Email	1/21/15 1:02 PM	Lathen, Jay	Hartman, David		RE: Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1196	Email	1/21/15 1:04 PM	Hartman, David	Lathen, Jay		RE: Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1197	Email	1/21/15 1:05 PM	Lathen, Jay	Hartman, David		RE: Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1198	Email	1/21/15 5:27 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1199	Email	1/21/15 5:38 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1200	Email	1/21/15 6:00 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1201	Email	1/21/15 6:06 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1202	Email	1/21/15 9:12 PM	Kane, Darren	Lathen, Jay		FW: FW: QuickBooks	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1203	Email	1/22/15 10:20 AM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1204	Email	1/22/15 12:22 PM	Galbraith, Kevin	Lathen, Jay		Prospect Capital v. Lathen et al. -- Confidential SettlementCommunications	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1205	Email with Attachment(s)	1/22/15 1:43 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunications	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1206	Attachment(s)	1/22/15 1:48 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunications	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1207	Email with Attachment(s)	1/22/15 1:57 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunication	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1208	Email	1/22/15 2:01 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunication	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1209	Email with Attachment(s)	1/22/15 2:02 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunication	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1210	Email	1/22/15 2:07 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunications	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1211	Email with Attachment(s)	1/22/15 2:11 PM	Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunications	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1212	Email	1/22/15 2:16 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunications	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1213	Email	1/23/15 11:29 AM	Lathen, Jay	Hartman, David		Our call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1214	Email	1/23/15 2:37 PM	Hartman, David	Lathen, Jay		RE: Our call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1215	Email	1/23/15 4:21 PM	Lathen, Jay	Hartman, David		RE: Our call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1216	Email with Attachment(s)	1/25/15 8:52 AM	Hartman, David	Lathen, Jay		Preparation for the ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1217	Email	1/26/15 3:58 PM	Hartman, David	Lathen, Jay		SEC letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1218	Email	1/26/15 4:23 PM	Lathen, Jay	Hartman, David		RE: SEC letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1219	Email	1/28/15 9:19 AM	Galbraith, Kevin	Robertson, Christopher	Lathen, Jay	Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1220	Email	1/28/15 10:04 AM	Galbraith, Kevin	Lathen, Jay		FW: Automatic reply: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1221	Email with Attachment(s)	1/28/15 10:12 AM	Robertson, Christopher	Galbraith, Kevin	Lathen, Jay	Re: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1222	Email	1/28/15 10:14 AM	Robertson, Christopher	Lathen, Jay		Automatic reply: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1223	Email	1/28/15 10:14 AM	Lathen, Jay	Robertson, Christopher; Galbraith, Kevin		RE: Confirming 10 am call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1224	Email	1/28/15 10:23 AM	Galbraith, Kevin	Lathen, Jay; Robertson, Christopher		RE: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1225	Email	1/28/15 10:24 AM	Robertson, Christopher	Galbraith, Kevin; Lathen, Jay		RE: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1226	Email	1/28/15 10:26 AM	Galbraith, Kevin	Robertson, Christopher; Lathen, Jay		RE: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1227	Email	1/28/15 10:44 AM	Lathen, Jay	Galbraith, Kevin	Robertson, Christopher	RE: Confirming 10 am call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1228	Email	1/28/15 10:47 AM	Galbraith, Kevin	Lathen, Jay	Robertson, Christopher	RE: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1229	Email with Attachment(s)	1/28/15 11:46 AM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital v. Lathen et al. -- Confidential SettlementCommunication	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1230	Email	1/28/15 1:59 PM	Galbraith, Kevin	Lathen, Jay		Check for Legal Fee	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1231	Email	1/30/15 9:10 AM	Robertson, Christopher	Galbraith, Kevin; Lathen, Jay		Move call to 10:45?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1232	Email	1/30/15 9:25 AM	Lathen, Jay	Robertson, Christopher; Galbraith, Kevin		RE: Move call to 10:45?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1233	Email	1/30/15 1:22 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1234	Email with Attachment(s)	1/30/15 2:20 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1235	Email	1/30/15 2:43 PM	Galbraith, Kevin	Lathen, Jay		Prospect Meeting Proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1236	Email	1/30/15 2:45 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Meeting Proposal	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1237	Email	1/30/15 2:46 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Meeting Proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1238	Email with Attachment(s)	1/30/15 2:57 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Meeting Proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1239	Email	2/1/15 11:28 AM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1240	Email	2/1/15 11:54 AM	Hartman, David	Lathen, Jay		Valuation for month end August 31, 2014	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1241	Email	2/2/15 12:04 PM	Galbraith, Kevin	Lathen, Jay		Prospect Settlement Discussions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1242	Email	2/2/15 12:55 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Settlement Discussions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1243	Email	2/3/15 11:14 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1244	Email with Attachment(s)	2/3/15 11:24 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1245	Email	2/3/15 1:18 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1246	Email	2/4/15 6:13 PM	Robertson, Christopher	Lathen, Jay; Galbraith, Kevin		One more Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1247	Email	2/4/15 6:24 PM	Lathen, Jay	Robertson, Christopher	Galbraith, Kevin	RE: One more Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1248	Email	2/4/15 6:36 PM	Robertson, Christopher	Lathen, Jay	Galbraith, Kevin	RE: One more Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1249	Email	2/6/15 10:40 AM	Hartman, David	Lathen, Jay		Valuation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1250	Email with Attachment(s)	2/9/15 3:13 PM	Lathen, Jay	Hartman, David		RE: Valuation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1251	Email	2/9/15 5:03 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1252	Email	2/9/15 5:04 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Settlement Discussions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1253	Email with Attachment(s)	2/9/15 5:07 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Settlement Discussions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1254	Email	2/9/15 5:07 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1255	Email with Attachment(s)	2/9/15 5:29 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1256	Email	2/9/15 5:40 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1257	Email	2/9/15 6:09 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1258	Email	2/10/15 9:13 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1259	Email	2/10/15 11:24 AM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1260	Email	2/10/15 11:27 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1261	Email	2/10/15 6:32 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1262	Email with Attachment(s)	2/10/15 6:33 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Settlement Discussions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1263	Email with Attachment(s)	2/11/15 11:52 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Settlement Discussions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1264	Email with Attachment(s)	2/11/15 12:02 PM	Hartman, David	Lathen, Jay		SEC Response letter for today's call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1265	Email	2/11/15 12:27 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1266	Email	2/11/15 12:53 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1267	Email with Attachment(s)	2/11/15 3:34 PM	Hartman, David	Lathen, Jay		custody policies and procedures	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1268	Email with Attachment(s)	2/12/15 1:36 PM	Lathen, Jay	Hartman, David		RE: SEC Response letter for today's call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1269	Email with Attachment(s)	2/13/15 11:04 AM	Hartman, David	Lathen, Jay		Updated version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1270	Email with Attachment(s)	2/13/15 12:05 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Settlement Discussions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1271	Email with Attachment(s)	2/13/15 3:42 PM	Lathen, Jay	Hartman, David		Response to SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1272	Email with Attachment(s)	2/18/15 3:28 PM	Lathen, Jay	Hood, Bruce E.		RE:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1273	Email	2/18/15 5:29 PM	Lathen, Jay	Robertson, Christopher; Galbraith, Kevin		RE: Move call to 10:45?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1274	Email	2/18/15 5:39 PM	Robertson, Christopher	Lathen, Jay; Galbraith, Kevin		RE: Move call to 10:45?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1275	Email	2/18/15 5:41 PM	Lathen, Jay	Robertson, Christopher; Galbraith, Kevin		RE: Move call to 10:45?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1276	Email	2/18/15 8:29 PM	Lathen, Jay	Kane, Darren; Hartman, David		FW: UPS Update: Package Scheduled for Delivery Tomorrow	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1277	Email	2/19/15 10:55 AM	Galbraith, Kevin	Lathen, Jay		Prospect - Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1278	Email	2/19/15 10:56 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect - Motion to Dismiss	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1279	Email with Attachment(s)	2/19/15 10:58 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect - Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1280	Email	2/20/15 9:42 AM	Galbraith, Kevin	Lathen, Jay		U.S. Bank and Prospect Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1281	Email	2/20/15 10:43 AM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank and Prospect Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1282	Email with Attachment(s)	2/20/15 10:45 AM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank and Prospect Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1283	Email	2/20/15 10:50 AM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank and Prospect Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1284	Email	2/20/15 10:56 AM	Lathen, Jay	Kane, Darren; Hartman, David		SEC Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1285	Email with Attachment(s)	2/20/15 1:54 PM	Lathen, Jay	Galbraith, Kevin		SEC Exam Findings and Our response	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1286	Email with Attachment(s)	2/20/15 1:59 PM	Lathen, Jay	Galbraith, Kevin		FW: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1287	Email	2/20/15 2:07 PM	Galbraith, Kevin	Lathen, Jay		Re: SEC Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1288	Email with Attachment(s)	2/20/15 2:28 PM	Lathen, Jay	Kane, Darren		FW: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1289	Email	2/20/15 2:31 PM	Kane, Darren	Lathen, Jay; Hartman, David		RE: SEC Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1290	Email with Attachment(s)	2/20/15 2:34 PM	Lathen, Jay	Hartman, David		FW: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1291	Email	2/20/15 2:55 PM	Kane, Darren	Lathen, Jay		Enforcement Actions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1292	Email	2/20/15 3:07 PM	Kane, Darren	Lathen, Jay		Kaye Scholer LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1293	Email	2/20/15 6:49 PM	Kane, Darren	Lathen, Jay		RE: SEC Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1294	Email	2/20/15 6:59 PM	Kane, Darren	Lathen, Jay		FW: Kaye Scholer LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1295	Email	2/22/15 4:33 PM	Kane, Darren	Lathen, Jay		FW: Vertical Capital Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1296	Email	2/23/15 8:38 AM	Galbraith, Kevin	Lathen, Jay		Re: SEC Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1297	Email	2/23/15 9:29 AM	Lathen, Jay	Galbraith, Kevin		Re: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1298	Email	2/23/15 9:30 AM	Galbraith, Kevin	Lathen, Jay		Re: SEC Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1299	Email	2/23/15 9:52 AM	Lathen, Jay	Kane, Darren		RE: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1300	Email	2/23/15 10:25 AM	Kane, Darren	Lathen, Jay		RE: SEC Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1301	Email	2/23/15 10:26 AM	Lathen, Jay	Kane, Darren		RE: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1302	Email	2/23/15 10:54 AM	Lathen, Jay	Kane, Darren		RE: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1303	Email	2/23/15 11:02 AM	Kane, Darren	Lathen, Jay		RE: SEC Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1304	Email	2/23/15 11:05 AM	Lathen, Jay	Culhane, Stephen; Green, Jonathan		FW: Kaye Scholer LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1305	Email	2/23/15 11:18 AM	Green, Jonathan	Lathen, Jay; Culhane, Stephen		RE: Kaye Scholer LLP	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1306	Email	2/23/15 11:21 AM	Lathen, Jay	Kane, Darren		RE: Vertical Capital Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1307	Email	2/23/15 11:23 AM	Lathen, Jay	Green, Jonathan; Culhane, Stephen		RE: Kaye Scholer LLP	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1308	Email	2/23/15 11:25 AM	Culhane, Stephen	Lathen, Jay; Green, Jonathan		RE: Kaye Scholer LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1309	Email	2/23/15 11:42 AM	Culhane, Stephen	Lathen, Jay		Eden Arc / XS Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1310	Email	2/23/15 12:23 PM	Kane, Darren	Lathen, Jay		RE: Vertical Capital Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1311	Email	2/23/15 12:39 PM	Lathen, Jay	Galbraith, Kevin		FW: Kaye Scholer LLP	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1312	Email	2/23/15 7:02 PM	Lathen, Jay	Galbraith, Kevin		Letter to US Bank Counsel dated 11/5/14	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1313	Email with Attachment(s)	2/23/15 7:18 PM	Lathen, Jay	Green, Jonathan; Culhane, Stephen	Galbraith, Kevin	Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1314	Email	2/23/15 7:25 PM	Culhane, Stephen	Lathen, Jay; Green, Jonathan	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1315	Email with Attachment(s)	2/23/15 9:54 PM	Galbraith, Kevin	Lathen, Jay		Re: Letter to US Bank Counsel dated 11/5/14	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1316	Email	2/24/15 10:28 AM	Galbraith, Kevin	Lathen, Jay		Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1317	Attachment(s)	2/24/15 10:31 AM	Lathen, Jay	Culhane, Stephen; Green, Jonathan	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1318	Email	2/24/15 10:39 AM	Green, Jonathan	Lathen, Jay	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1319	Attachment(s)	2/24/15 11:45 AM	Galbraith, Kevin	Lathen, Jay		Re: Checking In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1320	Email	2/24/15 3:47 PM	Galbraith, Kevin	Lathen, Jay		Outreach to SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1321	Attachment(s)	2/24/15 4:22 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin	Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1322	Email	2/24/15 4:27 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1323	Attachment(s)	2/24/15 5:25 PM	Lathen, Jay	Southwell, Alexander H.	Galbraith, Kevin	Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1324	Attachment(s)	2/24/15 7:32 PM	Kane, Darren	Lathen, Jay		Enforcement Manual	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1325	Email	2/25/15 11:29 AM	Galbraith, Kevin	Lathen, Jay		Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1326	Email	2/25/15 1:19 PM	Galbraith, Kevin	Lathen, Jay		Staples Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1327	Attachment(s)	2/25/15 4:29 PM	Lathen, Jay	Southwell, Alexander H.	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1328	Email	2/25/15 7:09 PM	Lathen, Jay	Southwell, Alexander H.	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1329	Email	2/25/15 8:57 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1330	Email	2/25/15 9:38 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1331	Email	2/26/15 3:27 AM	Kane, Darren	Lathen, Jay		FW: - Response to Subpoena	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1332	Attachment(s)	2/26/15 6:51 AM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1333	Email	2/26/15 9:31 AM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1334	Email	2/26/15 9:49 AM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1335	Email	2/26/15 11:43 AM	Lathen, Jay	Galbraith, Kevin; Protass, Harlan		RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1336	Email	2/26/15 11:43 AM	Galbraith, Kevin	Protass, Harlan; Lathen, Jay		RE: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1337	Email	2/26/15 4:32 PM	Galbraith, Kevin	Lathen, Jay		Items for Gibson Dunn & Contact with Weinstock	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1338	Email	2/26/15 6:15 PM	Lathen, Jay	Southwell, Alexander H.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1339	Email	2/26/15 6:41 PM	Lathen, Jay	Southwell, Alexander H.		Re: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1340	Email	2/26/15 6:43 PM	Lathen, Jay	Southwell, Alexander H.		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1341	Attachment(s)	2/26/15 7:40 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1342	Attachment(s)	2/27/15 11:39 AM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1343	Email	2/28/15 9:19 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	SEC Investigation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1344	Attachment(s)	3/1/15 10:52 AM	Hartman, David	Lathen, Jay		PW: Preparation for the ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1345	Attachment(s)	3/1/15 7:44 PM	Protass, Harlan	Lathen, Jay; Galbraith, Kevin		Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1346	Email	3/1/15 9:09 PM	Galbraith, Kevin	Lathen, Jay		FW: Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1347	Email	3/1/15 9:56 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin	Re: Monday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1348	Attachment(s)	3/2/15 12:11 AM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1349	Email	3/2/15 12:14 AM	Galbraith, Kevin	Protass, Harlan; Lathen, Jay		Re: Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1350	Email	3/2/15 11:32 AM	Southwell, Alexander H.	Lathen, Jay		Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1351	Attachment(s)	3/2/15 12:27 PM	Galbraith, Kevin	Protass, Harlan; Lathen, Jay		Re: Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1352	Email	3/2/15 1:02 PM	Protass, Harlan	Galbraith, Kevin	Lathen, Jay	Re: Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1353	Attachment(s)	3/2/15 1:37 PM	Lathen, Jay	Southwell, Alexander H.		RE: Checking in	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1354	Email	3/2/15 4:41 PM	Protass, Harlan	Lathen, Jay; Galbraith, Kevin			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1355	Email	3/2/15 5:25 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: Fwd: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1356	Attachment(s)	3/2/15 5:27 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: RE: Account Opening Documentation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1357	Email	3/2/15 5:27 PM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1358	Email	3/2/15 6:23 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1359	Email	3/2/15 6:32 PM	Galbraith, Kevin	Lathen, Jay		Re: Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1360	Email	3/2/15 10:31 PM	Southwell, Alexander H.	Lathen, Jay		Re: Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1361	Email	3/3/15 7:39 AM	Lathen, Jay	Southwell, Alexander H.		Re: Checking in	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1362	Email	3/3/15 9:46 AM	Galbraith, Kevin	Lathen, Jay		Re: Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1363	Email	3/3/15 5:07 PM	Lathen, Jay	Southwell, Alexander H.		RE: Checking in	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1364	Email	3/3/15 5:19 PM	Lathen, Jay	Hartman, David		RE: Preparation for the ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1365	Email	3/3/15 5:56 PM	Hartman, David	Lathen, Jay		RE: Preparation for the ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1366	Email	3/3/15 6:01 PM	Lathen, Jay	Hartman, David		RE: Preparation for the ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1367	Attachment(s)	3/3/15 6:33 PM	Galbraith, Kevin	Lathen, Jay		PW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1368	Attachment(s)	3/3/15 6:37 PM	Galbraith, Kevin	Lathen, Jay		PW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1369	Email	3/4/15 8:44 AM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1370	Attachment(s)	3/4/15 10:37 AM	Galbraith, Kevin	Lathen, Jay		PW: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1371	Attachment(s)	3/4/15 11:55 AM	Galbraith, Kevin	Lathen, Jay		PW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1372	Email	3/4/15 12:47 PM	Southwell, Alexander H.	Lathen, Jay		Re: Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1373	Email	3/4/15 12:57 PM	Lathen, Jay	Southwell, Alexander H.		Re: Checking in	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1374	Email	3/4/15 2:48 PM	Southwell, Alexander H.	Lathen, Jay		Re: Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1375	Email	3/4/15 2:49 PM	Lathen, Jay	Southwell, Alexander H.		RE: Checking in	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1376	Email	3/4/15 3:58 PM	Lathen, Jay	Southwell, Alexander H.		Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1377	Email	3/5/15 2:28 PM	Kane, Darren	Lathen, Jay		Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1378	Attachment(s)	3/5/15 4:06 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1379	Email	3/5/15 7:15 PM	Lathen, Jay	Galbraith, Kevin		Re: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1380	Email	3/6/15 9:26 AM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1381	Email	3/6/15 10:04 AM	Lathen, Jay	Galbraith, Kevin		Re: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1382	Email	3/6/15 10:37 AM	Lathen, Jay	Southwell, Alexander H.		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1383	Email	3/6/15 10:50 AM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1384	Attachment(s)	3/6/15 11:33 AM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1385	Attachment(s)	3/6/15 11:41 AM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1386	Attachment(s)	3/6/15 3:40 PM	Lathen, Jay	Hartman, David; Kane, Darren		SEC Formal Order	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1387	Email	3/6/15 3:51 PM	Kane, Darren	Lathen, Jay		Cell: 212-229-2229	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1388	Email	3/6/15 4:05 PM	Lathen, Jay	Kane, Darren		RE: Cell: 212-229-2229	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1389	Email	3/6/15 4:09 PM	Lathen, Jay	Kane, Darren		RE: Cell: 212-229-2229	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1390	Email	3/6/15 4:09 PM	Kane, Darren	Lathen, Jay		RE: Cell: 212-229-2229	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1391	Attachment(s)	3/7/15 9:13 AM	Galbraith, Kevin	Lathen, Jay		Prospect: Amended Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1392	Email	3/7/15 10:42 AM	Lathen, Jay	Galbraith, Kevin		Re: Prospect: Amended Complaint	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1393	Email	3/7/15 11:16 AM	Southwell, Alexander H.	Lathen, Jay		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1394	Email	3/7/15 11:52 AM	Lathen, Jay	Southwell, Alexander H.		Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1395	Email	3/7/15 10:20 PM	Lathen, Jay	Southwell, Alexander H.		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1396	Email	3/8/15 10:57 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect: Amended Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1397	Email	3/8/15 4:18 PM	Southwell, Alexander H.	Lathen, Jay		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1398	Email	3/8/15 4:26 PM	Lathen, Jay	Southwell, Alexander H.		Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1399	Email	3/8/15 9:26 PM	Southwell, Alexander H.	Lathen, Jay		Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1400	Email	3/8/15 9:38 PM	Lathen, Jay	Southwell, Alexander H.		Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1401	Email	3/9/15 10:04 AM	Galbraith, Kevin	Lathen, Jay		SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1402	Email	3/9/15 10:07 AM	Lathen, Jay	Galbraith, Kevin		RE: SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1403	Email	3/9/15 10:50 AM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1404	Email	3/9/15 11:02 AM	Lathen, Jay	Galbraith, Kevin		RE: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1405	Attachment(s)	3/9/15 11:44 AM	Galbraith, Kevin	Lathen, Jay		FW: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1406	Attachment(s)	3/9/15 12:01 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: CIT BANK DEATH PUT REJECTS 8-22-14	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1407	Email	3/9/15 12:06 PM	Galbraith, Kevin	Robinson, Michael D.		RE: CIT BANK DEATH PUT REJECTS 8-22-14	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1408	Attachment(s)	3/9/15 12:19 PM	Robinson, Michael D.	Galbraith, Kevin		Re: CIT BANK DEATH PUT REJECTS 8-22-14	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1409	Email	3/9/15 12:20 PM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT BANK DEATH PUT REJECTS 8-22-14	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1410	Email	3/9/15 12:22 PM	Lathen, Jay	Galbraith, Kevin		RE: Donald Lathen	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1411	Attachment(s)	3/9/15 12:33 PM	Galbraith, Kevin	Lathen, Jay		Re: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1412	Attachment(s)	3/9/15 12:59 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)									
1413	Email	3/9/15 1:04 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.		RE: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1414	Attachment(s)	3/9/15 2:10 PM	Lathen, Jay	Galbraith, Kevin		FW: CD Disclosure Statement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1415	Attachment(s)	3/9/15 2:41 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay	Re: FW: Preparation for the ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1416	Email	3/9/15 2:57 PM	Lathen, Jay	Galbraith, Kevin		RE: Donald Lathen	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1417	Attachment(s)	3/9/15 2:58 PM	Galbraith, Kevin	Lathen, Jay		Re: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1418	Email	3/9/15 4:30 PM	Galbraith, Kevin	Lathen, Jay		Re: CD Disclosure Statement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1419	Email	3/9/15 4:32 PM	Lathen, Jay	Galbraith, Kevin		Re: CD Disclosure Statement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1420	Attachment(s)	3/9/15 4:44 PM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1421	Email	3/10/15 9:35 AM	Robinson, Michael D.	Galbraith, Kevin		Quick Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1422	Email	3/10/15 10:43 AM	Galbraith, Kevin	Robinson, Michael D.		Re: Quick Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1423	Email	3/10/15 10:55 AM	Robinson, Michael D.	Galbraith, Kevin		Re: Quick Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1424	Email	3/10/15 11:21 AM	Lathen, Jay	Southwell, Alexander H.		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1425	Email	3/10/15 11:32 AM	Lathen, Jay	Galbraith, Kevin		Re: Counsel Decision	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1426	Email	3/10/15 11:36 AM	Galbraith, Kevin	Lathen, Jay		Re: Counsel Decision	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1427	Email	3/10/15 11:30 AM	Lathen, Jay	Galbraith, Kevin		RE: Counsel Decision	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1428	Email	3/10/15 11:32 AM	Protass, Harlan	Lathen, Jay		RE: Counsel Decision	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1429	Email	3/10/15 11:38 AM	Lathen, Jay	Protass, Harlan		RE:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1430	Email	3/10/15 11:40 AM	Protass, Harlan	Lathen, Jay		Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1431	Email	3/10/15 12:02 PM	Protass, Harlan	Lathen, Jay		Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1432	Email	3/10/15 12:03 PM	Lathen, Jay	Protass, Harlan		RE: Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1433	Email	3/10/15 12:04 PM	Lathen, Jay	Protass, Harlan		RE: Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)									
1434	Attachment(s)	3/10/15 12:37 PM	Galbraith, Kevin	Protass, Harlan	Lathen, Jay	FW: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1435	Email	3/10/15 12:56 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin	Re: Donald Lathen	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1436	Email	3/10/15 2:02 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1437	Email with Attachment(s)	3/10/15 3:16 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1438	Email with Attachment(s)	3/10/15 4:17 PM	Galbraith, Kevin	Lathen, Jay		Bill through 3-10-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1439	Email with Attachment(s)	3/10/15 4:25 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1440	Email with Attachment(s)	3/10/15 4:27 PM	Protass, Harlan	Lathen, Jay		Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1441	Email with Attachment(s)	3/10/15 4:28 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay	Dropbox Folder for Compliance Review Memo	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1442	Email with Attachment(s)	3/10/15 4:31 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1443	Email with Attachment(s)	3/10/15 4:37 PM	Lathen, Jay	Lathen, Kathy		FW: Eden Arc / SEC	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Harlan Protass		
1444	Email with Attachment(s)	3/10/15 4:51 PM	Lathen, Jay	Protass, Harlan		RE: Eden Arc / SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1445	Email with Attachment(s)	3/10/15 5:05 PM	Protass, Harlan	Lathen, Jay		RE: Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1446	Email with Attachment(s)	3/10/15 5:18 PM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.	RE: Eden Arc / SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1447	Email with Attachment(s)	3/10/15 5:21 PM	Protass, Harlan	Lathen, Jay		RE: Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1448	Email with Attachment(s)	3/10/15 5:25 PM	Lathen, Jay	Protass, Harlan		RE: Eden Arc / SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1449	Email with Attachment(s)	3/10/15 5:56 PM	Lathen, Kathy	Lathen, Jay		Re: Eden Arc / SEC	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Harlan Protass		
1450	Email with Attachment(s)	3/10/15 5:58 PM	Protass, Harlan	Lathen, Jay		Re: Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1451	Email with Attachment(s)	3/10/15 6:00 PM	Lathen, Jay	Lathen, Kathy		RE: Eden Arc / SEC	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Harlan Protass		
1452	Email with Attachment(s)	3/10/15 6:01 PM	Lathen, Jay	Protass, Harlan		FW: Eden Arc / SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1453	Email with Attachment(s)	3/10/15 10:25 PM	Protass, Harlan	Lathen, Jay		Re: Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1454	Email with Attachment(s)	3/11/15 12:31 PM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Prospect Redemption Database	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1455	Email with Attachment(s)	3/11/15 12:32 PM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay		Re: Prospect Redemption Database	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1456	Email with Attachment(s)	3/11/15 12:33 PM	Robinson, Michael D.	Hartman, David		Fwd: Dropbox Folder for Compliance Review Memo	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1457	Email with Attachment(s)	3/11/15 12:40 PM	Robinson, Michael D.	Galbraith, Kevin		Re: Prospect Redemption Database	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1458	Email with Attachment(s)	3/11/15 12:47 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Prospect Redemption Database	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1459	Email with Attachment(s)	3/11/15 12:57 PM	Robinson, Michael D.	Galbraith, Kevin		Re: Prospect Redemption Database	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1460	Email with Attachment(s)	3/11/15 1:38 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.		RE: Prospect Redemption Database	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1461	Email with Attachment(s)	3/11/15 2:09 PM	Lathen, Jay	Protass, Harlan		RE: Eden Arc / SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1462	Email with Attachment(s)	3/11/15 2:37 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Re: Prospect Redemption Database	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1463	Email with Attachment(s)	3/11/15 2:59 PM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1464	Email with Attachment(s)	3/11/15 6:26 PM	Lathen, Jay	Galbraith, Kevin		RE: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1465	Email with Attachment(s)	3/11/15 8:40 PM	Lathen, Jay	Protass, Harlan		Jungbauer executed retainer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1466	Email with Attachment(s)	3/11/15 8:42 PM	Lathen, Jay	Southwell, Alexander H.		Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1467	Email with Attachment(s)	3/12/15 6:39 AM	Protass, Harlan	Lathen, Jay		Re: Jungbauer executed retainer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1468	Email with Attachment(s)	3/12/15 7:22 AM	Hartman, David	Robinson, Michael D.	Lathen, Jay	RE: ADV Info IARD sign in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1469	Email with Attachment(s)	3/12/15 7:59 AM	Robinson, Michael D.	Hartman, David		IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1470	Email with Attachment(s)	3/12/15 10:12 AM	Galbraith, Kevin	Lathen, Jay		Re: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1471	Email with Attachment(s)	3/12/15 10:24 AM	Lathen, Jay	Galbraith, Kevin		Re: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1472	Email with Attachment(s)	3/12/15 10:48 AM	Protass, Harlan	Lathen, Jay		EndCare	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1473	Email with Attachment(s)	3/12/15 10:50 AM	Protass, Harlan	Lathen, Jay		SEC Document Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1474	Email with Attachment(s)	3/12/15 12:56 PM	Lathen, Jay	Protass, Harlan		RE: EndCare	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1475	Email with Attachment(s)	3/12/15 1:29 PM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.	RE: SEC Document Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1476	Email with Attachment(s)	3/12/15 1:31 PM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: SEC Document Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1477	Email with Attachment(s)	3/12/15 1:32 PM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: SEC Document Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1478	Email with Attachment(s)	3/12/15 2:21 PM	Hartman, David	Lathen, Jay		example	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1479	Email with Attachment(s)	3/12/15 4:18 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Michael Robinson wants to share "Prospect Project-XG" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1480	Email with Attachment(s)	3/12/15 4:36 PM	Lathen, Jay	Protass, Harlan		Retainer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1481	Email with Attachment(s)	3/12/15 4:38 PM	Protass, Harlan	Lathen, Jay		Re: Retainer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1482	Email with Attachment(s)	3/12/15 4:43 PM	Robinson, Michael D.	Galbraith, Kevin		Re: Michael Robinson wants to share "Prospect Project-XG" with you	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1483	Email with Attachment(s)	3/12/15 4:51 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Michael Robinson wants to share "Prospect Project-XG" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1484	Email with Attachment(s)	3/12/15 5:20 PM	Robinson, Michael D.	Khambata, Leah		Document Process	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1485	Email with Attachment(s)	3/12/15 5:26 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1486	Email with Attachment(s)	3/13/15 12:23 PM	Hartman, David	Robinson, Michael D.	Lathen, Jay	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1487	Email with Attachment(s)	3/13/15 2:04 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay	Re: IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1488	Email with Attachment(s)	3/13/15 3:02 PM	Protass, Harlan	Lathen, Jay		Quick Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1489	Email with Attachment(s)	3/13/15 3:05 PM	Protass, Harlan	Lathen, Jay		Also, can you send me the letter you first received from the SEC examination staff?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1490	Email with Attachment(s)	3/13/15 3:17 PM	Lathen, Jay	Protass, Harlan		RE: Quick Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1491	Email with Attachment(s)	3/13/15 3:22 PM	Lathen, Jay	Protass, Harlan		RE: Also, can you send me the letter you first received from the SEC Examination staff?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1492	Email	3/13/15 3:28 PM	Protass, Harlan	Lathen, Jay		RE: Also, can you send me the letter you first received from the SEC Examination staff?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1493	Email	3/13/15 3:28 PM	Protass, Harlan	Lathen, Jay		RE: Quick Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1494	Email	3/16/15 1:25 PM	Robinson, Michael D.	Protass, Harlan; Khambata, Leah		DropBox Folder Invitations	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1495	Email	3/16/15 1:29 PM	Protass, Harlan	Robinson, Michael D.	Khambata, Leah	RE: DropBox Folder Invitations	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1496	Email	3/16/15 1:33 PM	Robinson, Michael D.	Protass, Harlan		RE: DropBox Folder Invitations	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1497	Email	3/16/15 2:28 PM	Protass, Harlan	Robinson, Michael D.		RE: DropBox Folder Invitations	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1498	Email	3/17/15 1:56 PM	Galbraith, Kevin	Lathen, Jay		Out of the office through 3/24	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1499	Email with Attachment(s)	3/18/15 12:29 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1500	Email	3/18/15 3:10 PM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1501	Email	3/18/15 3:39 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay	Documents for Production to SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1502	Email	3/18/15 4:03 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	RE: Documents for Production to SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1503	Email	3/18/15 4:19 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay	RE: Documents for Production to SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1504	Email	3/18/15 4:26 PM	Robinson, Michael D.	Protass, Harlan		RE: Documents for Production to SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1505	Email	3/18/15 4:27 PM	Protass, Harlan	Robinson, Michael D.		RE: Documents for Production to SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1506	Email	3/18/15 6:10 PM	Galbraith, Kevin	Lathen, Jay		RE: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1507	Email	3/18/15 6:23 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	RE: Documents for Production to SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1508	Email	3/19/15 9:38 AM	Protass, Harlan	Robinson, Michael D.		RE: Documents for Production to SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1509	Email	3/19/15 9:52 AM	Robinson, Michael D.	Protass, Harlan		RE: Documents for Production to SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1510	Email	3/19/15 6:28 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		SEC Document Production Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1511	Email	3/20/15 10:59 AM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1512	Email	3/20/15 6:15 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		SEC Production Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1513	Email	3/20/15 6:31 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	RE: SEC Production Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1514	Email	3/21/15 3:06 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1515	Email	3/21/15 8:33 AM	Hartman, David	Robinson, Michael D.	Lathen, Jay	IARD Fee for ADV filing	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1516	Email	3/21/15 5:42 PM	Robinson, Michael D.	Hartman, David		RE: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1517	Email	3/23/15 11:17 AM	Kane, Darren	Lathen, Jay		Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1518	Email with Attachment(s)	3/23/15 11:22 AM	Robinson, Michael D.	Hartman, David	Lathen, Jay	RE: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1519	Email	3/23/15 11:25 AM	Hartman, David	Robinson, Michael D.	Lathen, Jay	RE: IARD Fee for ADV filing	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1520	Email	3/23/15 11:29 AM	Robinson, Michael D.	Hartman, David		RE: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1521	Email	3/23/15 11:42 AM	Lathen, Jay	Kane, Darren		RE: Inquiry	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1522	Email	3/23/15 12:02 PM	Kane, Darren	Lathen, Jay	accounting@missioncriticalservices.com	RE: Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1523	Email	3/23/15 12:16 PM	Protass, Harlan	Lathen, Jay		Did you go to the Hoover Dam yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1524	Email	3/23/15 12:16 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay	RE: SEC Production Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1525	Email	3/23/15 12:37 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	RE: SEC Production Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1526	Email	3/23/15 12:50 PM	Lathen, Jay	Protass, Harlan		RE: Did you go to the Hoover Dam yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1527	Email with Attachment(s)	3/23/15 3:45 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay	RE: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1528	Email	3/23/15 3:55 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	RE: SEC Production Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1529	Email	3/23/15 4:06 PM	Protass, Harlan	Robinson, Michael D.		RE: SEC Production Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1530	Email with Attachment(s)	3/23/15 4:34 PM	Protass, Harlan	Robinson, Michael D.		Pages 398-408	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1531	Email	3/23/15 5:59 PM	Robinson, Michael D.	Protass, Harlan		RE: Pages 398-408	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1532	Email with Attachment(s)	3/23/15 6:01 PM	Protass, Harlan	Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1533	Attachment(s)	3/24/15 11:59 AM	Robinson, Michael D.	Protass, Harlan		Jay Lathen Memorandum 6-19-12	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1534	Email	3/24/15 4:43 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay	RE: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1535	Email	3/25/15 8:45 AM	Galbraith, Kevin	Robinson, Michael D.		Voicemail	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1536	Email	3/25/15 11:19 AM	Robinson, Michael D.	Galbraith, Kevin		RE: Voicemail	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1537	Email with Attachment(s)	3/25/15 5:05 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1538	Email with Attachment(s)	3/26/15 11:32 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1539	Email	3/26/15 11:55 AM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1540	Email	3/26/15 1:50 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		SEC Document Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1541	Email with Attachment(s)	3/29/15 3:41 PM	Hartman, David	Lathen, Jay		ADV 2A and	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1542	Email	3/30/15 4:30 PM	Lathen, Jay	Hartman, David		RE: ADV 2A and	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1543	Email	3/30/15 6:20 PM	Hartman, David	Lathen, Jay		RE: ADV 2A and	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1544	Email	3/30/15 6:21 PM	Lathen, Jay	Hartman, David		RE: ADV 2A and	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1545	Email	3/30/15 6:32 PM	Hartman, David	Lathen, Jay		RE: ADV 2A and	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1546	Email with Attachment(s)	3/31/15 11:10 AM	Hartman, David	Lathen, Jay		ADV for Filing Approval	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1547	Email	3/31/15 1:07 PM	Lathen, Jay	Hartman, David		RE: ADV for Filing Approval	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1548	Email with Attachment(s)	3/31/15 1:29 PM	Hartman, David	Lathen, Jay	Kane, Darren	ADV Filed	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1549	Email with Attachment(s)	4/1/15 9:24 AM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1550	Email	4/1/15 5:37 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1551	Email	4/2/15 7:37 PM	Lathen, Jay	Protass, Harlan; Robinson, Michael D.		RE: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1552	Email	4/3/15 3:22 PM	Kane, Darren	Lathen, Jay		Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1553	Email	4/3/15 3:56 PM	Lathen, Jay	Kane, Darren		RE: Your Availability	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1554	Email	4/3/15 4:19 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1555	Email	4/6/15 9:55 AM	Galbraith, Kevin	Lathen, Jay		Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1556	Email with Attachment(s)	4/8/15 9:21 AM	Kane, Darren	Lathen, Jay		False Statement in WestEnd's Form ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1557	Email with Attachment(s)	4/9/15 5:40 AM	Hartman, David	Lathen, Jay		Questions on annual review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1558	Email with Attachment(s)	4/9/15 8:55 AM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1559	Email with Attachment(s)	4/9/15 8:55 AM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1560	Email	4/9/15 9:34 AM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.	Re: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1561	Email	4/9/15 9:39 AM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1562	Email	4/9/15 10:12 AM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.	Re: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1563	Email	4/9/15 10:14 AM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1564	Email	4/9/15 10:36 AM	Hartman, David	Lathen, Jay; Robinson, Michael D.		Do you have a word version of the LPA?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1565	Email with Attachment(s)	4/9/15 11:03 AM	Robinson, Michael D.	Hartman, David; Lathen, Jay		Re: Do you have a word version of the LPA?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1566	Email with Attachment(s)	4/10/15 3:57 PM	Hartman, David	Lathen, Jay	Kane, Darren	Draft Documents for the SEC Response Due Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1567	Email	4/10/15 5:17 PM	Galbraith, Kevin	Lathen, Jay		Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1568	Email with Attachment(s)	4/13/15 9:23 AM	Protass, Harlan	Lathen, Jay		Running about 10 mins late. Sorry.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1569	Email	4/13/15 9:25 AM	Lathen, Jay	Protass, Harlan		Re: Running about 10 mins late. Sorry.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1570	Email	4/13/15 2:20 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: Draft Documents for the SEC Response Due Monday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1571	Email with Attachment(s)	4/13/15 3:05 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: Draft Documents for the SEC Response Due Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1572	Email	4/13/15 3:32 PM	Protass, Harlan	Lathen, Jay		WSJ	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1573	Email with Attachment(s)	4/13/15 4:37 PM	Hartman, David	Lathen, Jay		updated annual review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1574	Email with Attachment(s)	4/13/15 4:40 PM	Hartman, David	Lathen, Jay		Blue Sand Broker Check 1 9 2014	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1575	Email	4/13/15 4:44 PM	Hartman, David	Lathen, Jay		OFAC list link	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1576	Email with Attachment(s)	4/13/15 5:06 PM	Hartman, David	Lathen, Jay	Kane, Darren	Privacy Policy	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1577	Email	4/13/15 5:14 PM	Lathen, Jay	Protass, Harlan		RE: WSJ	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1578	Email	4/13/15 5:18 PM	Protass, Harlan	Lathen, Jay		Re: WSJ	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1579	Email with Attachment(s)	4/13/15 6:09 PM	Lathen, Jay	Hartman, David		Revised LPA with New Valuation Language	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1580	Email	4/14/15 8:44 AM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	Fwd: Re: Smash Services: Questions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1581	Email	4/14/15 2:38 PM	Lathen, Jay	Galbraith, Kevin		RE: Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1582	Email with Attachment(s)	4/14/15 2:41 PM	Galbraith, Kevin	Lathen, Jay		Re: Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1583	Email with Attachment(s)	4/14/15 6:12 PM	Galbraith, Kevin	Lathen, Jay		Re: Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1584	Email	4/14/15 6:15 PM	Lathen, Jay	Galbraith, Kevin		RE: Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1585	Email	4/14/15 6:17 PM	Galbraith, Kevin	Lathen, Jay		Re: Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1586	Email with Attachment(s)	4/15/15 9:35 AM	Galbraith, Kevin	Lathen, Jay		Current Bill	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1587	Email with Attachment(s)	4/15/15 12:13 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	E-mail Data	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1588	Email with Attachment(s)	4/15/15 4:15 PM	Galbraith, Kevin	Doshi, Vinit	Lathen, Jay; Muscarnera, Matthew	Re: Eden Arc Capital Partners Audit Confirm	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1589	Email with Attachment(s)	4/15/15 5:23 PM	Galbraith, Kevin	Lathen, Jay		Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1590	Email with Attachment(s)	4/16/15 3:29 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1591	Email	4/16/15 3:43 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Motion to Dismiss	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1592	Email with Attachment(s)	4/16/15 3:44 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1593	Email with Attachment(s)	4/20/15 12:15 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1594	Email	4/20/15 1:13 PM	Lathen, Jay	Galbraith, Kevin		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1595	Email with Attachment(s)	4/20/15 1:19 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1596	Email with Attachment(s)	4/20/15 1:26 PM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc Capital Partners Audit Confirm	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1597	Email with Attachment(s)	4/20/15 6:08 PM	Lathen, Jay	Robinson, Michael D.		FW: Draft Motion to Dismiss	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Kevin Galbraith.		
1598	Email	4/21/15 4:46 AM	Hartman, David	Lathen, Jay		Quick Books	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1599	Email	4/21/15 3:08 PM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Updated SEC Information - E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1600	Email	4/21/15 3:13 PM	Robinson, Michael D.	Sampoli, Sara		Fwd: Updated SEC Information - E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1601	Email	4/21/15 3:34 PM	Robinson, Michael D.	Sampoli, Sara		Fwd: Updated SEC Information - E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1602	Email with Attachment(s)	4/21/15 4:32 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital Partners Audit Confirm	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1603	Email	4/21/15 4:43 PM	Lathen, Jay	Galbraith, Kevin		RE: Eden Arc Capital Partners Audit Confirm	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1604	Email with Attachment(s)	4/21/15 4:51 PM	Galbraith, Kevin	Doshi, Vinit	Lathen, Jay; Muscarnera, Matthew	Re: Eden Arc Capital Partners Audit Confirm	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1605	Email	4/22/15 10:52 AM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1606	Email	4/22/15 1:21 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Motion to Dismiss	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1607	Email with Attachment(s)	4/22/15 1:22 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1608	Email with Attachment(s)	4/22/15 9:54 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Motion to Dismiss	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1609	Email with Attachment(s)	4/23/15 10:58 AM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1610	Email with Attachment(s)	4/23/15 1:54 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1611	Email with Attachment(s)	4/24/15 10:34 AM	Lathen, Jay	Galbraith, Kevin		Prospect MOD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1612	Email with Attachment(s)	4/24/15 10:35 AM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1613	Email	4/24/15 11:00 AM	Lathen, Jay	Galbraith, Kevin		RE: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1614	Email	4/24/15 11:27 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect MOD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1615	Email	4/24/15 11:31 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect MOD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1616	Email	4/24/15 1:16 PM	Galbraith, Kevin	Lathen, Jay		FW: NYSCEF Notification: New York - Tort - <NOTICE OF MOTION>156375/2014 (PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1617	Email	4/24/15 1:17 PM	Lathen, Jay	Galbraith, Kevin		RE: NYSCEF Notification: New York - Tort - <NOTICE OF MOTION>156375/2014 (PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1618	Email with Attachment(s)	4/24/15 1:29 PM	Galbraith, Kevin	Lathen, Jay		Re: NYSCEF Notification: New York - Tort - <NOTICE OF MOTION>156375/2014 (PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1619	Email with Attachment(s)	4/24/15 1:41 PM	Galbraith, Kevin	Lathen, Jay		RE: NYSCEF Notification: New York - Tort - <NOTICE OF MOTION>156375/2014 (PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1620	Email with Attachment(s)	4/24/15 2:10 PM	Lathen, Jay	Galbraith, Kevin		RE: NYSCEF Notification: New York - Tort - <NOTICE OF MOTION>156375/2014 (PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1621	Email with Attachment(s)	4/24/15 2:13 PM	Galbraith, Kevin	Lathen, Jay		Re: NYSCEF Notification: New York - Tort - <NOTICE OF MOTION>156375/2014 (PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1622	Email with Attachment(s)	4/24/15 3:23 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin	Prospect Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1623	Email	4/24/15 3:55 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Prospect Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1624	Email	4/26/15 11:24 AM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Prospect Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1625	Email with Attachment(s)	4/27/15 4:29 PM	Galbraith, Kevin	Lathen, Jay		Flat Fee for Prospect MTD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1626	Email	4/27/15 5:03 PM	Lathen, Jay	Galbraith, Kevin		RE: Flat Fee for Prospect MTD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1627	Email with Attachment(s)	4/27/15 5:08 PM	Galbraith, Kevin	Lathen, Jay		Re: Flat Fee for Prospect MTD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1628	Email	4/27/15 5:09 PM	Lathen, Jay	Galbraith, Kevin		RE: Flat Fee for Prospect MTD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1629	Email	4/28/15 2:35 PM	Robinson, Michael D.	Galbraith, Kevin		CIT - Related Participant Agreements	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1630	Email	4/28/15 2:38 PM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT - Related Participant Agreements	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1631	Email	4/28/15 4:40 PM	Galbraith, Kevin	Lathen, Jay		CIT	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1632	Email	4/28/15 4:55 PM	Lathen, Jay	Galbraith, Kevin		RE: CIT	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1633	Email	4/29/15 12:25 PM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT - Related Participant Agreements	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1634	Email	4/29/15 12:48 PM	Galbraith, Kevin	Lathen, Jay		Draft Response to CIT	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1635	Email	4/29/15 1:45 PM	Robinson, Michael D.	Galbraith, Kevin		Re: CIT - Related Participant Agreements	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1636	Email with Attachment(s)	4/29/15 1:48 PM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT - Related Participant Agreements	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1637	Email with Attachment(s)	4/29/15 1:53 PM	Robinson, Michael D.	Galbraith, Kevin		Re: CIT - Related Participant Agreements	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1638	Email	4/29/15 1:56 PM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT - Related Participant Agreements	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1639	Email	4/29/15 3:50 PM	Protass, Harlan	Robinson, Michael D.	Sampell, Sara	Re: Updated SEC Information -- E-mails	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1640	Email	4/30/15 10:48 AM	Lathen, Jay	Galbraith, Kevin		RE: Draft Response to CIT	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1641	Email	4/30/15 11:31 AM	Lathen, Jay	Galbraith, Kevin		FW: Lawsuit from Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1642	Email	4/30/15 12:36 PM	Galbraith, Kevin	Lathen, Jay		Re: Lawsuit from Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1643	Email	4/30/15 12:42 PM	Lathen, Jay	Galbraith, Kevin		Re: Lawsuit from Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1644	Email	4/30/15 12:45 PM	Galbraith, Kevin	Lathen, Jay		Re: Lawsuit from Prospect	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1645	Email with Attachment(s)	4/30/15 12:46 PM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1646	Email with Attachment(s)	4/30/15 4:09 PM	Lathen, Jay	Galbraith, Kevin		Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1647	Email	4/30/15 4:25 PM	Protass, Harlan	Lathen, Jay		Kathy's Documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1648	Email	4/30/15 4:42 PM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1649	Email with Attachment(s)	4/30/15 5:01 PM	Lathen, Jay	Galbraith, Kevin		RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1650	Email with Attachment(s)	4/30/15 5:07 PM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1651	Email	4/30/15 5:07 PM	Lathen, Jay	Galbraith, Kevin		RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1652	Email with Attachment(s)	4/30/15 5:09 PM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1653	Email	4/30/15 5:10 PM	Lathen, Jay	Galbraith, Kevin		RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1654	Email with Attachment(s)	5/4/15 11:46 AM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1655	Email	5/4/15 11:48 AM	Lathen, Jay	Galbraith, Kevin		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1656	Email	5/5/15 2:27 PM	Lathen, Jay	Lathen, Kathy		SEC Matter	Attorney Work Product	Communication containing privileged work product		
1657	Email	5/5/15 2:33 PM	Lathen, Jay	Protass, Harlan		Kathy's Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1658	Email	5/5/15 2:39 PM	Lathen, Jay	Protass, Harlan		David Jungbauer Meeting	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1659	Email	5/5/15 5:39 PM	Lathen, Jay	Galbraith, Kevin		RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1660	Attachment(s)	5/5/15 5:44 PM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1661	Attachment(s)	5/6/15 1:25 PM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1662	Email	5/6/15 1:26 PM	Lathen, Jay	Galbraith, Kevin		RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1663	Attachment(s)	5/6/15 1:37 PM	Lathen, Jay	Protass, Harlan		Tax returns	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1664	Attachment(s)	5/6/15 1:40 PM	Lathen, Jay	Protass, Harlan		FW: Fw:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1665	Attachment(s)	5/6/15 1:40 PM	Lathen, Jay	Protass, Harlan		FW: Brochure - REWORKED	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1666	Email	5/6/15 1:40 PM	Lathen, Jay	Protass, Harlan		FW: Charitable Giving Program	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1667	Email	5/6/15 1:40 PM	Lathen, Jay	Protass, Harlan		FW: Welcome to Web Hosting Hub - Your Account Info	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1668	Email	5/6/15 1:40 PM	Lathen, Jay	Protass, Harlan		FW: Web Hosting Hub, Inc - Receipt HUB-315-241018 - 1	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1669	Email	5/6/15 1:41 PM	Lathen, Jay	Protass, Harlan		FW: Receipt for Your Payment to GoDaddy.com, Inc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1670	Email	5/6/15 1:41 PM	Lathen, Jay	Protass, Harlan		FW: Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1671	Email	5/6/15 1:41 PM	Lathen, Jay	Protass, Harlan		FW: RE:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1672	Email	5/6/15 1:41 PM	Lathen, Jay	Protass, Harlan		FW:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1673	Email	5/6/15 1:41 PM	Lathen, Jay	Protass, Harlan		FW: Order receipt from Google Apps (\$10.00)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1674	Email	5/6/15 1:41 PM	Lathen, Jay	Protass, Harlan		FW: Web Hosting Hub - Account Confirmation Required	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1675	Email	5/6/15 1:49 PM	Protass, Harlan	Lathen, Jay		Re: FW: Receipt for Your Payment to GoDaddy.com, Inc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1676	Email	5/6/15 1:50 PM	Lathen, Jay	Protass, Harlan		RE: FW: Receipt for Your Payment to GoDaddy.com, Inc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1677	Email	5/6/15 1:54 PM	Protass, Harlan	Lathen, Jay		Re: FW: Receipt for Your Payment to GoDaddy.com, Inc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1678	Email	5/11/15 12:02 PM	Galbraith, Kevin	Lathen, Jay		CIT and U.S. Bank Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1679	Email	5/11/15 12:07 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1680	Email	5/11/15 12:20 PM	Robinson, Michael D.	Protass, Harlan; Lathen, Jay		Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1681	Email	5/11/15 1:01 PM	Lathen, Jay	Galbraith, Kevin		RE: CIT and U.S. Bank Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1682	Attachment(s)	5/11/15 1:02 PM	Galbraith, Kevin	Lathen, Jay		Re: CIT and U.S. Bank Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1683	Email	5/11/15 4:09 PM	Lathen, Jay	Protass, Harlan; Robinson, Michael D.		RE: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1684	Attachment(s)	5/11/15 6:08 PM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1685	Email	5/11/15 10:02 PM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1686	Email	5/12/15 11:44 AM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1687	Email	5/12/15 11:55 AM	Robinson, Michael D.	Sampoli, Sara		Fwd: Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1688	Attachment(s)	5/12/15 12:08 PM	Lathen, Jay	Galbraith, Kevin		Eden Arc LPA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1689	Email	5/12/15 12:11 PM	Robinson, Michael D.	Sampoli, Sara		Fwd: Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1690	Attachment(s)	5/12/15 12:33 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1691	Email	5/12/15 12:36 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc LPA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1692	Email	5/12/15 1:37 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc LPA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1693	Attachment(s)	5/13/15 3:53 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1694	Email	5/13/15 3:54 PM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1695	Email	5/15/15 1:28 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1696	Email	5/15/15 2:42 PM	Lathen, Jay	Protass, Harlan; Robinson, Michael D.	Sampoli, Sara	RE: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1697	Email	5/15/15 3:01 PM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1698	Attachment(s)	5/15/15 4:19 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1699	Email	5/15/15 6:06 PM	Lathen, Jay	Galbraith, Kevin		Re: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1700	Email	5/16/15 12:59 AM	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara		Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1701	Email	5/16/15 1:06 AM	Robinson, Michael D.	Sampoli, Sara		Fwd: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1702	Attachment(s)	5/16/15 1:07 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1703	Attachment(s)	5/17/15 9:49 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1704	Attachment(s)	5/17/15 9:50 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1705	Email	5/17/15 11:09 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1706	Attachment(s)	5/18/15 12:02 AM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1707	Attachment(s)	5/18/15 12:02 AM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1708	Email	5/18/15 10:05 AM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1709	Email	5/18/15 10:06 AM	Lathen, Jay	Galbraith, Kevin		Re: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1710	Email	5/18/15 10:13 AM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1711	Email	5/18/15 10:49 AM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1712	Email	5/18/15 12:34 PM	Lathen, Jay	Galbraith, Kevin		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1713	Email	5/18/15 12:43 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1714	Email	5/18/15 1:30 PM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara	Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1715	Email	5/18/15 2:38 PM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1716	Email	5/18/15 3:12 PM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1717	Email with Attachment(s)	5/18/15 3:37 PM	Galbraith, Kevin	Lathen, Jay		PW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1718	Email	5/18/15 3:39 PM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1719	Email with Attachment(s)	5/18/15 3:44 PM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1720	Email	5/18/15 7:02 PM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1721	Email	5/19/15 10:17 AM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1722	Email	5/19/15 11:09 AM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1723	Email	5/19/15 11:30 AM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1724	Email	5/19/15 11:47 AM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1725	Email	5/19/15 11:51 AM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1726	Email	5/19/15 11:53 AM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1727	Email	5/19/15 1:29 PM	Protass, Harlan	Robinson, Michael D.		Is anything else fully loaded yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1728	Email	5/19/15 1:34 PM	Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1729	Email	5/19/15 3:05 PM	Protass, Harlan	Robinson, Michael D.		What is now available for me to give to the SEC?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1730	Email	5/19/15 4:55 PM	Robinson, Michael D.	Protass, Harlan		Re: What is now available for me to give to the SEC?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1731	Email	5/19/15 4:57 PM	Robinson, Michael D.	Protass, Harlan		Fwd: ATTENTION: BRETT [Case #008S3096] [ref: 000301FpH_ 50013eG1bMref]	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1732	Email with Attachment(s)	5/19/15 5:02 PM	Galbraith, Kevin	Lathen, Jay		PW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1733	Email	5/19/15 7:48 PM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara; Lathen, Jay	Re: What is now available for me to give to the SEC?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1734	Email	5/19/15 8:18 PM	Protass, Harlan	Lathen, Jay	Judy		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1735	Email	5/20/15 6:31 AM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara; Lathen, Jay	Re: What is now available for me to give to the SEC?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1736	Email	5/20/15 10:27 AM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara; Lathen, Jay	Re: What is now available for me to give to the SEC?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1737	Email	5/20/15 10:27 AM	Robinson, Michael D.	Dean, Dave	Lathen, Jay; Protass, Harlan	Re: Place to place the statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1738	Email	5/20/15 10:49 AM	Protass, Harlan	Robinson, Michael D.	Dean, Dave; Lathen, Jay	Re: Place to place the statements you requested.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1739	Email	5/20/15 12:04 PM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara; Lathen, Jay	Re: What is now available for me to give to the SEC?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1740	Email	5/20/15 3:50 PM	Robinson, Michael D.	Protass, Harlan		Re: What is now available for me to give to the SEC?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1741	Email	5/20/15 4:15 PM	Lathen, Jay	Protass, Harlan		Dave Jungbauer - SEC testimony on June 15th	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1742	Email	5/20/15 5:38 PM	Protass, Harlan	Dean, Dave	Robinson, Michael D.; Sayeem, Mohammad; Beck, Rafael	Re: Broker statements requested for Eden Arc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1743	Email	5/20/15 5:39 PM	Protass, Harlan	Lathen, Jay		Re: Dave Jungbauer - SEC testimony on June 15th	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1744	Email	5/20/15 5:40 PM	Lathen, Jay	Protass, Harlan		RE: Dave Jungbauer - SEC testimony on June 15th	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1745	Email	5/20/15 5:41 PM	Protass, Harlan	Lathen, Jay		Re: Dave Jungbauer - SEC testimony on June 15th	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1746	Email	5/20/15 5:52 PM	Protass, Harlan	Dean, Dave	Sayeem, Mohammad; Beck, Rafael; Robinson, Michael D.	Re: Broker statements requested for Eden Arc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1747	Email	5/20/15 8:53 PM	Robinson, Michael D.	Protass, Harlan; Sampoli, Sara		Michael-Jay and Participants	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1748	Email	5/21/15 9:20 AM	Protass, Harlan	Lathen, Jay		Volcemail	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1749	Email	5/21/15 9:49 AM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara	Re: Michael-Jay and Participants	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1750	Email	5/21/15 1:24 PM	Protass, Harlan	Robinson, Michael D.		Harlan Protass wants to share "SEC Eden Arc Email Production" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1751	Email	5/21/15 2:20 PM	Galbraith, Kevin	Lathen, Jay		PW: NYSECF Notification: New York - Tort - <PROPOSED ORDER TO SHOW CAUSE> 156375/2014 (PROSPECT CAPITAL CORPORATION - v. - DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1752	Email with Attachment(s)	5/21/15 3:19 PM	Galbraith, Kevin	Lathen, Jay		PW: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1753	Email with Attachment(s)	5/21/15 5:09 PM	Lathen, Jay	Protass, Harlan		Email exchange we discussed	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1754	Email	5/21/15 7:12 PM	Protass, Harlan	Lathen, Jay		Re: Email exchange we discussed	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1755	Email	5/22/15 12:04 PM	Protass, Harlan	Lathen, Jay		Re: Email exchange we discussed	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1756	Email	5/22/15 1:47 PM	Sayeem, Mohammad	Protass, Harlan	Lathen, Jay	RE: Eden arc Broker Statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1757	Email	5/22/15 1:48 PM	Protass, Harlan	Sayeem, Mohammad	Lathen, Jay	Re: Eden arc Broker Statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1758	Email	5/22/15 1:50 PM	Sayeem, Mohammad	Lathen, Jay	Protass, Harlan	RE: Eden arc Broker Statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1759	Email	5/22/15 1:51 PM	Protass, Harlan	Sayeem, Mohammad	Lathen, Jay	Re: Eden arc Broker Statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1760	Email	5/22/15 1:51 PM	Sayeem, Mohammad	Protass, Harlan	Lathen, Jay	RE: Eden arc Broker Statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1761	Email	5/22/15 1:51 PM	Hartman, David	Lathen, Jay		Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1762	Email	5/22/15 1:52 PM	Protass, Harlan	Sayeem, Mohammad	Lathen, Jay	RE: Eden arc Broker Statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1763	Email	5/26/15 2:55 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Email Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1764	Email	5/26/15 4:23 PM	Protass, Harlan	Lathen, Jay		Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1765	Email	5/26/15 4:35 PM	Lathen, Jay	Lathen, Kathy		PW: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
1766	Email	5/26/15 4:41 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Sampoli, Sara	Re: Email Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1767	Email	5/26/15 4:54 PM	Lathen, Jay	Robinson, Michael D.; Protass, Harlan	Sampoli, Sara	Re: Email Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1768	Email	5/26/15 5:04 PM	Lathen, Jay	Lathen, Kathy		RE: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
1769	Email	5/26/15 5:16 PM	Lathen, Jay	Lathen, Kathy		RE: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass		
1770	Email	5/26/15 5:23 PM	Lathen, Jay	Protass, Harlan		RE: Testimony Dates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1771	Email with Attachment(s)	5/27/15 1:12 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1772	Email	5/27/15 1:42 PM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1773	Email with Attachment(s)	5/27/15 1:43 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1774	Email	5/27/15 4:37 PM	Protass, Harlan	Lathen, Jay		Re: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1775	Email	5/27/15 5:16 PM	Lathen, Jay	Lathen, Kathy		FW: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of Marlan Protass.		
1776	Email with Attachment(s)	5/28/15 12:42 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Opinion Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1777	Email with Attachment(s)	5/28/15 5:28 PM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1778	Email with Attachment(s)	5/28/15 9:27 PM	Kane, Darren	Lathen, Jay		FW: Outstanding Invoices From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1779	Email	5/29/15 12:13 PM	Protass, Marlan	Lathen, Jay		Are we confirmed for Kathy's testimony on July 15?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1780	Email	6/2/15 10:33 AM	Protass, Marlan	Lathen, Jay		Are we confirmed for Kathy's testimony on July 15?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1781	Email	6/2/15 10:36 AM	Lathen, Jay	Lathen, Kathy		FW: Are we confirmed for Kathy's testimony on July 15?	Attorney Client Privilege	Communication reflecting legal advice of Marlan Protass.		
1782	Email	6/2/15 11:18 AM	Lathen, Kathy	Lathen, Jay		Re: Are we confirmed for Kathy's testimony on July 15?	Attorney Client Privilege	Communication reflecting legal advice of Marlan Protass.		
1783	Email	6/2/15 11:22 AM	Lathen, Jay	Protass, Marlan		RE: Are we confirmed for Kathy's testimony on July 15?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1784	Email	6/2/15 1:31 PM	Protass, Marlan	Lathen, Jay		David Jungbauer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1785	Email	6/2/15 2:21 PM	Galbraith, Kevin	Lathen, Jay		Status Update (Prospect, CIT and Fee)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1786	Email	6/2/15 3:02 PM	Lathen, Jay	Protass, Marlan	Robinson, Michael D.	RE: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1787	Email with Attachment(s)	6/2/15 6:41 PM	Robinson, Michael D.	Lathen, Jay; Protass, Marlan		Re: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1788	Email	6/2/15 8:12 PM	Protass, Marlan	Robinson, Michael D.	Lathen, Jay	Re: David Jungbauer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1789	Email with Attachment(s)	6/3/15 9:52 AM	Robinson, Michael D.	Protass, Marlan	Lathen, Jay	Re: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1790	Email	6/3/15 11:18 AM	Protass, Marlan	Robinson, Michael D.	Lathen, Jay	Re: David Jungbauer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1791	Email	6/3/15 12:15 PM	Lathen, Jay	Protass, Marlan	Robinson, Michael D.	Re: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1792	Email	6/3/15 12:16 PM	Protass, Marlan	Lathen, Jay		Re: David Jungbauer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1793	Email	6/3/15 12:29 PM	Lathen, Jay	Protass, Marlan		Re: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1794	Email	6/4/15 11:54 AM	Robinson, Michael D.	Protass, Marlan	Sampoli, Sara; Lathen, Jay	Smarsh Archive Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1795	Email	6/4/15 11:55 AM	Robinson, Michael D.	Protass, Marlan	Sampoli, Sara	Fwd: Smarsh Import Case 00862225 and 00858349 are Complete [ref: 00D301fpxH_500130y6bref]	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1796	Email	6/4/15 2:54 PM	Protass, Marlan	Lathen, Jay		Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1797	Email	6/4/15 3:05 PM	Lathen, Jay	Protass, Marlan		Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1798	Email	6/4/15 3:40 PM	Protass, Marlan	Lathen, Jay		Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1799	Email	6/5/15 3:43 PM	Protass, Marlan	Lathen, Jay		Do you have a resume or CV with your work and education background? Or can you just shoot me an email with that info?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1800	Email	6/5/15 4:46 PM	Protass, Marlan	Lathen, Jay		Fwd: Eden Arc Capital estimate	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1801	Email	6/5/15 5:32 PM	Lathen, Jay	Protass, Marlan		Re: Eden Arc Capital estimate	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1802	Email	6/7/15 9:58 AM	Lathen, Jay	Galbraith, Kevin		RE: Status Update (Prospect, CIT and Fee)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1803	Email	6/7/15 3:45 PM	Protass, Marlan	Lathen, Jay		Re: Eden Arc Capital estimate	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1804	Email	6/7/15 3:47 PM	Galbraith, Kevin	Lathen, Jay		Re: Status Update (Prospect, CIT and Fee)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1805	Email	6/8/15 1:06 PM	Protass, Marlan	Robinson, Michael D.		Re: Smarsh Archive Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1806	Email	6/9/15 6:24 PM	Lathen, Jay	Protass, Marlan		RE: Eden Arc Capital estimate	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1807	Email	6/9/15 6:26 PM	Protass, Marlan	Lathen, Jay		Re: Eden Arc Capital estimate	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1808	Email	6/10/15 2:50 PM	Protass, Marlan	Lathen, Jay		Separate Counsel for Michael	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1809	Email	6/10/15 9:39 PM	Protass, Marlan	Lathen, Jay		Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1810	Email	6/10/15 10:12 PM	Protass, Marlan	Lathen, Jay		Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1811	Email	6/11/15 7:20 AM	Lathen, Jay	Protass, Marlan		Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1812	Email	6/11/15 10:58 AM	Lathen, Jay	Protass, Marlan		RE: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1813	Email	6/11/15 11:20 AM	Protass, Marlan	Lathen, Jay		Re: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1814	Email	6/11/15 11:33 AM	Protass, Marlan	Robinson, Michael D.		Quick Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1815	Email	6/11/15 11:50 AM	Robinson, Michael D.	Lathen, Jay		Re: Quick Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1816	Email	6/11/15 11:55 AM	Lathen, Jay	Protass, Marlan		Re: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1817	Email	6/11/15 12:16 PM	Protass, Marlan	Lathen, Jay	Robinson, Michael D.	Re: Quick Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1818	Email	6/11/15 1:04 PM	Protass, Marlan	Lathen, Jay		Re: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1819	Email with Attachment(s)	6/11/15 2:12 PM	Galbraith, Kevin	Lathen, Jay		Re: Status Update (Prospect, CIT and Fee)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1820	Email with Attachment(s)	6/11/15 4:27 PM	Galbraith, Kevin	Lathen, Jay		Re: Status Update (Prospect, CIT and Fee)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1821	Email with Attachment(s)	6/12/15 12:58 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Notarized Document	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1822	Email	6/12/15 1:10 PM	Lathen, Jay	Protass, Marlan		Fwd: Eden Arc Capital Partners	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1823	Email	6/12/15 1:14 PM	Protass, Marlan	Lathen, Jay		Re: Eden Arc Capital Partners	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1824	Email	6/12/15 1:15 PM	Lathen, Jay	Protass, Marlan		Fwd: Eden Arc Capital Partners	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1825	Email	6/12/15 1:17 PM	Lathen, Jay	Protass, Marlan		Re: Eden Arc Capital Partners	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1826	Email	6/12/15 1:20 PM	Protass, Marlan	Lathen, Jay		Re: Eden Arc Capital Partners	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1827	Email	6/12/15 1:32 PM	Lathen, Jay	Protass, Marlan		Re: Eden Arc Capital Partners	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1828	Email	6/12/15 2:27 PM	Protass, Marlan	Lathen, Jay		Judy	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1829	Email	6/12/15 3:18 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: Notarized Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1830	Email	6/12/15 3:27 PM	Protass, Marlan	Lathen, Jay; Robinson, Michael D.		Quick Questions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1831	Email	6/12/15 3:28 PM	Protass, Marlan	Lathen, Jay		Re: Eden Arc Capital Partners	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1832	Email with Attachment(s)	6/12/15 3:31 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	National Rural & Fed Farm Credit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1833	Email	6/12/15 3:34 PM	Robinson, Michael D.	Protass, Marlan; Lathen, Jay		Re: Quick Questions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1834	Email	6/12/15 3:38 PM	Protass, Marlan	Robinson, Michael D.	Lathen, Jay	Re: Quick Questions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1835	Email	6/12/15 3:59 PM	Protass, Marlan	Robinson, Michael D.		Re: Quick Questions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1836	Email with Attachment(s)	6/12/15 4:07 PM	Robinson, Michael D.	Protass, Marlan	Lathen, Jay	Re: Quick Questions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1837	Email	6/12/15 4:10 PM	Protass, Marlan	Robinson, Michael D.	Lathen, Jay	Re: Quick Questions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1838	Email	6/12/15 4:59 PM	Protass, Harlan	Grace, Adam S.	Weinstock, Judith	In the Matter of Eden Arc Capital Management, LLC (NY 9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1839	Email	6/12/15 5:04 PM	Protass, Harlan	Lathen, Jay		Communications with the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1840	Email	6/12/15 5:56 PM	Protass, Harlan	Lathen, Jay		Re: Communications with the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1841	Email	6/13/15 2:04 AM	Protass, Harlan	Lathen, Jay		Re: Communications with the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1842	Email	6/15/15 9:42 AM	Galbraith, Kevin	Lathen, Jay		Voicemail	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1843	Email	6/15/15 11:44 AM	Lathen, Jay	Galbraith, Kevin		Re: Voicemail	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1844	Email	6/15/15 12:02 PM	Galbraith, Kevin	Lathen, Jay		Re: Voicemail	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1845	Email with Attachment(s)	6/15/15 12:38 PM	Galbraith, Kevin	Lathen, Jay		FW: National Rural and Federal Farm Holdings Update - David Jungbauer and SEC Contacts with Investors	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1846	Email	6/15/15 1:16 PM	Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1847	Email with Attachment(s)	6/15/15 3:18 PM	Robinson, Michael D.	Protass, Harlan		This Week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1848	Email	6/15/15 3:32 PM	Protass, Harlan	Robinson, Michael D.		Re: This Week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1849	Email	6/15/15 3:42 PM	Protass, Harlan	Lathen, Jay		Have any other investors contacted you to say they'd been contacted by the SEC?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1850	Email	6/15/15 3:52 PM	Lathen, Jay	Protass, Harlan		Re: Have any other investors contacted you to say they'd been contacted by the SEC?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1851	Email	6/15/15 5:25 PM	Robinson, Michael D.	Protass, Harlan		Re: This Week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1852	Email	6/16/15 2:14 PM	Galbraith, Kevin	Lathen, Jay		Prospect Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1853	Email	6/16/15 3:05 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1854	Email	6/16/15 3:10 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1855	Email with Attachment(s)	6/17/15 1:15 PM	Robinson, Michael D.	Protass, Harlan			Attorney Client Privilege	Communication requesting legal advice of counsel.		
1856	Email with Attachment(s)	6/17/15 5:51 PM	Robinson, Michael D.	Protass, Harlan		Robinson's 2014 Tax Return	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1857	Email	6/18/15 1:53 PM	Lathen, Jay	Protass, Harlan		Fwd: Eden Arc Capital Partners	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1858	Email	6/18/15 3:19 PM	Protass, Harlan	Lathen, Jay		Re: Eden Arc Capital Partners	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1859	Email	6/18/15 3:20 PM	Protass, Harlan	Robinson, Michael D.		Friday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1860	Email	6/18/15 3:36 PM	Robinson, Michael D.	Protass, Harlan		Re: Friday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1861	Email	6/18/15 5:19 PM	Protass, Harlan	Robinson, Michael D.		Re: Friday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1862	Email	6/19/15 10:16 AM	Galbraith, Kevin	Lathen, Jay		CF: Good News	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1863	Email with Attachment(s)	6/19/15 10:52 AM	Galbraith, Kevin	Lathen, Jay		Bill 6-19-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1864	Email	6/19/15 10:58 AM	Lathen, Jay	Galbraith, Kevin		Re: CF: Good News	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1865	Email	6/19/15 1:11 PM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: CF: Good News	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1866	Email	6/19/15 9:12 PM	Protass, Harlan	Lathen, Jay		Report on Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1867	Email	6/20/15 1:10 PM	Lathen, Jay	Protass, Harlan		Re: Report on Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1868	Email	6/21/15 6:51 AM	Protass, Harlan	Lathen, Jay		Re: Report on Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1869	Email with Attachment(s)	6/21/15 3:30 PM	Galbraith, Kevin	Lathen, Jay		Prospect: Opposition to Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1870	Email with Attachment(s)	6/21/15 3:32 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FW: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1871	Email	6/22/15 8:53 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: CIT Bank CD Death Puts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1872	Email	6/25/15 1:42 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FW: National Rural and Federal Farm Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1873	Email	6/26/15 11:24 AM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.	Knauer, Jorja	Preparing to Prepare Kathy for Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1874	Email	6/29/15 7:58 AM	Robinson, Michael D.	Protass, Harlan		Discussing SEC Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1875	Email	6/29/15 8:02 AM	Protass, Harlan	Robinson, Michael D.		Re: Discussing SEC Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1876	Email	6/29/15 8:56 AM	Robinson, Michael D.	Protass, Harlan		Re: Discussing SEC Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1877	Email with Attachment(s)	6/29/15 11:35 AM	Galbraith, Kevin	Lathen, Jay		Call today	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1878	Email	6/29/15 11:36 AM	Lathen, Jay	Galbraith, Kevin		RE: Call today	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1879	Email with Attachment(s)	6/29/15 11:51 AM	Galbraith, Kevin	Lathen, Jay		Re: Call today	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1880	Email	6/30/15 1:36 PM	Protass, Harlan	Lathen, Jay		Are you available to talk at 2:00 or 2:30?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1881	Email	6/30/15 1:37 PM	Lathen, Jay	Protass, Harlan		RE: Are you available to talk at 2:00 or 2:30?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1882	Email	6/30/15 1:38 PM	Protass, Harlan	Lathen, Jay		Re: Are you available to talk at 2:00 or 2:30?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1883	Email	7/1/15 12:24 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.	Knauer, Jorja	Re: Preparing to Prepare Kathy for Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1884	Email	7/1/15 1:23 PM	Lathen, Jay	Protass, Harlan; Robinson, Michael D.	Knauer, Jorja	RE: Preparing to Prepare Kathy for Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1885	Email	7/1/15 3:23 PM	Galbraith, Kevin	Lathen, Jay		Automatic reply: National Rural and Federal Farm Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1886	Email	7/1/15 3:23 PM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.; Knauer, Jorja	Re: Preparing to Prepare Kathy for Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1887	Email	7/2/15 3:34 PM	Protass, Harlan	Lathen, Jay		Fwd: Telephone Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1888	Email	7/2/15 3:58 PM	Lathen, Jay	Protass, Harlan		Re: Telephone Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1889	Email	7/2/15 9:30 PM	Protass, Harlan	Lathen, Jay		Re: Telephone Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1890	Email	7/2/15 10:01 PM	Lathen, Jay	Protass, Harlan		Re: Telephone Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1891	Email with Attachment(s)	7/6/15 11:52 AM	Galbraith, Kevin	Lathen, Jay		Re: National Rural and Federal Farm Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1892	Email	7/6/15 6:06 PM	Lathen, Jay	Galbraith, Kevin		RE: National Rural and Federal Farm Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1893	Email with Attachment(s)	7/6/15 6:11 PM	Galbraith, Kevin	Lathen, Jay		Re: National Rural and Federal Farm Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1894	Email	7/7/15 1:35 PM	Galbraith, Kevin	Lathen, Jay		Prospect Docket & CIT Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1895	Email with Attachment(s)	7/8/15 1:47 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Docket & CIT Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1896	Email	7/8/15 2:22 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Docket & CIT Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1897	Email	7/8/15 2:24 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Docket & CIT Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1898	Email with Attachment(s)	7/10/15 3:48 PM	Galbraith, Kevin	Lathen, Jay		Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1899	Email	7/10/15 5:09 PM	Kane, Darren	Lathen, Jay		VeriFirst Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1900	Email with Attachment(s)	7/11/15 12:47 PM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1901	Email with Attachment(s)	7/13/15 4:07 PM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1902	Email	7/13/15 4:26 PM	Lathen, Jay	Galbraith, Kevin		RE: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1903	Email with Attachment(s)	7/13/15 4:29 PM	Galbraith, Kevin	Lathen, Jay		Re: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1904	Email	7/13/15 5:23 PM	Lathen, Kathy	Lathen, Jay		Re: Tomorrow prep session with Harlan	Attorney Work Product	Communication containing privileged work product.		
1905	Email with Attachment(s)	7/13/15 5:31 PM	Galbraith, Kevin	Lathen, Jay		Re: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1906	Email with Attachment(s)	7/14/15 10:40 AM	Galbraith, Kevin	Lathen, Jay		FW: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1907	Email with Attachment(s)	7/14/15 10:41 AM	Galbraith, Kevin	Lathen, Jay		Re: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1908	Email with Attachment(s)	7/14/15 10:46 AM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1909	Email	7/14/15 10:55 AM	Lathen, Jay	Galbraith, Kevin		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1910	Email	7/14/15 11:23 AM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	DTC Interface with CIT	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1911	Email	7/14/15 11:47 AM	Robinson, Michael D.	Galbraith, Kevin		Re: DTC Interface with CIT	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1912	Email	7/14/15 11:49 AM	Galbraith, Kevin	Robinson, Michael D.		Re: DTC Interface with CIT	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1913	Email with Attachment(s)	7/14/15 2:49 PM	Galbraith, Kevin	Robinson, Michael D.		Re: DTC interface with CIT	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1914	Email	7/14/15 4:08 PM	Robinson, Michael D.	Galbraith, Kevin		Re: DTC interface with CIT	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1915	Email with Attachment(s)	7/15/15 9:50 AM	Galbraith, Kevin	Robinson, Michael D.		Re: DTC interface with CIT	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1916	Email	7/15/15 11:09 AM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Fwd: FW: Returned Death Redemption Request(s)/Request for Additional Documentation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1917	Email	7/15/15 11:34 AM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1918	Email	7/15/15 11:42 AM	Lathen, Jay	Galbraith, Kevin		RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1919	Email with Attachment(s)	7/15/15 11:43 AM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1920	Email with Attachment(s)	7/15/15 11:57 AM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1921	Email with Attachment(s)	7/15/15 12:02 PM	Galbraith, Kevin	Robinson, Michael D.		FW: Returned Death Redemption Request(s)/Request for Additional Documentation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1922	Email with Attachment(s)	7/15/15 3:25 PM	Galbraith, Kevin	Robinson, Michael D.		FW: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1923	Email	7/15/15 4:25 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: Fwd: FW: Returned Death Redemption Request(s)/Request for Additional Documentation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1924	Email	7/15/15 4:31 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Returned Death Redemption Request(s)/Request for Additional Documentation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1925	Email with Attachment(s)	7/15/15 7:29 PM	Lathen, Jay	Galbraith, Kevin		RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1926	Email	7/15/15 7:49 PM	Lathen, Jay	Galbraith, Kevin		RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1927	Email with Attachment(s)	7/15/15 8:11 PM	Lathen, Jay	Galbraith, Kevin		RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1928	Email with Attachment(s)	7/16/15 9:22 AM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1929	Email with Attachment(s)	7/16/15 10:48 AM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1930	Email with Attachment(s)	7/16/15 11:16 AM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Notarized Page	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1931	Email with Attachment(s)	7/16/15 1:08 PM	Lathen, Jay	Galbraith, Kevin		RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1932	Email	7/16/15 2:32 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Notarized Page	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1933	Email with Attachment(s)	7/16/15 3:11 PM	Galbraith, Kevin	Lathen, Jay		Reply Brief and Affidavit in Support of Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1934	Email with Attachment(s)	7/16/15 3:13 PM	Galbraith, Kevin	Lathen, Jay		Legal Fees	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1935	Email	7/16/15 5:18 PM	Lathen, Jay	Galbraith, Kevin		RE: Reply Brief and Affidavit in Support of Motion to Dismiss	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1936	Email with Attachment(s)	7/16/15 5:55 PM	Galbraith, Kevin	Lathen, Jay		Re: Reply Brief and Affidavit in Support of Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1937	Email with Attachment(s)	7/17/15 11:41 AM	Protass, Harlan	Lathen, Jay		Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1938	Email	7/17/15 12:20 PM	Lathen, Kathy	Lathen, Jay		Fwd: Would August 5 or 6 for testimony work for you?	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Harlan Protass.		
1939	Email with Attachment(s)	7/17/15 7:28 PM	Lathen, Jay	Protass, Harlan		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1940	Email	7/18/15 9:38 AM	Protass, Harlan	Lathen, Jay		Fwd: Docket Update: United States Securities and Exchange Commission v. Staples et al	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1941	Email	7/20/15 11:50 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Prep Session	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1942	Email	7/20/15 11:55 AM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	Re: Prep Session	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1943	Email	7/20/15 12:00 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Prep Session	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1944	Email	7/20/15 12:22 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	Re: Prep Session	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1945	Email	7/20/15 12:25 PM	Protass, Harlan	Lathen, Jay		Re: Prep Session	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1946	Email with Attachment(s)	7/20/15 4:55 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Revised Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1947	Email with Attachment(s)	7/20/15 6:45 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Revised Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1948	Email	7/21/15 11:54 AM	Protass, Harlan	Lathen, Jay		RE: Revised Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1949	Email	7/21/15 11:54 AM	Lathen, Jay	Protass, Harlan		RE: Revised Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1950	Email with Attachment(s)	7/21/15 3:59 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	EACP 2014 Audited Financials	Attorney Client Privilege	Communication requesting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
1951	Email	7/21/15 7:04 PM	Protass, Harlan	Lathen, Jay		Forgot to mention; no French cuffs, no fancy watches	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1952	Email	7/21/15 7:08 PM	Lathen, Jay	Protass, Harlan		RE: Forgot to mention; no French cuffs, no fancy watches	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1953	Email	7/21/15 8:12 PM	Protass, Harlan	Lathen, Jay		Re: Forgot to mention; no French cuffs, no fancy watches	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1954	Email	7/22/15 1:49 PM	Galbraith, Kevin	Lathen, Jay		Status Updates: Prospect and U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1955	Email	7/22/15 3:12 PM	Gosnell, Wayne	Robinson, Michael D.	Protass, Harlan; Knauer, Jorja	Document Production Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1956	Email	7/22/15 3:50 PM	Robinson, Michael D.	Gosnell, Wayne	Protass, Harlan; Knauer, Jorja	Re: Document Production Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1957	Email	7/22/15 3:56 PM	Protass, Harlan	Robinson, Michael D.	Gosnell, Wayne; Knauer, Jorja	Re: Document Production Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1958	Email	7/22/15 5:29 PM	Robinson, Michael D.	Protass, Harlan	Gosnell, Wayne; Knauer, Jorja	Re: Document Production Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1959	Email	7/22/15 5:40 PM	Protass, Harlan	Knauer, Jorja	Robinson, Michael D.; Gosnell, Wayne	Re: Document Production Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1960	Email with Attachment(s)	7/22/15 6:04 PM	Robinson, Michael D.	Protass, Harlan; Knauer, Jorja	Gosnell, Wayne	Re: Document Production Request	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1961	Email	7/22/15 6:05 PM	Robinson, Michael D.	Protass, Harlan		Katten e-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1962	Email with Attachment(s)	7/22/15 9:10 PM	Protass, Harlan	Lathen, Jay		Fwd: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1963	Email with Attachment(s)	7/22/15 9:11 PM	Protass, Harlan	Lathen, Jay		Fwd: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1964	Email	7/23/15 11:30 AM	Protass, Harlan	Robinson, Michael D.		Please copy me on anything you send to Jay	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1965	Email	7/23/15 11:55 AM	Robinson, Michael D.	Protass, Harlan		Re: Please copy me on anything you send to Jay	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1966	Email	7/23/15 11:56 AM	Robinson, Michael D.	Protass, Harlan		Fwd: Re: Law firm	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1967	Email with Attachment(s)	7/23/15 11:57 AM	Robinson, Michael D.	Protass, Harlan		Fwd: Re: EndCare brochure	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1968	Email	7/23/15 1:55 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1969	Email	7/23/15 2:05 PM	Robinson, Michael D.	Protass, Harlan		Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1970	Email with Attachment(s)	7/23/15 2:37 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication requesting legal advice of counsel.		
1971	Email	7/23/15 2:45 PM	Protass, Harlan	Robinson, Michael D.		Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1972	Email	7/23/15 2:51 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication requesting legal advice of counsel.		
1973	Email	7/23/15 2:54 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication requesting legal advice of counsel.		
1974	Email	7/23/15 3:06 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1975	Email	7/23/15 3:27 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication requesting legal advice of counsel.		
1976	Email	7/24/15 9:55 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Transcript	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1977	Email	7/24/15 10:01 AM	Protass, Harlan	Lathen, Jay	Ortiz, Clara	Outstanding Balance	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1978	Email	7/24/15 12:20 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Transcript	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1979	Email	7/24/15 1:30 PM	Lathen, Jay	Protass, Harlan	Ortiz, Clara	RE: Outstanding Balance	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1980	Email	7/24/15 1:32 PM	Protass, Harlan	Lathen, Jay	Ortiz, Clara	RE: Outstanding Balance	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1981	Email	7/24/15 1:34 PM	Lathen, Jay	Protass, Harlan	Ortiz, Clara	RE: Outstanding Balance	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1982	Email	7/24/15 1:37 PM	Protass, Harlan	Lathen, Jay	Ortiz, Clara	RE: Outstanding Balance	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1983	Email	7/27/15 9:37 AM	Protass, Harlan	Robinson, Michael D.		PPM	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1984	Email	7/27/15 10:19 AM	Robinson, Michael D.	Protass, Harlan		Michael Robinson has shared a file with you using Dropbox	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1985	Email with Attachment(s)	7/27/15 10:21 AM	Robinson, Michael D.	Protass, Harlan		PPM 2011	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1986	Email	7/27/15 10:22 AM	Robinson, Michael D.	Protass, Harlan		Re: PPM	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1987	Email	7/27/15 10:25 AM	Robinson, Michael D.	Protass, Harlan		Files	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1988	Email	7/27/15 11:01 AM	Protass, Harlan	Robinson, Michael D.		Next Question -- When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1989	Email	7/27/15 11:18 AM	Protass, Harlan	Robinson, Michael D.		Re: Files	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1990	Email	7/27/15 11:49 AM	Robinson, Michael D.	Protass, Harlan		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1991	Email	7/27/15 11:52 AM	Protass, Harlan	Robinson, Michael D.		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1992	Email	7/27/15 2:48 PM	Robinson, Michael D.	Protass, Harlan		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1993	Email	7/27/15 2:59 PM	Protass, Harlan	Robinson, Michael D.		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1994	Email	7/27/15 3:08 PM	Robinson, Michael D.	Protass, Harlan		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1995	Email	7/27/15 3:16 PM	Protass, Harlan	Robinson, Michael D.		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1996	Email with Attachment(s)	7/27/15 4:54 PM	Robinson, Michael D.	Protass, Harlan		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1997	Email	7/28/15 9:43 AM	Protass, Harlan	Robinson, Michael D.		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1998	Email	7/28/15 9:52 AM	Galbraith, Kevin	Lathen, Jay		Fw: Federal Farm Applications Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1999	Email	7/28/15 11:01 AM	Lathen, Jay	Galbraith, Kevin		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2000	Email	7/28/15 1:40 PM	Robinson, Michael D.	Protass, Harlan		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2001	Email	7/28/15 2:07 PM	Protass, Harlan	Robinson, Michael D.		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2002	Email	7/28/15 3:57 PM	Robinson, Michael D.	Protass, Harlan		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2003	Email	7/28/15 8:49 PM	Protass, Harlan	Robinson, Michael D.		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2004	Email	7/28/15 9:07 PM	Robinson, Michael D.	Protass, Harlan		Re: Next Question -- When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2005	Email	7/29/15 10:05 AM	Galbraith, Kevin	Lathen, Jay		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2006	Email	7/29/15 1:40 PM	Protass, Harlan	Robinson, Michael D.		Tax Returns	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2007	Email	7/29/15 2:07 PM	Robinson, Michael D.	Protass, Harlan		Re: Tax Returns	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2008	Email	7/29/15 2:50 PM	Protass, Harlan	Lathen, Jay		Tax Returns	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2009	Email	7/29/15 3:04 PM	Lathen, Jay	Protass, Harlan		Re: Tax Returns	Attorney Client Privilege	Communication requesting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2010	Email	7/30/15 1:02 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	Brochure Research and E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2011	Email	7/30/15 1:23 PM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.	Re: Brochure Research and E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2012	Email	7/30/15 2:20 PM	Robinson, Michael D.	Lathen, Jay	Protass, Harlan	Re: Brochure Research and E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2013	Email	7/30/15 2:28 PM	Robinson, Michael D.	Lathen, Jay	Protass, Harlan	Re: Brochure Research and E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2014	Email	7/30/15 4:28 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay	Re: Brochure Research and E-mails	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2015	Email	7/30/15 4:56 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	Re: Brochure Research and E-mails	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2016	Email	7/31/15 10:23 AM	Galbraith, Kevin	Lathen, Jay		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2017	Email	7/31/15 10:27 AM	Protass, Harlan	Lathen, Jay		Transcript of Your Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2018	Email	7/31/15 10:40 AM	Lathen, Jay	Galbraith, Kevin		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2019	Email	7/31/15 10:53 AM	Lathen, Jay	Protass, Harlan		Re: Transcript of Your Testimony	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2020	Email	7/31/15 12:29 PM	Galbraith, Kevin	Lathen, Jay		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2021	Email	7/31/15 1:12 PM	Lathen, Jay	Galbraith, Kevin		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2022	Email	7/31/15 2:59 PM	Protass, Harlan	Lathen, Jay		Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2023	Email	7/31/15 4:29 PM	Lathen, Jay	Protass, Harlan		Re: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2024	Email	8/3/15 9:55 AM	Galbraith, Kevin	Lathen, Jay		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2025	Email	8/3/15 9:49 AM	Protass, Harlan	Lathen, Jay		Re: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2026	Email	8/3/15 12:44 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	Fwd: RE: CD Redemption Rejections	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2027	Email	8/3/15 12:59 PM	Lathen, Jay	Protass, Harlan		RE: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2028	Email	8/3/15 1:16 PM	Robinson, Michael D.	Galbraith, Kevin		CIT Puts	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2029	Email	8/3/15 1:20 PM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT Puts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2030	Email with Attachment(s)	8/3/15 1:22 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: CD Redemption Rejections	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2031	Email	8/3/15 1:23 PM	Robinson, Michael D.	Galbraith, Kevin		Re: CIT Puts	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2032	Email	8/3/15 3:33 PM	Galbraith, Kevin	Lathen, Jay		Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2033	Email	8/3/15 3:34 PM	Lathen, Jay	Galbraith, Kevin		RE: Status Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2034	Email	8/3/15 4:22 PM	Protass, Harlan	Lathen, Jay		RE: Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2035	Email	8/3/15 4:51 PM	Lathen, Jay	Protass, Harlan		RE: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2036	Email with Attachment(s)	8/3/15 4:53 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	EndCare Brochures	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2037	Email with Attachment(s)	8/3/15 5:05 PM	Protass, Harlan	Lathen, Jay		Question from Judy Weinstock	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2038	Email with Attachment(s)	8/3/15 5:17 PM	Protass, Harlan	Lathen, Jay		Fwd: Question from Judy Weinstock	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2039	Email	8/3/15 5:24 PM	Protass, Harlan	Lathen, Jay		Re: Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2040	Email	8/3/15 5:34 PM	Protass, Harlan	Lathen, Jay		Did you get the transcript I dropped at your apt last Friday?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2041	Email	8/3/15 6:55 PM	Lathen, Jay	Protass, Harlan		Re: Did you get the transcript I dropped at your apt last Friday?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2042	Email with Attachment(s)	8/3/15 7:42 PM	Lathen, Jay	Protass, Harlan		RE: Question from Judy Weinstock	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2043	Email	8/3/15 8:25 PM	Lathen, Jay	Protass, Harlan		RE: Question from Judy Weinstock	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2044	Email with Attachment(s)	8/4/15 12:10 PM	Galbraith, Kevin	Lathen, Jay		Re: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2045	Email with Attachment(s)	8/4/15 12:10 PM	Galbraith, Kevin	Lathen, Jay		Re: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2046	Email	8/5/15 12:27 PM	Lathen, Jay	Protass, Harlan		RE: Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2047	Email	8/5/15 12:33 PM	Protass, Harlan	Lathen, Jay; Gosnell, Wayne		Re: Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2048	Email	8/5/15 12:36 PM	Lathen, Jay	Protass, Harlan; Gosnell, Wayne		RE: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2049	Email	8/6/15 8:49 AM	Protass, Harlan	Robinson, Michael D.	Gosnell, Wayne	Email Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2050	Email	8/6/15 8:55 AM	Robinson, Michael D.	Protass, Harlan	Gosnell, Wayne	RE: Email Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2051	Email	8/6/15 8:56 AM	Robinson, Michael D.	Protass, Harlan	Gosnell, Wayne	RE: Email Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2052	Email	8/6/15 8:59 AM	Protass, Harlan	Robinson, Michael D.	Gosnell, Wayne	RE: Email Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2053	Email	8/6/15 3:30 PM	Galbraith, Kevin	Lathen, Jay	Galbraith, Kevin	SEC Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2054	Email	8/6/15 6:39 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	Fwd: FW: death put for GE and Synchrony Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2055	Email	8/6/15 8:34 PM	Lathen, Jay	Robinson, Michael D.	Galbraith, Kevin	Re: death put for GE and Synchrony Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2056	Email	8/6/15 9:38 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	Re: death put for GE and Synchrony Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2057	Email	8/7/15 13:54 PM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay	Gosnell, Wayne	Re: death put for GE and Synchrony Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2058	Email	8/7/15 4:48 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.	Gosnell, Wayne	Email Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2059	Email	8/9/15 4:59 PM	Zane, Darren	Lathen, Jay	Hartman, David	Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2060	Email	8/11/15 11:46 AM	Robinson, Michael D.	Protass, Harlan; Lathen, Jay	Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2061	Email	8/11/15 2:18 PM	Robinson, Michael D.	Protass, Harlan; Lathen, Jay	Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2062	Email with Attachment(s)	8/11/15 2:55 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2063	Email	8/11/15 3:23 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2064	Email with Attachment(s)	8/11/15 4:41 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2065	Email	8/11/15 5:42 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Fwd: Smarsh Import Case 00896567 (ref: 00D301Fgjh_50013pckvM:ref)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2066	Email	8/12/15 10:35 AM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2067	Email	8/12/15 11:26 AM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re: Smarsh Import Case 00896567 (ref: 00D301Fgjh_50013pckvM:ref)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2068	Email with Attachment(s)	8/12/15 11:29 AM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2069	Email	8/12/15 12:22 PM	Robinson, Michael D.	Protass, Harlan		Analyst Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2070	Email	8/12/15 1:45 PM	Galbraith, Kevin	Lathen, Jay	Galbraith, Kevin	DRAFT Email to Federal Farm Credit Counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2071	Email	8/12/15 2:15 PM	Galbraith, Kevin	Robinson, Michael D.		Gika Material	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2072	Email	8/12/15 3:18 PM	Lathen, Jay	Galbraith, Kevin		RE: DRAFT Email to Federal Farm Credit Counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2073	Email	8/12/15 3:21 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.; Galbraith, Kevin	RE: DRAFT Email to Federal Farm Credit Counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2074	Email with Attachment(s)	8/12/15 3:25 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: DRAFT Email to Federal Farm Credit Counsel	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2075	Email with Attachment(s)	8/12/15 3:52 PM	Galbraith, Kevin	Lathen, Jay		Fw: Lathen Survivor's Option Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Status
2076	Email	8/12/15 4:04 PM	Protass, Harlan	Robinson, Michael D.		Re: Analyst Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2077	Email	8/12/15 10:35 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2078	Email	8/13/15 6:37 AM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2079	Email with Attachment(s)	8/13/15 3:25 PM	Galbraith, Kevin	Lathen, Jay		Draft letter to Mucida	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2080	Email	8/13/15 4:10 PM	Lathen, Jay	Galbraith, Kevin		Re: Draft letter to Mucida	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2081	Email	8/13/15 4:11 PM	Galbraith, Kevin	Lathen, Jay		Re: Draft letter to Mucida	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2082	Email	8/13/15 4:36 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2083	Email	8/13/15 5:21 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2084	Email	8/13/15 5:42 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re: Email Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2085	Email	8/14/15 7:02 AM	Protass, Harlan	Lathen, Jay; Lathen, Kathy			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2086	Email	8/18/15 11:49 AM	Robinson, Michael D.	Protass, Harlan	Gosnell, Wayne; Lathen, Jay	E-mail Count	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2087	Email	8/18/15 3:57 PM	Galbraith, Kevin	Lathen, Jay		CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2088	Email	8/18/15 3:59 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: CIT Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2089	Email with Attachment(s)	8/18/15 8:07 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		Draft Letter to the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2090	Email	8/18/15 8:30 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	Re: Draft Letter to the SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2091	Email with Attachment(s)	8/19/15 11:42 AM	Lathen, Jay	Protass, Harlan; Robinson, Michael D.		RE: Draft Letter to the SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2092	Email	8/19/15 11:50 AM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: Draft Letter to the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2093	Email	8/19/15 12:12 PM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.	RE: Draft Letter to the SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2094	Email with Attachment(s)	8/19/15 3:48 PM	Protass, Harlan	Lathen, Jay		Fwd: Telephone Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2095	Email	8/19/15 4:03 PM	Protass, Harlan	Lathen, Jay		Fwd: NACDL White Collar : Securities Fraud / Survivor option	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2096	Email	8/19/15 4:20 PM	Lathen, Jay	Protass, Harlan		RE: NACDL White Collar : Securities Fraud / Survivor option	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2097	Email	8/19/15 4:54 PM	Protass, Harlan	Lathen, Jay		Re: NACDL White Collar : Securities Fraud / Survivor option	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2098	Email with Attachment(s)	8/19/15 4:55 PM	Protass, Harlan	Lathen, Jay		Fwd: Favorites	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2099	Email	8/19/15 5:27 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	GE/Synchrony Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2100	Email	8/19/15 5:32 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: GE/Synchrony Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2101	Email	8/19/15 5:41 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: GE/Synchrony Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2102	Email	8/19/15 5:47 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: GE/Synchrony Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2103	Email	8/19/15 5:48 PM	Lathen, Jay	Protass, Harlan		RE: Favorites	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2104	Email	8/19/15 6:01 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.		RE: GE/Synchrony Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2105	Email with Attachment(s)	8/19/15 6:44 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Re: GE/Synchrony Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2106	Email	8/20/15 10:32 AM	Protass, Harlan	Lathen, Jay		Re: Favorites	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2107	Email with Attachment(s)	8/20/15 11:12 AM	Protass, Harlan	Lathen, Jay		SEC letter attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2108	Email with Attachment(s)	8/20/15 11:41 AM	Protass, Harlan	Lathen, Jay		Your Day 3 Testimony Attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2109	Email	8/21/15 1:07 AM	Protass, Harlan	Lathen, Jay		Fwd: Docket Update: United States Securities and Exchange Commission v. Staples et al	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2110	Email with Attachment(s)	8/21/15 9:45 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Staples' Expert Witness	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2111	Email with Attachment(s)	8/21/15 10:40 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Response from the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2112	Email	8/21/15 12:04 PM	Protass, Harlan	Lathen, Jay		CDs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2113	Email with Attachment(s)	8/21/15 12:49 PM	Protass, Harlan	Lathen, Jay		Here's the final letter sent to the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2114	Email	8/21/15 2:02 PM	Galbraith, Kevin	Lathen, Jay		GE Capital Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2115	Email with Attachment(s)	8/21/15 2:04 PM	Galbraith, Kevin	Lathen, Jay		Prospect Motion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2116	Email	8/21/15 4:35 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Staples' Expert Witness	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2117	Email	8/21/15 4:28 PM	Protass, Harlan	Lathen, Jay		Re: Staples' Expert Witness	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2118	Email	8/21/15 4:48 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Motion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2119	Email with Attachment(s)	8/24/15 11:38 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Motion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2120	Email	8/24/15 12:19 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Motion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2121	Email	8/24/15 2:34 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Motion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2122	Email	8/24/15 2:40 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Motion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2123	Email	8/24/15 2:47 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Motion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2124	Email	8/24/15 2:54 PM	Lathen, Jay	Galbraith, Kevin		Re: Prospect Motion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2125	Email	8/24/15 3:04 PM	Protass, Harlan	Lathen, Jay		Just left you a vmail. Please call when you can.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2126	Email	8/24/15 3:20 PM	Lathen, Jay	Galbraith, Kevin		RE: GE Capital Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2127	Email with Attachment(s)	8/24/15 3:48 PM	Galbraith, Kevin	Lathen, Jay		Re: GE Capital Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2128	Email with Attachment(s)	8/24/15 4:04 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Fwd: FW: CIT BANK PUT CUSIP#17284A3N6 AND 17284CD24	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2129	Email	8/24/15 4:44 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Johnson and Shelley participant agreements	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2130	Email with Attachment(s)	8/24/15 5:05 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: Johnson and Shelley participant agreements	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2131	Email	8/25/15 10:08 AM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: CIT BANK PUT CUSIP#17284A3N6 AND 17284CD24	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2132	Email with Attachment(s)	8/25/15 12:06 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2133	Email with Attachment(s)	8/25/15 12:18 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2134	Email	8/25/15 2:46 PM	Galbraith, Kevin	Lathen, Jay		Prospect: Procedural Route	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2135	Email with Attachment(s)	8/25/15 3:10 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	RE: CIT BANK PUT CUSIP#17284A3N6 AND 17284CDZ	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2136	Email	8/26/15 4:15 PM	Galbraith, Kevin	Lathen, Jay		Status Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2137	Email	8/26/15 4:26 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Status Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2138	Email with Attachment(s)	8/26/15 4:31 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Status Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2139	Email with Attachment(s)	8/27/15 12:30 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	SunTrust Rejection	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2140	Email	8/27/15 12:33 PM	Lathen, Jay	Robinson, Michael D.	Galbraith, Kevin	RE: SunTrust Rejection	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2141	Email	8/27/15 12:44 PM	Robinson, Michael D.	Lathen, Jay		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes	EA00033609
2142	Email with Attachment(s)	8/27/15 1:44 PM	Lathen, Jay	Robinson, Michael D.		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes	EA00033611
2143	Email	8/27/15 3:08 PM	Lathen, Jay	Protass, Harlan		White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2144	Email	8/27/15 3:15 PM	Protass, Harlan	Lathen, Jay		RE: White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2145	Email	8/27/15 3:31 PM	Kane, Darren	Lathen, Jay		Client Alert – Anti-money Laundering Rule	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2146	Email	8/27/15 3:31 PM	Kane, Darren	Robinson, Michael D.		Client Alert – Anti-money Laundering Rule	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2147	Email	8/27/15 3:39 PM	Lathen, Jay	Protass, Harlan		RE: White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2148	Email	8/27/15 3:45 PM	Robinson, Michael D.	Lathen, Jay		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes	EA00033653
2149	Email	8/27/15 3:48 PM	Lathen, Jay	Robinson, Michael D.		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes	EA00033656
2150	Email	8/27/15 4:07 PM	Robinson, Michael D.	Lathen, Jay		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes	EA00033659
2151	Email	8/27/15 4:08 PM	Lathen, Jay	Robinson, Michael D.		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes	EA00033663
2152	Email	8/27/15 4:48 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	BMO/Harris Rejections	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2153	Email	8/27/15 4:53 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	RE: BMO/Harris Rejections	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2154	Email with Attachment(s)	8/27/15 6:28 PM	Robinson, Michael D.	Lathen, Jay; Galbraith, Kevin		RE: Status Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2155	Email with Attachment(s)	8/28/15 11:37 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2156	Email	8/28/15 12:01 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2157	Email	8/28/15 12:04 PM	Lathen, Jay	Galbraith, Kevin		RE: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2158	Email with Attachment(s)	8/28/15 12:28 PM	Galbraith, Kevin	Lathen, Jay		RE: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2159	Email	8/28/15 3:14 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Offering Documents Language	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2160	Email	8/29/15 2:34 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.	Gosnell, Wayne	Email Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2161	Email with Attachment(s)	8/29/15 6:37 PM	Protass, Harlan	Lathen, Jay		IMPORTANT – Staples Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2162	Email	8/29/15 6:41 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	RE: Email Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2163	Email	8/29/15 6:52 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	RE: Email Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2164	Email	8/31/15 10:44 AM	Lathen, Jay	Protass, Harlan; Robinson, Michael D.	Gosnell, Wayne	RE: Email Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2165	Email	8/31/15 10:48 AM	Lathen, Jay	Protass, Harlan		RE: IMPORTANT – Staples Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2166	Email	8/31/15 11:05 AM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.; Gosnell, Wayne	RE: Email Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2167	Email	8/31/15 11:06 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	RE: IMPORTANT – Staples Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2168	Email with Attachment(s)	8/31/15 1:56 PM	Galbraith, Kevin	Robinson, Michael D.		FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2169	Email with Attachment(s)	8/31/15 4:20 PM	Galbraith, Kevin	Lathen, Jay		Draft Summary Judgment Papers	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2170	Email with Attachment(s)	8/31/15 5:18 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Summary Judgment Papers	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2171	Email with Attachment(s)	8/31/15 5:45 PM	Galbraith, Kevin	Lathen, Jay		RE: Draft Summary Judgment Papers	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2172	Email with Attachment(s)	9/1/15 5:14 PM	Robinson, Michael D.	Galbraith, Kevin		RE: FW: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2173	Email with Attachment(s)	9/1/15 5:57 PM	Robinson, Michael D.	Galbraith, Kevin		RE: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2174	Email	9/1/15 8:12 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2175	Email	9/1/15 8:23 PM	Lathen, Jay	Protass, Harlan		RE: Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2176	Email	9/1/15 8:59 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	RE: Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2177	Email	9/2/15 8:55 AM	Galbraith, Kevin	Robinson, Michael D.		RE: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2178	Email with Attachment(s)	9/2/15 8:59 AM	Galbraith, Kevin	Lathen, Jay		FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2179	Email	9/2/15 9:59 AM	Galbraith, Kevin	Robinson, Michael D.		Call Yesterday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2180	Email	9/2/15 1:47 PM	Protass, Harlan	Lathen, Jay		White Paper and Emails	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2181	Email	9/2/15 11:03 PM	Galbraith, Kevin	Lathen, Jay		Brief Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2182	Email	9/3/15 8:44 AM	Hartman, David	Lathen, Jay	Kane, Darren	White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2183	Email with Attachment(s)	9/3/15 12:42 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Summary Judgment Papers	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2184	Email with Attachment(s)	9/3/15 12:44 PM	Galbraith, Kevin	Lathen, Jay		RE: Draft Summary Judgment Papers	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2185	Email	9/3/15 12:46 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Summary Judgment Papers	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2186	Email with Attachment(s)	9/3/15 12:55 PM	Galbraith, Kevin	Lathen, Jay		RE: Draft Summary Judgment Papers	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2187	Email with Attachment(s)	9/3/15 1:34 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2188	Email with Attachment(s)	9/3/15 1:37 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Summary Judgment Papers	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2189	Email with Attachment(s)	9/3/15 3:37 PM	Galbraith, Kevin	Lathen, Jay		Filed Versions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2190	Email	9/3/15 3:54 PM	Lathen, Jay	Galbraith, Kevin		RE: Filed Versions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2191	Email with Attachment(s)	9/4/15 9:07 AM	Galbraith, Kevin	Lathen, Jay		Re: Filed Versions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2192	Email	9/4/15 10:15 AM	Lathen, Jay	Galbraith, Kevin		Re: Filed Versions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2193	Email	9/4/15 10:17 AM	Galbraith, Kevin	Lathen, Jay		Re: Filed Versions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2194	Attachment(s)	9/4/15 1:35 PM	Galbraith, Kevin	Lathen, Jay		Bill and Status Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2195	Email	9/5/15 10:51 AM	Kane, Darren	Lathen, Jay		Draft SEC Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2196	Email with Attachment(s)	9/5/15 11:43 AM	Lathen, Jay	Kane, Darren		Fwd: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2197	Attachment(s)	9/6/15 11:25 AM	Kane, Darren	Lathen, Jay		RE: Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2198	Email	9/8/15 10:11 AM	Lathen, Jay	Kane, Darren		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2199	Email	9/8/15 10:18 AM	Kane, Darren	Lathen, Jay		RE: Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2200	Email	9/8/15 10:38 AM	Lathen, Jay	Kane, Darren		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2201	Email	9/8/15 11:58 AM	Kane, Darren	Lathen, Jay		RE: Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2202	Email	9/8/15 12:52 PM	Lathen, Jay	Kane, Darren		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2203	Email	9/8/15 1:43 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2204	Email	9/8/15 1:44 PM	Protass, Harlan	Lathen, Jay		RE: Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2205	Email	9/8/15 1:45 PM	Lathen, Jay	Protass, Harlan		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2206	Email	9/8/15 1:49 PM	Protass, Harlan	Lathen, Jay		RE: Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2207	Email	9/8/15 2:18 PM	Lathen, Jay	Kane, Darren		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2208	Email	9/8/15 3:16 PM	Lathen, Jay	Protass, Harlan		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2209	Email	9/8/15 3:25 PM	Protass, Harlan	Lathen, Jay		RE: Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2210	Email with Attachment(s)	9/8/15 5:35 PM	Lathen, Jay	Protass, Harlan		RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2211	Email with Attachment(s)	9/10/15 9:06 AM	Galbraith, Kevin	Lathen, Jay		Prospect Reply Brief	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2212	Email	9/10/15 9:45 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Reply Brief	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2213	Email with Attachment(s)	9/10/15 9:50 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Reply Brief	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2214	Email	9/10/15 9:57 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Reply Brief	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2215	Email with Attachment(s)	9/10/15 9:59 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Reply Brief	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2216	Attachment(s)	9/10/15 11:23 AM	Protass, Harlan	Lathen, Jay		White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2217	Email	9/10/15 12:52 PM	Lathen, Jay	Galbraith, Kevin		RE: Prospect Reply Brief	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2218	Email with Attachment(s)	9/10/15 12:56 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Reply Brief	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2219	Email	9/10/15 1:20 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		Where are we on the emails?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2220	Email	9/10/15 1:21 PM	Lathen, Jay	Protass, Harlan; Robinson, Michael D.		RE: Where are we on the emails?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2221	Email with Attachment(s)	9/10/15 2:02 PM	Lathen, Jay	Protass, Harlan		RE: White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2222	Email with Attachment(s)	9/10/15 4:11 PM	Protass, Harlan	Lathen, Jay		Have a look at the attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2223	Email	9/10/15 4:14 PM	Protass, Harlan	Lathen, Jay		Three Needed Exhibits	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2224	Email with Attachment(s)	9/10/15 4:44 PM	Lathen, Jay	Protass, Harlan		RE: Three Needed Exhibits	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2225	Email	9/10/15 4:53 PM	Protass, Harlan	Lathen, Jay		Re: Three Needed Exhibits	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2226	Email with Attachment(s)	9/10/15 5:54 PM	Lathen, Jay	Protass, Harlan		RE: Have a look at the attached	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2227	Email	9/10/15 5:57 PM	Protass, Harlan	Lathen, Jay		Re: Have a look at the attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2228	Email	9/10/15 5:59 PM	Lathen, Jay	Protass, Harlan		RE: Have a look at the attached	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2229	Email	9/10/15 6:14 PM	Lathen, Jay	Protass, Harlan		RE: Have a look at the attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2230	Email	9/10/15 6:23 PM	Protass, Harlan	Lathen, Jay		Re: Have a look at the attached	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2231	Email	9/10/15 6:23 PM	Lathen, Jay	Protass, Harlan		RE: Have a look at the attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2232	Email with Attachment(s)	9/10/15 6:32 PM	Lathen, Jay	Kane, Darren		Close to final draft of SEC "White Paper"	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2233	Email	9/10/15 6:35 PM	Lathen, Jay	Protass, Harlan		Re: Have a look at the attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2234	Email with Attachment(s)	9/10/15 10:19 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Close to final draft of SEC "White Paper"	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2235	Attachment(s)	9/11/15 5:46 AM	Protass, Harlan	Lathen, Jay		White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2236	Email	9/11/15 8:47 AM	Kane, Darren	Lathen, Jay		RE: Close to final draft of SEC "White Paper"	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2237	Email	9/11/15 9:27 AM	Lathen, Jay	Kane, Darren		RE: Close to final draft of SEC "White Paper"	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2238	Email	9/11/15 10:50 AM	Protass, Harlan	Lathen, Jay		Did you get my draft early this morning -- something like 5:45 am?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2239	Email	9/11/15 10:52 AM	Lathen, Jay	Protass, Harlan		RE: Did you get my draft early this morning -- something like 5:45 am?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2240	Email with Attachment(s)	9/11/15 11:38 AM	Lathen, Jay	Protass, Harlan		RE: Did you get my draft early this morning -- something like 5:45 am?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2241	Email	9/11/15 11:39 AM	Protass, Harlan	Lathen, Jay		RE: Did you get my draft early this morning -- something like 5:45 am?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2242	Email with Attachment(s)	9/11/15 12:21 PM	Protass, Harlan	Lathen, Jay		Here it is. I'll drop a hard copy at your apartment on the way home tonight.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2243	Email	9/11/15 12:25 PM	Lathen, Jay	Protass, Harlan		RE: Here it is. I'll drop a hard copy at your apartment on the way home tonight.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2244	Email	9/11/15 12:28 PM	Protass, Harlan	Lathen, Jay		Re: Here it is. I'll drop a hard copy at your apartment on the way home tonight.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2245	Email with Attachment(s)	9/11/15 5:36 PM	Galbraith, Kevin	Lathen, Jay		U.S. Bank Response re: Gilts (Caterpillar)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2246	Email	9/11/15 6:10 PM	Lathen, Jay	Galbraith, Kevin		RE: U.S. Bank Response re: Gilts (Caterpillar)	Attorney Client Privilege	Communication requesting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2247	Email with Attachment(s)	9/14/15 2:35 PM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank Response re: Gilks (Caterpillar)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2248	Email	9/14/15 3:22 PM	Lathen, Jay	Galbraith, Kevin		Re: U.S. Bank Response re: Gilks (Caterpillar)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2249	Email	9/14/15 3:24 PM	Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank Response re: Gilks (Caterpillar)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2250	Email	9/14/15 5:19 PM	Lathen, Jay	Galbraith, Kevin		Re: U.S. Bank Response re: Gilks (Caterpillar)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2251	Email with Attachment(s)	9/15/15 11:37 AM	Galbraith, Kevin	Lathen, Jay		FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2252	Email	9/15/15 12:36 PM	Lathen, Jay	Galbraith, Kevin		RE: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2253	Email	9/16/15 11:29 AM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2254	Email	9/16/15 11:46 AM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	RE: CIT Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2255	Email with Attachment(s)	9/16/15 12:47 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2256	Email	9/16/15 2:42 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	E-mails - Privileged	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2257	Email	9/16/15 2:58 PM	Lathen, Jay	Robinson, Michael D.; Protass, Harlan	Gosnell, Wayne	RE: E-mails - Privileged	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2258	Email	9/16/15 4:00 PM	Protass, Harlan	Lathen, Jay	Robinson, Michael D.; Gosnell, Wayne	Re: E-mails - Privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2259	Email	9/16/15 4:44 PM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.; Gosnell, Wayne	RE: E-mails - Privileged	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2260	Email with Attachment(s)	9/17/15 9:15 AM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2261	Email	9/17/15 3:14 PM	Galbraith, Kevin	Lathen, Jay		Draft Email to CIT Counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2262	Email	9/17/15 3:35 PM	Lathen, Jay	Galbraith, Kevin		RE: Draft Email to CIT Counsel	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2263	Email with Attachment(s)	9/21/15 9:10 AM	Galbraith, Kevin	Lathen, Jay		FW: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2264	Email with Attachment(s)	9/21/15 10:30 AM	Galbraith, Kevin	Lathen, Jay		FW: Prospect v. Lathen et al.: Oral Argument 10/7 9:30 am	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2265	Email with Attachment(s)	9/21/15 10:41 AM	Lathen, Jay	Robinson, Michael D.		FW: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
2266	Email with Attachment(s)	9/21/15 1:12 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2267	Email with Attachment(s)	9/21/15 1:17 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: Constance Lanno	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2268	Email	9/21/15 1:27 PM	Robinson, Michael D.	Galbraith, Kevin		Osika	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2269	Email with Attachment(s)	9/21/15 1:33 PM	Robinson, Michael D.	Galbraith, Kevin		Kerr	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2270	Email with Attachment(s)	9/21/15 2:15 PM	Robinson, Michael D.	Galbraith, Kevin		Johnson Signature Pages	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2271	Email	9/21/15 2:27 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Osika	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2272	Email	9/21/15 2:45 PM	Galbraith, Kevin	Robinson, Michael D.		Johnson Issue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2273	Email with Attachment(s)	9/21/15 3:17 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: eFax message from "unknown" - 6 page(s), Caller-ID: 1-973-696-6976	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2274	Email with Attachment(s)	9/21/15 3:23 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: eFax message from "9737289664" - 8 page(s), Caller-ID: 1-973-728-9664	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2275	Email with Attachment(s)	9/21/15 3:24 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: eFax message from "5612763229" - 6 page(s), Caller-ID: 1-561-276-3229	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2276	Email	9/21/15 3:26 PM	Robinson, Michael D.	Galbraith, Kevin		Re: Osika et al.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2277	Email	9/21/15 3:37 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Osika et al.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2278	Email	9/23/15 6:31 AM	Kane, Darren	Lathen, Jay		SEC Form D	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2279	Email	9/23/15 11:42 AM	Kane, Darren	Lathen, Jay		Client Alert - First SEC Cybersecurity Enforcement Action	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2280	Email	9/23/15 11:42 AM	Kane, Darren	Robinson, Michael D.		Client Alert - First SEC Cybersecurity Enforcement Action	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2281	Email with Attachment(s)	9/23/15 1:58 PM	Lathen, Jay	Galbraith, Kevin		FW: CD Redemption Rejections	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2282	Email	9/23/15 1:58 PM	Lathen, Jay	Galbraith, Kevin		RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2283	Email with Attachment(s)	9/23/15 2:08 PM	Galbraith, Kevin	Lathen, Jay		RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2284	Email	9/23/15 2:12 PM	Galbraith, Kevin	Lathen, Jay		RE: CD Redemption Rejections	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2285	Email	9/23/15 2:15 PM	Lathen, Jay	Galbraith, Kevin		RE: CD Redemption Rejections	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2286	Email	9/23/15 2:32 PM	Robinson, Michael D.	Lathen, Jay		Fwd: Client Alert - First SEC Cybersecurity Enforcement Action	Attorney Client Privilege	Communication reflecting legal advice of Darren Kane.		
2287	Email	9/23/15 4:28 PM	Galbraith, Kevin	Robinson, Michael D.		Re: eFax message from "9737289664" - 8 page(s), Caller-ID: 1-973-728-9664	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2288	Email	9/23/15 4:29 PM	Galbraith, Kevin	Robinson, Michael D.		Re: eFax message from "unknown" - 6 page(s), Caller-ID: 1-973-696-6976	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2289	Email	9/23/15 5:05 PM	Robinson, Michael D.	Galbraith, Kevin		Re: eFax message from "unknown" - 6 page(s), Caller-ID: 1-973-696-6976	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2290	Email	9/23/15 5:13 PM	Galbraith, Kevin	Robinson, Michael D.		Re: eFax message from "unknown" - 6 page(s), Caller-ID: 1-973-696-6976	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2291	Email with Attachment(s)	9/23/15 6:32 PM	Galbraith, Kevin	Lathen, Jay		RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2292	Email	9/24/15 9:40 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2293	Email	9/24/15 10:00 AM	Robinson, Michael D.	Galbraith, Kevin		Re: eFax message from "unknown" - 6 page(s), Caller-ID: 1-973-696-6976	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2294	Email with Attachment(s)	9/24/15 10:38 AM	Robinson, Michael D.	Galbraith, Kevin		Fwd: eFax message from "9737289664" - 8 page(s), Caller-ID: 1-973-728-9664	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2295	Email with Attachment(s)	9/24/15 10:39 AM	Robinson, Michael D.	Galbraith, Kevin		Fwd: eFax message from "unknown" - 6 page(s), Caller-ID: 1-973-696-6976	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2296	Email	9/24/15 10:46 AM	Galbraith, Kevin	Robinson, Michael D.		Re: eFax message from "unknown" - 6 page(s), Caller-ID: 1-973-696-6976	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2297	Email with Attachment(s)	9/24/15 10:55 AM	Robinson, Michael D.	Galbraith, Kevin		Fwd: CUSIP 86789VMX0	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2298	Email	9/24/15 11:30 AM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Supplemental Letter?	Attorney Client Privilege	Communication requesting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2299	Email	9/24/15 11:46 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	9/24/15 11:49 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2300	Attachment(s)	9/24/15 11:49 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2301	Email	9/24/15 12:08 PM	Protass, Harlan	Lathen, Jay		Note re: Authority to Withdraw	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2302	Email	9/24/15 12:10 PM	Galbraith, Kevin	Robinson, Michael D.		Gilts Participant Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	9/24/15 12:33 PM	Robinson, Michael D.	Galbraith, Kevin		Re: Gilts Participant Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2303	Attachment(s)	9/24/15 12:33 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Gilts Participant Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2304	Email	9/24/15 12:35 PM	Galbraith, Kevin	Lathen, Jay		RE: Note re: Authority to Withdraw	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2305	Email	9/24/15 2:05 PM	Lathen, Jay	Protass, Harlan						
2306	Email	9/24/15 2:10 PM	Lathen, Jay	Robinson, Michael D.		Fwd: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
2307	Email	9/24/15 2:19 PM	Protass, Harlan	Lathen, Jay		Re: Note re: Authority to Withdraw	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2308	Email	9/24/15 5:27 PM	Robinson, Michael D.	Lathen, Jay		Re: Fwd: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
2309	Email	9/24/15 5:41 PM	Robinson, Michael D.	Caczmelio		Contact Info	Attorney Client Privilege	Communication requesting legal advice of Clayman & Rosenberg LLP.		
	Email with Attachment(s)	9/24/15 5:45 PM	Galbraith, Kevin	Lathen, Jay		Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2310	Attachment(s)	9/24/15 5:45 PM	Galbraith, Kevin	Lathen, Jay		Fwd: FW: CUSIP 85789VMXD / JTWR0S	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2311	Email	9/24/15 6:13 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	Can I call you this morning on your mobile?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2312	Email	9/25/15 9:34 AM	Protass, Harlan	Robinson, Michael D.						
2313	Email	9/25/15 12:12 PM	Lathen, Jay	Robinson, Michael D.		RE: Fwd: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
2314	Email	9/25/15 12:38 PM	Protass, Harlan	Lathen, Jay		Status	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2315	Email	9/25/15 12:59 PM	Lathen, Jay	Robinson, Michael D.		RE: Fwd: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
2316	Email	9/25/15 2:35 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	GE Synchrony Discussion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2317	Email	9/25/15 2:43 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: GE Synchrony Discussion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2318	Email	9/25/15 2:47 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: GE Synchrony Discussion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2319	Email	9/25/15 5:41 PM	Kane, Darren	Lathen, Jay		Form D Information	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2320	Email	9/25/15 7:34 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: GE Synchrony Discussion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2321	Email	9/25/15 7:43 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: GE Synchrony Discussion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2322	Email	9/25/15 9:27 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: GE Synchrony Discussion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2323	Email	9/26/15 6:54 AM	Lathen, Jay	Galbraith, Kevin		Re: GE Synchrony Discussion	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	9/28/15 3:14 PM	Galbraith, Kevin	Lathen, Jay		CIT and Staples Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2324	Attachment(s)	9/28/15 3:14 PM	Galbraith, Kevin	Lathen, Jay		Re: CIT and Staples Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2325	Email	9/28/15 3:23 PM	Lathen, Jay	Galbraith, Kevin		Re: CIT and Staples Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2326	Email	9/28/15 3:26 PM	Galbraith, Kevin	Lathen, Jay		Re: CIT and Staples Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	9/28/15 3:37 PM	Lathen, Jay	Robinson, Michael D.		Fwd: CIT and Staples Updates	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Kevin Galbraith.		
2327	Attachment(s)	9/29/15 3:54 PM	Protass, Harlan	Lathen, Jay		I left a message for Judy at about 11:00. Will let you know when she calls back.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2328	Email	9/29/15 3:54 PM	Protass, Harlan	Lathen, Jay		Fwd: got your message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2329	Email	9/29/15 6:10 PM	Protass, Harlan	Lathen, Jay		RE: got your message	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2330	Email	9/29/15 6:20 PM	Lathen, Jay	Protass, Harlan		Re: got your message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2331	Email	9/30/15 6:21 AM	Protass, Harlan	Lathen, Jay		Re: got your message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2332	Email	9/30/15 6:22 AM	Protass, Harlan	Lathen, Jay		Re: got your message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	9/30/15 11:10 AM	Hartman, David	Lathen, Jay	Kane, Darren	Form D Draft for additional information and review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2333	Attachment(s)	9/30/15 11:10 AM	Hartman, David	Lathen, Jay	Kane, Darren	CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2334	Email	9/30/15 1:54 PM	Galbraith, Kevin	Lathen, Jay		RE: CIT Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2335	Email	10/1/15 10:40 AM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	10/1/15 10:44 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2336	Attachment(s)	10/1/15 10:44 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: CIT Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2337	Email	10/1/15 10:54 AM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Re: CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2338	Email	10/1/15 11:50 AM	Galbraith, Kevin	Robinson, Michael D.		Re: CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	10/1/15 12:46 PM	Galbraith, Kevin	Lathen, Jay		Bills for Legal Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2339	Attachment(s)	10/1/15 12:46 PM	Galbraith, Kevin	Lathen, Jay		FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2340	Attachment(s)	10/1/15 4:29 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2341	Attachment(s)	10/1/15 4:29 PM	Galbraith, Kevin	Lathen, Jay		RE: got your message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2342	Email	10/1/15 6:27 PM	Lathen, Jay	Protass, Harlan		Re: got your message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2343	Email	10/1/15 8:37 PM	Protass, Harlan	Lathen, Jay						
	Email with Attachment(s)	10/2/15 1:17 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Notary Affidavit (CIT)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2344	Attachment(s)	10/2/15 1:17 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: Notary Affidavit (CIT)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2345	Attachment(s)	10/2/15 1:22 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Fwd: CUSIP 85789VMXD / JTWR0S	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2346	Email	10/2/15 4:14 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	Re: CUSIP 85789VMXD / JTWR0S	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2347	Email	10/2/15 4:18 PM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay		FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2348	Attachment(s)	10/2/15 5:09 PM	Galbraith, Kevin	Lathen, Jay		Re: CUSIP 85789VMXD / JTWR0S	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2349	Email	10/2/15 5:44 PM	Lathen, Jay	Robinson, Michael D.	Galbraith, Kevin	Re: CUSIP 85789VMXD / JTWR0S	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2350	Email	10/2/15 6:55 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: CUSIP 85789VMXD / JTWR0S	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2351	Email	10/2/15 6:57 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: Notary Affidavit (CIT)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2352	Email	10/2/15 9:39 AM	Protass, Harlan	Lathen, Jay						
	Email with Attachment(s)	10/5/15 11:06 AM	Robinson, Michael D.	Galbraith, Kevin		Re: Notary Affidavit (CIT)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2353	Attachment(s)	10/5/15 11:06 AM	Robinson, Michael D.	Galbraith, Kevin		Re: Notary Affidavit (CIT)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2354	Email	10/5/15 11:07 AM	Galbraith, Kevin	Robinson, Michael D.		BMO Harris	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2355	Email	10/5/15 12:42 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: BMO Harris	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2356	Email	10/5/15 1:09 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: BMO Harris	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	10/5/15 2:35 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: BMO Harris	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2357	Attachment(s)	10/5/15 2:35 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	CIT Redemptions 10-5-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2358	Attachment(s)	10/5/15 6:37 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin					

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2359	Email	10/6/15 1:45 PM	Galbraith, Kevin	Robinson, Michael D	Lathen, Jay	Re: CIT Redemptions 10-5-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2360	Email	10/6/15 2:46 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: CIT Redemptions 10-5-15	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2361	Email	10/6/15 4:42 PM	Galbraith, Kevin	Lathen, Jay		Oral Argument: 9:30 am, 111 Centre Street, Courtroom 1127B	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2362	Email	10/6/15 4:54 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: CIT Redemptions 10-5-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2363	Email	10/6/15 5:06 PM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Re: CIT Redemptions 10-5-15	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2364	Email	10/6/15 5:09 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: CIT Redemptions 10-5-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2365	Email	10/6/15 5:11 PM	Lathen, Jay	Galbraith, Kevin		RE: Oral Argument: 9:30 am, 111 Centre Street, Courtroom 1127B	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2366	Email with Attachment(s)	10/6/15 5:12 PM	Galbraith, Kevin	Lathen, Jay		Re: Oral Argument: 9:30 am, 111 Centre Street, Courtroom 1127B	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2367	Email	10/6/15 7:40 PM	Lathen, Jay	Galbraith, Kevin		Re: Oral Argument: 9:30 am, 111 Centre Street, Courtroom 1127B	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2368	Email	10/6/15 8:03 PM	Galbraith, Kevin	Lathen, Jay		Re: Oral Argument: 9:30 am, 111 Centre Street, Courtroom 1127B	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2369	Email	10/8/15 1:43 PM	Protass, Harlan	Lathen, Jay		Tomorrow	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2370	Email	10/8/15 2:46 PM	Lathen, Jay	Galbraith, Kevin		RE: Bills for Legal Services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2371	Email with Attachment(s)	10/8/15 2:50 PM	Galbraith, Kevin	Lathen, Jay		RE: Bills for Legal Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2372	Email	10/9/15 4:21 PM	Protass, Harlan	Lathen, Jay		PH -- I emailed Judy and Adam after our meeting about setting up a call but haven't heard back from them.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2373	Email	10/10/15 9:52 AM	Protass, Harlan	Lathen, Jay		Just set the call with Judy for Thursday at 11:00	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2374	Email	10/13/15 12:03 PM	Lathen, Jay	Protass, Harlan		RE: Just set the call with Judy for Thursday at 11:00	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2375	Email	10/13/15 12:06 PM	Protass, Harlan	Lathen, Jay		Re: Just set the call with Judy for Thursday at 11:00	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2376	Email	10/13/15 4:22 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	CIT: Johnson Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2377	Email	10/13/15 4:46 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Johnson Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2378	Email	10/14/15 2:45 PM	Protass, Harlan	Lathen, Jay		What time can you talk?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2379	Email	10/14/15 3:18 PM	Lathen, Jay	Protass, Harlan		Re: What time can you talk?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2380	Email	10/14/15 3:42 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: What time can you talk?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2381	Email	10/14/15 3:44 PM	Lathen, Jay	Protass, Harlan		Re: What time can you talk?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2382	Email	10/14/15 6:28 PM	Lathen, Jay	Protass, Harlan		RE: What time can you talk?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2383	Email	10/14/15 7:30 PM	Protass, Harlan	Lathen, Jay		Re: What time can you talk?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2384	Email	10/14/15 7:50 PM	Lathen, Jay	Protass, Harlan		Re: What time can you talk?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2385	Email	10/16/15 9:17 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Questions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2386	Email	10/16/15 11:52 AM	Protass, Harlan	Weinstock, Judith; Grace, Adam S	Gosnell, Wayne	Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2387	Email	10/16/15 12:50 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	BMO Harris Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2388	Email	10/16/15 2:39 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Fwd: Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2389	Email	10/16/15 2:41 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2390	Email	10/16/15 5:19 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	SEC Procedure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2391	Email with Attachment(s)	10/16/15 5:50 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: SEC Procedure	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2392	Email with Attachment(s)	10/16/15 6:01 PM	Galbraith, Kevin	Lathen, Jay		Re: BMO Harris Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2393	Email	10/16/15 6:56 PM	Lathen, Jay	Galbraith, Kevin		RE: BMO Harris Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2394	Email with Attachment(s)	10/16/15 8:10 PM	Galbraith, Kevin	Lathen, Jay		Re: BMO Harris Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2395	Email	10/16/15 9:40 PM	Lathen, Jay	Galbraith, Kevin		Re: BMO Harris Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2396	Email with Attachment(s)	10/16/15 10:16 PM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2397	Email	10/19/15 9:26 AM	Protass, Harlan	Lathen, Jay		Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2398	Email	10/19/15 10:37 AM	Lathen, Jay	Protass, Harlan		RE: Got a draft ready yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2399	Email with Attachment(s)	10/19/15 10:53 AM	Protass, Harlan	Lathen, Jay		Re: Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2400	Email with Attachment(s)	10/19/15 12:52 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2401	Email with Attachment(s)	10/19/15 1:16 PM	Lathen, Jay	Robinson, Michael D.		FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
2402	Email with Attachment(s)	10/19/15 8:55 PM	Lathen, Jay	Protass, Harlan		RE: Got a draft ready yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2403	Email	10/20/15 6:15 AM	Protass, Harlan	Lathen, Jay		RE: Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2404	Email with Attachment(s)	10/20/15 12:15 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2405	Email	10/20/15 1:05 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Got a draft ready yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2406	Email with Attachment(s)	10/20/15 1:07 PM	Protass, Harlan	Lathen, Jay		Fwd: WestlawNext - Fishedick v Heitmann	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2407	Email	10/20/15 1:22 PM	Lathen, Jay	Protass, Harlan		RE: WestlawNext - Fishedick v Heitmann	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2408	Email with Attachment(s)	10/20/15 1:25 PM	Protass, Harlan	Lathen, Jay		Fwd: WestlawNext - Matter of Gramcaric	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2409	Email	10/20/15 1:25 PM	Protass, Harlan	Lathen, Jay		RE: WestlawNext - Fishedick v Heitmann	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2410	Email	10/20/15 1:29 PM	Lathen, Jay	Protass, Harlan		RE: WestlawNext - Fishedick v Heitmann	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2411	Email	10/20/15 1:30 PM	Protass, Harlan	Lathen, Jay		Re: WestlawNext - Fishedick v Heitmann	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2412	Email with Attachment(s)	10/20/15 4:26 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2413	Email with Attachment(s)	10/20/15 5:57 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Got a draft ready yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2414	Email	10/20/15 7:19 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2415	Email with Attachment(s)	10/21/15 6:16 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2416	Email with Attachment(s)	10/21/15 9:11 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
2417	Email with Attachment(s)	10/21/15 9:40 AM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2418	Email with Attachment(s)	10/21/15 11:55 AM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Got a draft ready yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2419	Email with Attachment(s)	10/21/15 1:51 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2420	Email with Attachment(s)	10/21/15 2:33 PM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2421	Email	10/21/15 2:37 PM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2422	Email with Attachment(s)	10/21/15 3:57 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2423	Email	10/21/15 4:46 PM	Protass, Harlan	Lathen, Jay		I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2424	Email	10/21/15 4:48 PM	Lathen, Jay	Protass, Harlan		RE: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2425	Email with Attachment(s)	10/21/15 5:38 PM	Lathen, Jay	Protass, Harlan		RE: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2426	Email	10/21/15 5:41 PM	Protass, Harlan	Lathen, Jay		Re: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2427	Email	10/21/15 5:43 PM	Lathen, Jay	Protass, Harlan		RE: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2428	Email	10/21/15 5:50 PM	Protass, Harlan	Lathen, Jay		Re: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2429	Email	10/21/15 5:54 PM	Lathen, Jay	Protass, Harlan		RE: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2430	Email	10/21/15 6:26 PM	Protass, Harlan	Lathen, Jay		Re: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2431	Email	10/21/15 6:53 PM	Lathen, Jay	Protass, Harlan		RE: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2432	Email with Attachment(s)	10/22/15 6:59 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne; Protass, Harlan	Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2433	Email with Attachment(s)	10/22/15 12:08 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2434	Email with Attachment(s)	10/22/15 2:02 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Final Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2435	Email	10/22/15 2:17 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Final letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2436	Email	10/22/15 2:18 PM	Protass, Harlan	Lathen, Jay		RE: Final letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2437	Email with Attachment(s)	10/22/15 3:38 PM	Protass, Harlan	Weinstock, Judith; Grace, Adam S.	Gosnell, Wayne	In the Matter of Eden Arc Capital Management, LLC (NY 9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2438	Email	10/22/15 5:13 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2439	Email	10/22/15 8:29 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2440	Email	10/23/15 9:08 AM	Hartman, David	Lathen, Jay	Kane, Darren	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2441	Email with Attachment(s)	10/23/15 11:40 AM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2442	Email	10/23/15 12:25 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2443	Email with Attachment(s)	10/23/15 12:35 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2444	Email	10/23/15 1:06 PM	Hartman, David	Lathen, Jay	Kane, Darren	CYBERSECURITY SEC RISK ALERTS AND GUIDANCE ON CYBERSECURITY	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2445	Email with Attachment(s)	10/23/15 1:14 PM	Hartman, David	Lathen, Jay		Cybersecurity	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2446	Email with Attachment(s)	10/23/15 9:46 PM	Hartman, David	Lathen, Jay	Kane, Darren	FW: Form D Draft for additional information and review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2447	Email with Attachment(s)	10/24/15 7:45 AM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2448	Email	10/24/15 8:45 AM	Lathen, Jay	Galbraith, Kevin		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2449	Email	10/24/15 10:53 AM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2450	Email with Attachment(s)	10/24/15 11:18 AM	Lathen, Jay	Robinson, Michael D.		fwd: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
2451	Email	10/24/15 11:20 AM	Lathen, Jay	Galbraith, Kevin		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2452	Email	10/24/15 11:54 AM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2453	Email with Attachment(s)	10/26/15 10:32 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FW: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2454	Email	10/26/15 11:01 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2455	Email	10/26/15 12:06 PM	Lathen, Jay	Galbraith, Kevin		RE: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2456	Email with Attachment(s)	10/26/15 12:10 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2457	Email with Attachment(s)	10/26/15 2:23 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2458	Email	10/26/15 2:59 PM	Lathen, Jay	Galbraith, Kevin		RE: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2459	Email with Attachment(s)	10/26/15 3:09 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2460	Email with Attachment(s)	10/26/15 5:03 PM	Galbraith, Kevin	Lathen, Jay		FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2461	Email with Attachment(s)	10/27/15 4:02 PM	Galbraith, Kevin	Lathen, Jay		Message from Christopher Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2462	[Email with Attachment(s)]	10/27/15 4:10 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2463	[Email with Attachment(s)]	10/27/15 4:32 PM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2464	[Email]	10/27/15 4:33 PM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay		Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2465	[Email]	10/27/15 4:52 PM	Lathen, Jay	Galbraith, Kevin		RE: Message from Christopher Robertson	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2466	[Email with Attachment(s)]	10/27/15 5:07 PM	Galbraith, Kevin	Lathen, Jay		Re: Message from Christopher Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2467	[Email]	10/27/15 5:09 PM	Lathen, Jay	Galbraith, Kevin		RE: Message from Christopher Robertson	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2468	[Email]	10/27/15 11:16 PM	Galbraith, Kevin	Lathen, Jay; Robertson, Christopher; Protass, Harlan		Conference Call 11:15 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2469	[Email]	10/28/15 7:15 PM	Hartman, David	Lathen, Jay	Kane, Darren; Hartman, David	Fund ID	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2470	[Email]	10/29/15 10:59 AM	Galbraith, Kevin	Lathen, Jay; Protass, Harlan		FW: Can we move call to 11:45?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2471	[Email]	10/29/15 11:00 AM	Lathen, Jay	Galbraith, Kevin; Protass, Harlan		RE: Can we move call to 11:45?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2472	[Email]	10/29/15 11:02 AM	Protass, Harlan	Galbraith, Kevin	Lathen, Jay	Re: FW: Can we move call to 11:45?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2473	[Email]	10/29/15 11:03 AM	Galbraith, Kevin	Protass, Harlan	Lathen, Jay	Re: Can we move call to 11:45?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2474	[Email with Attachment(s)]	10/29/15 11:04 AM	Galbraith, Kevin	Lathen, Jay; Robertson, Christopher; Protass, Harlan		Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2475	[Email]	10/29/15 11:07 AM	Protass, Harlan	Galbraith, Kevin	Lathen, Jay	Re: Can we move call to 11:45?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2476	[Email with Attachment(s)]	10/29/15 11:17 AM	Robertson, Christopher	Galbraith, Kevin	Lathen, Jay; Protass, Harlan	Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2477	[Email]	10/29/15 11:32 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: Fund ID	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2478	[Email with Attachment(s)]	10/29/15 11:42 AM	Robertson, Christopher	Galbraith, Kevin	Lathen, Jay; Protass, Harlan	Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2479	[Email]	10/29/15 11:43 AM	Protass, Harlan	Robertson, Christopher	Galbraith, Kevin; Lathen, Jay	Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2480	[Email]	10/29/15 11:43 AM	Lathen, Jay	Protass, Harlan; Robertson, Christopher	Galbraith, Kevin	RE: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2481	[Email]	10/29/15 11:47 AM	Robertson, Christopher	Lathen, Jay	Protass, Harlan; Galbraith, Kevin	Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2482	[Email]	10/29/15 12:40 PM	Robertson, Christopher	Lathen, Jay; Protass, Harlan	Galbraith, Kevin	RE: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2483	[Email]	10/29/15 12:41 PM	Galbraith, Kevin	Robertson, Christopher; Lathen, Jay; Protass, Harlan		Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2484	[Email]	10/29/15 12:42 PM	Lathen, Jay	Robertson, Christopher; Protass, Harlan	Galbraith, Kevin	RE: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2485	[Email]	10/29/15 1:41 PM	Protass, Harlan	Lathen, Jay		SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2486	[Email]	10/29/15 3:21 PM	Lathen, Jay	Protass, Harlan		RE: SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2487	[Email]	10/29/15 3:24 PM	Protass, Harlan	Lathen, Jay		Re: SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2488	[Email with Attachment(s)]	10/29/15 4:34 PM	Lathen, Jay	Protass, Harlan		RE: SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2489	[Email]	10/29/15 5:20 PM	Protass, Harlan	Lathen, Jay		RE: SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2490	[Email]	11/2/15 8:00 AM	Kane, Darren	Lathen, Jay		Form D Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2491	[Email]	11/2/15 4:01 PM	Protass, Harlan	Lathen, Jay		No News	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2492	[Email]	11/2/15 4:10 PM	Lathen, Jay	Protass, Harlan		RE: No News	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2493	[Email with Attachment(s)]	11/2/15 5:07 PM	Galbraith, Kevin	Lathen, Jay		Bill through 11/2/15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2494	[Email]	11/5/15 6:23 PM	Lathen, Jay	Galbraith, Kevin		GE Capital	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2495	[Email]	11/5/15 10:59 PM	Galbraith, Kevin	Lathen, Jay		Re: GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2496	[Email with Attachment(s)]	11/6/15 10:45 AM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2497	[Email with Attachment(s)]	11/6/15 10:47 AM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2498	[Email]	11/6/15 12:00 PM	Protass, Harlan	Lathen, Jay		Invoice	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2499	[Email]	11/6/15 3:33 PM	Protass, Harlan	Lathen, Jay		Please give me a call.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2500	[Email]	11/6/15 4:06 PM	Lathen, Jay	Protass, Harlan		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2501	[Email]	11/6/15 4:08 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2502	[Email]	11/6/15 4:09 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2503	[Email]	11/6/15 4:30 PM	Kane, Darren	Lathen, Jay		Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2504	[Email]	11/6/15 4:35 PM	Protass, Harlan	Lathen, Jay		Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2505	[Email with Attachment(s)]	11/6/15 4:56 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin; Gosnell, Wayne	Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2506	[Email]	11/6/15 4:58 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin; Gosnell, Wayne	RE: Memo of Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2507	[Email with Attachment(s)]	11/6/15 5:00 PM	Lathen, Jay	Kane, Darren		FW: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2508	[Email]	11/6/15 5:14 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin; Gosnell, Wayne	RE: Memo of Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2509	[Email]	11/6/15 5:24 PM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin; Gosnell, Wayne	Re: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2510	[Email]	11/6/15 5:42 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin; Gosnell, Wayne	RE: Memo of Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2511	[Email with Attachment(s)]	11/6/15 5:52 PM	Lathen, Jay	Robinson, Michael D.		FW: Memo of Call	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Harlan Protass.		
2512	[Email]	11/6/15 6:51 PM	Robinson, Michael D.	Lathen, Jay		Re: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
2513	[Email]	11/6/15 9:13 PM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin; Gosnell, Wayne	Re: Memo of Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2514	[Email]	11/6/15 9:13 PM	Lathen, Jay	Robinson, Michael D.		Re: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
2515	[Email]	11/7/15 7:45 AM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin; Gosnell, Wayne	Re: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2516	[Email]	11/7/15 2:09 PM	Kane, Darren	Lathen, Jay		RE: FW: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2517	[Email with Attachment(s)]	11/8/15 3:51 PM	Kane, Darren	Lathen, Jay		RE: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2518	[Email]	11/9/15 2:33 PM	Protass, Harlan	Lathen, Jay; Galbraith, Kevin	Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2519	[Email]	11/9/15 5:56 PM	Galbraith, Kevin	Lathen, Jay		Opinion Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2520	[Email]	11/10/15 9:54 AM	Protass, Harlan	Lathen, Jay; Galbraith, Kevin; Gosnell, Wayne		Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2521	[Email]	11/10/15 10:18 AM	Lathen, Jay	Protass, Harlan	Galbraith, Kevin; Gosnell, Wayne	Re: Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2522	Email	11/10/15 10:51 AM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin; Gosnell, Wayne	Re: Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/10/15 1:18 PM	Protass, Harlan	Lathen, Jay		See attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2524	Email	11/10/15 1:54 PM	Lathen, Jay	Protass, Harlan		RE: See attached	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2525	Email	11/10/15 2:10 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: See attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/10/15 2:55 PM	Protass, Harlan	Lathen, Jay		See attached and call me	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2527	Email	11/10/15 3:38 PM	Lathen, Jay	Galbraith, Kevin		RE: Opinion Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2528	Attachment(s)	11/10/15 3:53 PM	Galbraith, Kevin	Lathen, Jay		Re: Opinion Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2529	Email	11/10/15 4:37 PM	Lathen, Jay	Kane, Darren		RE: Memo of Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/10/15 5:47 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		FW: Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2531	Email	11/10/15 6:26 PM	Kane, Darren	Lathen, Jay		PVI	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/10/15 7:52 PM	Auslander, Jay S.	Grundstein, Robert	Lathen, Jay	Re: Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2533	Email	11/10/15 10:31 PM	Kane, Darren	Lathen, Jay		RE: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2534	Email	11/11/15 11:11 AM	Lathen, Jay	Auslander, Jay S.		RE: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2535	Email	11/11/15 11:32 AM	Lathen, Jay	Southwell, Alexander H.		Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2536	Email	11/11/15 1:04 PM	Galbraith, Kevin	Lathen, Jay		Firms + Attorneys	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	11/11/15 1:55 PM	Protass, Harlan	Lathen, Jay		Fwd: In re Eden Arc Capital Management, LLC, File No. NY-9197	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2537	Email	11/11/15 2:21 PM	Lathen, Jay	Auslander, Jay S.		RE: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2539	Email	11/11/15 2:26 PM	Lathen, Jay	Galbraith, Kevin		Re: Firms + Attorneys	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	11/11/15 2:34 PM	Southwell, Alexander H.	Lathen, Jay		RE: Eden Arc - SEC Matter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2541	Email	11/11/15 2:45 PM	Lathen, Jay	Galbraith, Kevin		Fwd: In re Eden Arc Capital Management, LLC, File No. NY-9197	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2542	Email	11/11/15 2:47 PM	Lathen, Jay	Southwell, Alexander H.		Re: Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	11/11/15 2:48 PM	Galbraith, Kevin	Lathen, Jay		Re: In re Eden Arc Capital Management, LLC, File No. NY 9197	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2544	Email	11/11/15 2:59 PM	Lathen, Jay	Protass, Harlan		RE: In re Eden Arc Capital Management, LLC, File No. NY 9197	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2545	Email	11/11/15 3:04 PM	Galbraith, Kevin	Lathen, Jay		Re: Firms + Attorneys	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	11/11/15 3:15 PM	Protass, Harlan	Lathen, Jay		Re: In re Eden Arc Capital Management, LLC, File No. NY 9197	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2547	Email	11/11/15 4:50 PM	Galbraith, Kevin	Lathen, Jay		DRAFT Message to Prospective Firms	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/11/15 5:17 PM	Lathen, Jay	Galbraith, Kevin		FW: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2549	Email	11/11/15 5:17 PM	Lathen, Jay	Galbraith, Kevin		RE: DRAFT Message to Prospective Firms	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/11/15 5:49 PM	Galbraith, Kevin	Lathen, Jay		FW: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2550	Attachment(s)	11/11/15 5:49 PM	Galbraith, Kevin	Lathen, Jay		RE: Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2551	Email	11/11/15 10:33 PM	Auslander, Jay S.	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 9:35 AM	Galbraith, Kevin	Lathen, Jay		RE: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2553	Email	11/12/15 9:52 AM	Lathen, Jay	Galbraith, Kevin		RE: Meeting with Prospective Client?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 10:31 AM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 10:38 AM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2556	Email	11/12/15 10:40 AM	Lathen, Jay	Galbraith, Kevin		RE: Meeting with Prospective Client?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 10:42 AM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2558	Email	11/12/15 10:44 AM	Lathen, Jay	Galbraith, Kevin		RE: Meeting with Prospective Client?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 11:32 AM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2560	Attachment(s)	11/12/15 11:33 AM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2561	Email	11/12/15 12:02 PM	Lathen, Jay	Galbraith, Kevin		RE: Meeting with Prospective Client?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 12:21 PM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2563	Email	11/12/15 2:12 PM	Galbraith, Kevin	Lathen, Jay		Arkin & O'Brien Meeting	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2564	Email	11/12/15 2:22 PM	Lathen, Jay	Galbraith, Kevin		RE: Arkin & O'Brien Meeting	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 2:38 PM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 2:49 PM	Lathen, Jay	Galbraith, Kevin		RE: Meeting with Prospective Client?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	11/12/15 3:05 PM	Galbraith, Kevin	Lathen, Jay		Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2568	Email	11/12/15 3:41 PM	Protass, Harlan	Lathen, Jay		Links	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2569	Email	11/12/15 4:05 PM	Lathen, Jay	Protass, Harlan		RE: Links	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2570	Email	11/12/15 4:10 PM	Protass, Harlan	Lathen, Jay		Re: Links	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2571	Email	11/12/15 4:13 PM	Lathen, Jay	Protass, Harlan		RE: Links	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2572	Email	11/12/15 4:15 PM	Protass, Harlan	Lathen, Jay		Re: Links	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2573	Email	11/13/15 6:14 AM	Protass, Harlan	Lathen, Jay		Coten O'Conner	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	11/13/15 10:05 AM	Galbraith, Kevin	Lathen, Jay		Re: Arkin & O'Brien Meeting	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2575	Email	11/13/15 11:28 AM	Protass, Harlan	Lathen, Jay		Another Possible Name	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2576	Email	11/13/15 11:58 AM	Lathen, Jay	Galbraith, Kevin		Re: Arkin & O'Brien Meeting	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2577	Email	11/13/15 1:35 PM	Lathen, Jay	Protass, Harlan		RE: Another Possible Name	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2578	Email	11/13/15 1:28 PM	Protass, Harlan	Lathen, Jay		Re: Another Possible Name	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2579	Email	11/13/15 4:01 PM	Lathen, Jay	Protass, Harlan		RE: Coten O'Conner	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2580	Email	11/13/15 4:10 PM	Protass, Harlan	Lathen, Jay		Re: Coten O'Conner	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2581	Email	11/13/15 4:17 PM	Protass, Harlan	Lathen, Jay		How'd it go with Stanley Arkin?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2582	Email	11/13/15 4:31 PM	Lathen, Jay	Protass, Harlan		Re: How'd it go with Stanley Arkin?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2583	Email	11/13/15 7:36 PM	Lathen, Jay	Protass, Harlan		Re: How'd it go with Stanley Arkin?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2584	Email	11/13/15 8:12 PM	Protass, Harlan	Lathen, Jay		Re: How'd it go with Stanley Arkin?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2585	Email	11/16/15 10:30 AM	Galbraith, Kevin	Lathen, Jay		SEC Items	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2586	Email	11/16/15 12:00 PM	Lathen, Jay	Galbraith, Kevin		Re: SEC Items	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2587	Email	11/16/15 12:41 PM	Galbraith, Kevin	Lathen, Jay		Paul Weiss Meeting Tues 11/17 @ 2 pm: 1285 Sixth Avenue	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2588	Email	11/16/15 1:17 PM	Lathen, Jay	Protass, Harlan; Gosnell, Wayne		One other thing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2589	Email	11/16/15 3:26 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2590	Email	11/16/15 4:33 PM	Protass, Harlan	Lathen, Jay		Chris LaVigne	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2591	Email	11/16/15 5:38 PM	Lathen, Jay	Protass, Harlan		Re: Chris LaVigne	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2592	Email	11/16/15 5:40 PM	Protass, Harlan	Lathen, Jay		Re: Chris LaVigne	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2593	Email	11/17/15 8:42 AM	Southwell, Alexander H	Lathen, Jay		Sorry missed connected	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2594	Email	11/17/15 9:16 AM	Lathen, Jay	Southwell, Alexander H		Re: Sorry missed connected	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2595	Email with Attachments	11/17/15 12:23 PM	Lathen, Jay	Hunter, Fraser; Platt, Charles C.	Galbraith, Kevin	Eden Arc follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2596	Email with Attachments	11/17/15 1:26 PM	Lathen, Jay	Southwell, Alexander H.		RE: Sorry missed connected	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2597	Email	11/17/15 4:16 PM	Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2598	Email	11/17/15 5:11 PM	Galbraith, Kevin	Lathen, Jay		Susan Brune	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2599	Email	11/17/15 5:50 PM	Lathen, Jay	Galbraith, Kevin		Re: Susan Brune	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2600	Email with Attachments	11/17/15 5:59 PM	Galbraith, Kevin	Lathen, Jay		Re: Susan Brune	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2601	Email	11/17/15 6:51 PM	Lathen, Jay	Protass, Harlan		Script with Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2602	Email	11/18/15 7:28 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Script with Judy	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2603	Email	11/18/15 8:35 AM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	Re: Script with Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2604	Email	11/18/15 8:41 AM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	Re: Script with Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2605	Email	11/18/15 9:31 AM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Script with Judy	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2606	Email	11/18/15 9:32 AM	Galbraith, Kevin	Lathen, Jay		Susan Brune	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2607	Email	11/18/15 10:40 AM	Galbraith, Kevin	Lathen, Jay		Fee Proposal for Wells Submission and Senior Enforcement Staff Meeting	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2608	Email	11/18/15 11:29 AM	Lathen, Jay	Galbraith, Kevin		Re: Susan Brune	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2609	Email	11/18/15 11:29 AM	Lathen, Jay	Galbraith, Kevin		Re: Susan Brune	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2610	Email	11/18/15 11:31 AM	Galbraith, Kevin	Lathen, Jay		Re: Susan Brune	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2611	Email	11/18/15 1:07 PM	Southwell, Alexander H.	Lathen, Jay		RE: Sorry missed connected	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2612	Email	11/18/15 1:13 PM	Lathen, Jay	Southwell, Alexander H		RE: Sorry missed connected	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2613	Email	11/18/15 1:22 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	Re: Script with Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2614	Email with Attachments	11/18/15 2:09 PM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	BMD-Harris Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2615	Email	11/18/15 3:39 PM	Lathen, Jay	Galbraith, Kevin		GE follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2616	Email	11/18/15 4:06 PM	Galbraith, Kevin	Lathen, Jay		Re: GE follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2617	Email with Attachments	11/18/15 4:22 PM	Protass, Harlan	Lathen, Jay		Wells Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2618	Email with Attachments	11/18/15 4:54 PM	Galbraith, Kevin	Lathen, Jay		Re: GE follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2619	Email	11/18/15 5:07 PM	Protass, Harlan	Lathen, Jay		Sean O'Shea	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2620	Email	11/18/15 5:12 PM	Protass, Harlan	Lathen, Jay		This sums up O'Shea	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2621	Email with Attachments	11/18/15 6:21 PM	Galbraith, Kevin	Lathen, Jay		Re: Susan Brune	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2622	Email	11/18/15 6:23 PM	Lathen, Jay	Galbraith, Kevin		RE: Susan Brune	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2623	Email	11/19/15 11:10 AM	Hunter, Fraser	Lathen, Jay; Platt, Charles C.	Galbraith, Kevin	RE: Eden Arc follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2624	Email	11/19/15 3:12 PM	Lathen, Jay	Hunter, Fraser; Platt, Charles C.	Galbraith, Kevin	RE: Eden Arc follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2625	Email with Attachments	11/19/15 4:09 PM	Lathen, Jay	O'Shea, Sean		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2626	Email	11/19/15 4:12 PM	O'Shea, Sean	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2627	Email	11/19/15 6:25 PM	Lathen, Jay	O'Shea, Sean		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2628	Email	11/20/15 9:28 AM	Lathen, Jay	Protass, Harlan		SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2629	Email	11/20/15 9:41 AM	Protass, Harlan	Lathen, Jay		Re: SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2630	Email	11/20/15 9:47 AM	Lathen, Jay	Protass, Harlan		Re: SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2631	Email	11/20/15 10:37 AM	O'Shea, Sean	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2632	Email	11/20/15 12:01 PM	Lathen, Jay	O'Shea, Sean		Re: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2633	Email	11/20/15 1:33 PM	Hunter, Fraser	Lathen, Jay; Platt, Charles C.	Galbraith, Kevin	RE: Eden Arc follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2634	Email	11/20/15 2:27 PM	Galbraith, Kevin	Lathen, Jay		PW: Eden Arc follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2635	Email	11/20/15 2:28 PM	Lathen, Jay	Galbraith, Kevin		RE: Eden Arc follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2636	Email	11/20/15 2:29 PM	Protass, Harlan	Lathen, Jay		When do you want to talk?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2637	Email with Attachments	11/20/15 2:40 PM	Galbraith, Kevin	Lathen, Jay		Re: Eden Arc follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2638	Email	11/20/15 2:56 PM	Lathen, Jay	Southwell, Alexander H		RE: Sorry missed connected	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2639	Email	11/20/15 3:20 PM	Southwell, Alexander H.	Lathen, Jay		RE: Sorry missed connected	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2640	Email	11/21/15 12:21 AM	Protass, Harlan	Lathen, Jay		Fwd: Docket Update: United States Securities and Exchange Commission v. Staples et al	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2641	Email	11/21/15 3:42 PM	Lathen, Jay	Protass, Harlan		Re: Docket Update: United States Securities and Exchange Commission v. Staples et al	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2642	Email	11/21/15 4:30 PM	Auslander, Jay S	Lathen, Jay		Re: Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2643	Email	11/21/15 9:00 PM	Protass, Harlan	Lathen, Jay		Re: Docket Update: United States Securities and Exchange Commission v. Staples et al	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
2644	Email	11/23/15 9:27 AM	Southwell, Alexander H.	Lathen, Jay		RE: Sorry missed connected	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2645	Email	11/23/15 11:24 AM	Protass, Harlan	Lathen, Jay		Fwd: following up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2646	Email	11/23/15 11:57 AM	Lathen, Jay	Protass, Harlan		Re: following up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2647	Email	11/23/15 1:27 PM	Protass, Harlan	Lathen, Jay		Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2648	Email	11/23/15 1:42 PM	Southwell, Alexander H.	Lathen, Jay		Obus trial info	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2649	Email	11/23/15 5:01 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2650	Email	11/23/15 5:08 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2651	Email	11/23/15 5:30 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2652	Email	11/23/15 5:36 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2653	Email	11/23/15 6:14 PM	Southwell, Alexander H.	Lathen, Jay		Can you talk at 10am Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2654	Email	11/23/15 6:14 PM	Lathen, Jay	Southwell, Alexander H.		RE: Can you talk at 10am Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2655	Email	11/23/15 6:44 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2656	Email	11/24/15 8:35 AM	Southwell, Alexander H.	Lathen, Jay; Schonfeld, Mark K.; Cohen, Joel M.		Call re case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2657	Email	11/24/15 9:51 AM	Protass, Harlan	Lathen, Jay		Sean would like to see your SEC testimony. OX with you if I send it to him?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2658	Email	11/24/15 10:03 AM	Lathen, Jay	Protass, Harlan		Re: Sean would like to see your SEC testimony. OX with you if I send it to him?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2659	Email	11/24/15 10:21 AM	Galbraith, Kevin	Lathen, Jay		GE / Synchrony etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2660	Email with Attachment(s)	11/24/15 11:36 AM	Protass, Harlan	Lathen, Jay		Re: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2661	Email	11/24/15 1:53 PM	Southwell, Alexander H.	Lathen, Jay; Schonfeld, Mark K.; Cohen, Joel M.		Call re case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2662	Email	11/24/15 1:54 PM	Lathen, Jay	Southwell, Alexander H.		Accepted: Call re case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2663	Email with Attachment(s)	11/24/15 2:49 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2664	Email	11/24/15 2:55 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2665	Email	11/24/15 3:35 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2666	Email	11/24/15 3:57 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2667	Email	11/24/15 4:05 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2668	Email	11/24/15 4:24 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2669	Email	11/24/15 4:41 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2670	Email	11/24/15 4:43 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2671	Email	11/24/15 4:47 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2672	Email	11/24/15 4:48 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2673	Email with Attachment(s)	11/24/15 5:09 PM	Galbraith, Kevin	Lathen, Jay		Re: GE / Synchrony etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2674	Email	11/24/15 5:16 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2675	Email with Attachment(s)	11/24/15 5:29 PM	Lathen, Jay	Galbraith, Kevin		RE: GE / Synchrony etc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2676	Email	11/24/15 6:10 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2677	Email with Attachment(s)	11/24/15 6:24 PM	Galbraith, Kevin	Lathen, Jay		Re: GE / Synchrony etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2678	Email	11/25/15 9:24 AM	O'Shea, Sean	Lathen, Jay	Petrella, Michael	SEC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2679	Email with Attachment(s)	11/25/15 11:42 AM	Galbraith, Kevin	Lathen, Jay		PW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2680	Email	11/25/15 11:49 AM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2681	Email with Attachment(s)	11/25/15 12:03 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2682	Email with Attachment(s)	11/25/15 2:29 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2683	Email with Attachment(s)	11/25/15 2:31 PM	Lathen, Jay	Robinson, Michael D.		PW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
2684	Email	11/25/15 2:32 PM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2685	Email	11/25/15 2:34 PM	Lathen, Jay	Protass, Harlan		RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2686	Email with Attachment(s)	11/25/15 3:19 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2687	Email	11/25/15 3:22 PM	Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2688	Email with Attachment(s)	11/25/15 3:28 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2689	Email	11/25/15 3:34 PM	Protass, Harlan	Lathen, Jay		RE: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2690	Email with Attachment(s)	11/25/15 3:45 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2691	Email	11/25/15 3:53 PM	Protass, Harlan	Lathen, Jay		We are good with Judy about getting back to her on Monday.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2692	Email with Attachment(s)	11/25/15 4:20 PM	Protass, Harlan	Lathen, Jay		Revised draft letter to Judy attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2693	Email	11/25/15 4:54 PM	Lathen, Jay	Protass, Harlan		Re: Revised draft letter to Judy attached	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2694	Email	11/25/15 4:58 PM	Protass, Harlan	Lathen, Jay		Re: Revised draft letter to Judy attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2695	Email with Attachment(s)	11/25/15 5:01 PM	Protass, Harlan	Lathen, Jay		Fwd: WestlawNext - Chiarella v. U. S.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2696	Email with Attachment(s)	11/29/15 9:38 AM	Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2697	Email	11/30/15 9:44 AM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay		RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2698	Email	11/30/15 10:37 AM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2699	Email	11/30/15 10:45 AM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay		RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2700	Email with Attachment(s)	11/30/15 1:31 PM	Protass, Harlan	Lathen, Jay		Revised Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2701	Email	11/30/15 2:04 PM	Lathen, Jay	Protass, Harlan		RE: Revised Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2702	Email	11/30/15 2:05 PM	Protass, Harlan	Lathen, Jay		Re: Revised Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2703	Attachment(s)	11/30/15 5:04 PM	Lathen, Jay	Protass, Harlan		RE: Revised Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2704	Attachment(s)	11/30/15 5:26 PM	Protass, Harlan	Lathen, Jay		Re: Revised Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2705	Email	11/30/15 5:31 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.		RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2706	Attachment(s)	11/30/15 5:40 PM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2707	Email	11/30/15 5:44 PM	Lathen, Jay	Protass, Harlan		RE: Revised Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2708	Email	11/30/15 5:45 PM	Protass, Harlan	Lathen, Jay		RE: Revised Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2709	Email	11/30/15 5:46 PM	Lathen, Jay	Protass, Harlan		RE: Revised Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2710	Attachment(s)	12/1/15 10:56 AM	Protass, Harlan	Weinstock, Judith; Grace, Adam S.	Gosnell, Wayne	In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2711	Attachment(s)	12/1/15 2:07 PM	Lathen, Jay	Kane, Darren		Fwd: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2712	Email	12/1/15 2:44 PM	Kane, Darren	Lathen, Jay		Office of Inspector General	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2713	Email	12/1/15 3:27 PM	Protass, Harlan	Lathen, Jay		Fwd: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2714	Email	12/1/15 5:49 PM	Lathen, Jay	Protass, Harlan		RE: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2715	Attachment(s)	12/1/15 6:01 PM	Lathen, Jay	Auslander, Jay S		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2716	Email	12/1/15 7:57 PM	Protass, Harlan	Lathen, Jay		Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2717	Email	12/1/15 8:17 PM	Auslander, Jay S	Lathen, Jay		Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2718	Email	12/1/15 8:21 PM	Lathen, Jay	Protass, Harlan		RE: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2719	Email	12/1/15 8:26 PM	Protass, Harlan	Lathen, Jay		Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2720	Email	12/1/15 8:30 PM	Lathen, Jay	Protass, Harlan		RE: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2721	Email	12/1/15 9:02 PM	Protass, Harlan	Lathen, Jay		Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2722	Email	12/2/15 10:48 AM	O'Shea, Sean	Lathen, Jay	Petrella, Michael	RE: SEC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2723	Attachment(s)	12/2/15 2:02 PM	Lathen, Jay	Hunter, Fraser		RE: Eden Arc follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2724	Attachment(s)	12/2/15 2:17 PM	Lathen, Jay	O'Shea, Sean	Petrella, Michael	RE: SEC (NY-9197)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2725	Attachment(s)	12/2/15 2:24 PM	Lathen, Jay	Brune, Susan		Eden Arc - follow up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2726	Attachment(s)	12/2/15 2:32 PM	Lathen, Jay	Galbraith, Kevin		RE: GE / Synchrony etc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2727	Attachment(s)	12/2/15 2:40 PM	Galbraith, Kevin	Lathen, Jay		Re: GE / Synchrony etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2728	Email	12/2/15 4:52 PM	Brune, Susan	Lathen, Jay		RE: Eden Arc - follow up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2729	Email	12/2/15 5:12 PM	Lathen, Jay	Brune, Susan		RE: Eden Arc - follow up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2730	Email	12/2/15 5:17 PM	Brune, Susan	Lathen, Jay		RE: Eden Arc - follow up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2731	Attachment(s)	12/3/15 10:50 AM	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2732	Email	12/3/15 10:59 AM	Protass, Harlan	Lathen, Jay		I will send you our proposal today.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2733	Email	12/3/15 12:20 PM	Galbraith, Kevin	Lathen, Jay		Follow-Up to Discussion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2734	Attachment(s)	12/3/15 1:32 PM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2735	Email	12/3/15 3:17 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2736	Email	12/3/15 5:13 PM	Protass, Harlan	Lathen, Jay		Proposal for Continued Representation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2737	Email	12/4/15 7:16 AM	Brune, Susan	Lathen, Jay		RE: Eden Arc - follow up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2738	Email	12/4/15 9:28 AM	Lathen, Jay	Brune, Susan		RE: Eden Arc - follow up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2739	Email	12/4/15 9:29 AM	Brune, Susan	Lathen, Jay		RE: Eden Arc - follow up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2740	Email	12/4/15 9:30 AM	Lathen, Jay	Brune, Susan		RE: Eden Arc - follow up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2741	Attachment(s)	12/4/15 1:13 PM	Galbraith, Kevin	Lathen, Jay		Legal Fee	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2742	Email	12/4/15 9:24 PM	Protass, Harlan	Lathen, Jay		Judy	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2743	Email	12/4/15 10:07 PM	Lathen, Jay	Protass, Harlan		Re: Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2744	Email	12/5/15 10:50 AM	Protass, Harlan	Lathen, Jay		Re: Judy	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2745	Email	12/5/15 11:53 AM	Lathen, Jay	Protass, Harlan		Re: Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2746	Email	12/5/15 12:49 PM	Auslander, Jay S.	Lathen, Jay		Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2747	Email	12/5/15 1:10 PM	Protass, Harlan	Lathen, Jay		Re: Judy	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2748	Email	12/5/15 5:43 PM	Brune, Susan	Lathen, Jay	Kelly, Jacqueline	Engagement letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2749	Attachment(s)	12/5/15 10:41 PM	Lathen, Jay	Brune, Susan	Kelly, Jacqueline	Re: Engagement letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2750	Email	12/6/15 1:44 PM	Brune, Susan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2751	Email	12/6/15 4:38 PM	Lathen, Jay	Brune, Susan		Jay Lathen has shared 'EACP LPA 06 26 2013.pdf' with you using Dropbox	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2752	Email	12/6/15 4:38 PM	Lathen, Jay	Brune, Susan		Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2753	Email	12/6/15 5:15 PM	Brune, Susan	Lathen, Jay		Re: Jay Lathen has shared 'EACP LPA 06 26 2013.pdf' with you using Dropbox	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2754	Email	12/7/15 9:39 AM	Lathen, Jay	Brune, Susan		Fwd: Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2755	Attachment(s)	12/7/15 12:35 PM	Brune, Susan	Lathen, Jay		Fwd:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2756	Email	12/7/15 2:23 PM	Lathen, Jay	Brune, Susan		RE: Fwd:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2757	Email	12/8/15 9:44 AM	Galbraith, Kevin	Lathen, Jay		Status Check	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
2758	Email	12/8/15 9:58 AM	Lathen, Jay	Galbraith, Kevin		RE: Status Check	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2759	Email	12/8/15 10:03 AM	Lathen, Jay	O'Shea, Sean; Petrella, Michael		SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	12/8/15 10:07 AM	Galbraith, Kevin	Lathen, Jay		Re: Status Check	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2761	Email	12/8/15 10:09 AM	Lathen, Jay	Auslander, Jay S.		Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2762	Email	12/8/15 10:14 AM	Lathen, Jay	Hunter, Fraser	Galbraith, Kevin	Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2763	Email	12/8/15 10:17 AM	Auslander, Jay S.	Lathen, Jay		Re: Eden Arc - SEC Matter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	12/8/15 10:34 AM	Lathen, Jay	Brune, Susan		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2765	Email	12/8/15 10:35 AM	O'Shea, Sean	Lathen, Jay; Petrella, Michael		RE: SEC Matter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2766	Email	12/8/15 10:39 AM	Hunter, Fraser	Lathen, Jay	Galbraith, Kevin	RE: Eden Arc - SEC Matter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2767	Email	12/8/15 11:00 AM	Lathen, Jay	Auslander, Jay S.		RE: Eden Arc - SEC Matter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2768	Email	12/8/15 11:37 AM	Lathen, Jay	Hunter, Fraser	Galbraith, Kevin	RE: Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2769	Email	12/8/15 12:31 PM	Protass, Harlan	Lathen, Jay		Fwd: Eden Arc / Lathen / Wells Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2770	Email	12/8/15 12:29 PM	Lathen, Jay	Brune, Susan		Fwd: Eden Arc / Lathen / Wells Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2771	Email	12/8/15 12:58 PM	Lathen, Jay	Protass, Harlan		RE: Eden Arc / Lathen / Wells Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2772	Email	12/8/15 3:45 PM	Protass, Harlan	Lathen, Jay		RE: Eden Arc / Lathen / Wells Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2773	Email	12/8/15 5:53 PM	Lathen, Jay	Roper, Eric		Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2774	Email	12/9/15 2:29 AM	Brune, Susan	Lathen, Jay		RE: Eden Arc / Lathen / Wells Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2775	Email	12/9/15 8:57 AM	Kane, Darren	Lathen, Jay		Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2776	Email	12/9/15 9:03 AM	Lathen, Jay	Kane, Darren		RE: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2777	Email	12/9/15 9:20 AM	Kane, Darren	Lathen, Jay		RE: Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2778	Email	12/9/15 12:04 PM	Kane, Darren	Lathen, Jay	Hartman, David	Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2779	Email	12/9/15 4:32 PM	Robinson, Michael D.	Lathen, Jay		Re: Funds Transfer	Attorney Client Privilege	Communication reflecting legal advice of Susan Brune.	Yes	EA00033793
2780	Email	12/9/15 6:07 PM	Lathen, Jay	Brune, Susan		RE: Eden Arc / Lathen / Wells Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2781	Email	12/10/15 5:23 PM	Lathen, Jay	Brune, Susan		Can we talk tomorrow morning?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2782	Email	12/10/15 7:03 PM	Brune, Susan	Lathen, Jay		RE: Can we talk tomorrow morning?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2783	Email	12/10/15 9:31 PM	Lathen, Jay	Brune, Susan		RE: Can we talk tomorrow morning?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2784	Email	12/10/15 9:53 PM	Protass, Harlan	Lathen, Jay		Friday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2785	Email	12/10/15 10:29 PM	Lathen, Jay	Protass, Harlan		Re: Friday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	12/11/15 1:51 PM	Lathen, Jay	Riley, John H.		Eden Arc - Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2787	Email	12/11/15 1:58 PM	Riley, John H.	Lathen, Jay	Riley, John H.	RE: Eden Arc - Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2788	Email	12/11/15 3:50 PM	Lathen, Jay	Brune, Susan		Legal counsel	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2789	Email	12/11/15 5:51 PM	Lathen, Jay	Roper, Eric		John Riley	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2790	Email	12/11/15 5:52 PM	Lathen, Jay	Riley, John H.		RE: Eden Arc - Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2791	Email	12/11/15 4:46 PM	Galbraith, Kevin	Lathen, Jay		Checking In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2792	Email	12/11/15 4:48 PM	Lathen, Jay	Galbraith, Kevin		RE: Checking In	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	12/11/15 4:57 PM	Galbraith, Kevin	Lathen, Jay		Re: Checking In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2794	Email	12/11/15 4:58 PM	Lathen, Jay	Galbraith, Kevin		RE: Checking In	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	12/11/15 5:07 PM	Galbraith, Kevin	Lathen, Jay		Re: Checking In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2796	Email with Attachment(s)	12/11/15 5:13 PM	Riley, John H.	Lathen, Jay	Riley, John H.; Molloy, Pam; Jardine, Penny B.; Gagliardi, Rose Ann	Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2797	Email with Attachment(s)	12/11/15 5:20 PM	Lathen, Jay	Riley, John H.	Molloy, Pam; Jardine, Penny B.; Gagliardi, Rose Ann	RE: Eden Arc	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2798	Email	12/11/15 5:23 PM	Roper, Eric	Lathen, Jay		Re: John Riley	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2799	Email	12/11/15 5:23 PM	Riley, John H.	Lathen, Jay	Molloy, Pam; Jardine, Penny B.; Gagliardi, Rose Ann	RE: Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2800	Email with Attachment(s)	12/11/15 6:23 PM	Lathen, Jay	Brune, Susan		is a CD a Security and is a bond redemption a "security purchase"	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2801	Email	12/13/15 4:43 PM	Hartman, David	Lathen, Jay	Kane, Darren	IARD Password	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2802	Email	12/14/15 10:24 AM	Galbraith, Kevin	Lathen, Jay		GE / Synchrony Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2803	Email	12/14/15 10:24 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: IARD Password	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2804	Email	12/14/15 10:30 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: IARD Password	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2805	Email	12/14/15 11:23 AM	Lathen, Jay	Brune, Susan		Wells call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2806	Email	12/14/15 11:24 AM	Brune, Susan	Lathen, Jay		RE: Wells call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	12/14/15 12:08 PM	Brune, Susan	Lathen, Jay	draft@bruneandrichard.com	Fwd: Memo re SEC Wells Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2808	Email with Attachment(s)	12/14/15 12:35 PM	Popowsky, Matthew	Lathen, Jay	Brune, Susan; Kelly, Jacqueline	Privileged & Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2809	Email with Attachment(s)	12/14/15 1:02 PM	Protass, Harlan	Lathen, Jay		File Transfer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2810	Email with Attachment(s)	12/14/15 1:41 PM	Lathen, Jay	Riley, John H.		FW: Privileged & Confidential	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2811	Email with Attachment(s)	12/14/15 1:45 PM	Riley, John H.	Lathen, Jay	Riley, John H.; Danovitch, David E.	FW: Privileged & Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2812	Email with Attachment(s)	12/14/15 2:06 PM	Popowsky, Matthew	Lathen, Jay	Brune, Susan; Kelly, Jacqueline	Privileged & Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2813	Email	12/15/15 8:00 AM	Hartman, David	Lathen, Jay	Kane, Darren	RE: IARD Password	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2814	Email	12/15/15 9:10 AM	Lathen, Jay	Robinson, Michael D.		Fwd: IARD Password	Attorney Client Privilege	Communication reflecting legal advice of David Hartman.		
2815	Email	12/15/15 11:17 AM	Robinson, Michael D.	Lathen, Jay	Hartman, David	Re: Fwd: IARD Password	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2816	Email	12/15/15 2:09 PM	Lathen, Jay	Riley, John H.		RE: Privileged & Confidential	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	12/16/15 1:50 PM	Popowsky, Matthew	Lathen, Jay	Brune, Susan	Retainer Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2818	Email with Attachment(s)	12/16/15 3:34 PM	Lathen, Jay	Brune, Susan	Riley, John H.	Follow-up on the 2 items we discussed	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2819	Email	12/17/15 6:42 AM	Brune, Susan	Lathen, Jay	Riley, John H.	Re: Follow-up on the 2 items we discussed	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2820	Attachment(s)	12/17/15 11:46 AM	Brune, Susan	Riley, John H.; Lathen, Jay		Wells letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2821	Attachment(s)	12/17/15 12:32 PM	Protass, Harlan	Lathen, Jay		Fwd: File Transfer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2822	Email	12/17/15 1:07 PM	Lathen, Jay	Protass, Harlan		RE: File Transfer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2823	Email	12/17/15 1:11 PM	Protass, Harlan	Lathen, Jay		Re: File Transfer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2824	Email	12/17/15 2:36 PM	Lathen, Jay	Galbraith, Kevin		RE: Legal Fee	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2825	Attachment(s)	12/17/15 3:08 PM	Galbraith, Kevin	Lathen, Jay		Re: Legal Fee	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2826	Email	12/17/15 3:26 PM	Lathen, Jay	Hartman, David		RE: Reminder	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2827	Email	12/17/15 3:43 PM	Hartman, David	Lathen, Jay; Kane, Darren	Calaguso, Cheryl	RE: Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2828	Email	12/17/15 5:10 PM	Kane, Darren	Lathen, Jay		(Auto-Reply) FW: Mission-Critical Services Corp.:Eden Arc Capital Partners, LP.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2829	Attachment(s)	12/17/15 5:10 PM	Lathen, Jay	Hartman, David; Kane, Darren		FW: Mission-Critical Services Corp.:Eden Arc Capital Partners, LP- Payment Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2830	Attachment(s)	12/17/15 5:47 PM	Lathen, Jay	Popowsky, Matthew	Brune, Susan	RE: Retainer Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2831	Email	12/17/15 6:43 PM	Kane, Darren	Lathen, Jay		(Auto-Reply) Wells Notice	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2832	Attachment(s)	12/17/15 6:43 PM	Lathen, Jay	Kane, Darren; Hartman, David		Wells Notice	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2833	Attachment(s)	12/17/15 7:34 PM	Brune, Susan	Lathen, Jay	Riley, John H.	For discussion, see below	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2834	Email	12/17/15 7:39 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Wells Notice	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2835	Email	12/17/15 7:49 PM	Lathen, Jay	Brune, Susan	Riley, John H.	Re: For discussion, see below	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2836	Email	12/17/15 8:47 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Mission-Critical Services Corp.:Eden Arc Capital Partners, LP- Payment Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2837	Email	12/17/15 10:14 PM	Riley, John H.	Lathen, Jay	Brune, Susan; Riley, John H.	Re: For discussion, see below	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2838	Email	12/18/15 10:01 AM	Lathen, Jay	Brune, Susan	Riley, John H.	Testimony Transcripts	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2839	Email	12/18/15 11:10 AM	Lathen, Jay	Kane, Darren		RE: Mission-Critical Services Corp.:Eden Arc Capital Partners, LP- Payment Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2840	Email	12/18/15 11:38 AM	Lathen, Jay	Brune, Susan	Riley, John H.	RE: For discussion, see below	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2841	Attachment(s)	12/18/15 12:05 PM	Kelly, Jacqueline	Lathen, Jay	Brune, Susan; Popowsky, Matthew	Privileged & Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2842	Email	12/18/15 12:12 PM	Lathen, Jay	Brune, Susan	Riley, John H.	RE: For discussion, see below	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2843	Email	12/18/15 1:34 PM	Flanders, Robert G	Lathen, Jay	Farrell, Margaret D.	Jackie Kelly	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2844	Email	12/18/15 3:55 PM	Hartman, David	Lathen, Jay	Kane, Darren	ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2845	Email	12/18/15 3:55 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2846	Attachment(s)	12/18/15 5:44 PM	Brune, Susan	Lathen, Jay; Riley, John H.		Wells outline for our discussion on Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2847	Email	12/21/15 10:31 AM	Lathen, Jay	Kane, Darren	Hartman, David	RE: Reminder	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2848	Email	12/21/15 10:34 AM	Kane, Darren	Lathen, Jay		(Auto-Reply) RE: ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2849	Email	12/21/15 10:34 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2850	Attachment(s)	12/21/15 11:20 AM	Brune, Susan	Lathen, Jay	Kelly, Jacqueline; Popowsky, Matthew; Riley, John H.	FW: In the Matter of Eden Arc Capital Management, LLC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2851	Attachment(s)	12/21/15 11:26 AM	Lathen, Jay	Robinson, Michael D.		FW: In the Matter of Eden Arc Capital Management, LLC	Attorney Client Privilege/Work Product	Communication attaching privileged work product.		
2852	Email	12/21/15 1:11 PM	Kane, Darren	Lathen, Jay	Hartman, David	RE: ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2853	Email	12/21/15 1:11 PM	Kane, Darren	Lathen, Jay		RE: Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2854	Attachment(s)	12/21/15 4:06 PM	Hartman, David	Lathen, Jay	Kane, Darren; Hartman, David	Draft ADV for Review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2855	Attachment(s)	12/21/15 6:09 PM	Hartman, David	Lathen, Jay	Kane, Darren	Resend of ADV 1A	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2856	Attachment(s)	12/21/15 6:27 PM	Lathen, Jay	Riley, John H.		Fwd: Edenarc-Summary capital account allocations_inception to 10/31/15	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2857	Email	12/21/15 6:33 PM	Riley, John H.	Lathen, Jay	Riley, John H.	RE: Edenarc-Summary capital account allocations_inception to 10/31/15 -Confidential; Attorney - Client Privilege	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2858	Attachment(s)	12/22/15 2:22 PM	Hartman, David	Lathen, Jay	Kane, Darren	Updated ADV 2B	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2859	Email	12/22/15 4:35 PM	Lathen, Jay	Hartman, David		Re: Resend of ADV 1A	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2860	Attachment(s)	12/23/15 9:41 AM	Brune, Susan	Lathen, Jay	Riley, John H.; Popowsky, Matthew; Kelly, Jacqueline	Another Wells notice	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2861	Email	12/23/15 9:47 AM	Hartman, David	Lathen, Jay		RE: Resend of ADV 1A	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2862	Email	12/23/15 12:18 PM	Robinson, Michael D.	Galbraith, Kevin		Fwd: Re: Caterpillar Survivor Option Cusip 14912HQ0A1	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2863	Email	12/23/15 12:26 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Caterpillar Survivor Option Cusip 14912HQ0A1	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2864	Email	12/25/15 6:31 AM	Brune, Susan	Lathen, Jay; Galbraith, Kevin; Popowsky, Matthew; Kelly, Jacqueline		NYTimes: Obscure Corner of Wall St. Draws Skepticism From Investors	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2865	Email	12/28/15 10:19 AM	Hartman, David	Lathen, Jay	Kane, Darren; Hartman, David	ADV update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2866	Email	12/28/15 11:46 AM	Robinson, Michael D.	Lathen, Jay		Re: FW: In the Matter of Eden Arc Capital Management, LLC	Attorney Client Privilege/Work Product	Communication containing privileged work product.		
2867	Email	12/28/15 4:48 PM	Lathen, Jay	Robinson, Michael D.		Re: In the Matter of Eden Arc Capital Management, LLC	Attorney Client Privilege/Work Product	Communication containing privileged work product.		
2868	Email	12/28/15 7:02 PM	Robinson, Michael D.	Lathen, Jay		Re: In the Matter of Eden Arc Capital Management, LLC	Attorney Client Privilege/Work Product	Communication containing privileged work product.		
2869	Email	12/29/15 2:34 PM	Lathen, Jay	Hartman, David	Kane, Darren	RE: ADV update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2870	Attachment(s)	12/30/15 2:27 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: ADV update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2871	Email	12/30/15 4:58 PM	Lathen, Jay	Hartman, David	Kane, Darren	Re: ADV update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2872	Attachment(s)	1/4/16 8:40 AM	Hartman, David	Lathen, Jay	Hartman, David; Kane, Darren	ADV Filed	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

**In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log**

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
2873	Email with Attachment(s)	1/4/16 12:08 PM	Brune, Susan	Lathen, Jay		new vcard for me -- please note that I don't always have my mobile phone on, so office is usually best	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2874	Email	1/4/16 2:15 PM	Brune, Susan	Lathen, Jay		A privileged and confidential happy new year!	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2875	Email	1/4/16 2:35 PM	Popowsky, Matthew	Robinson, Michael D.		Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2876	Email	1/4/16 2:53 PM	Robinson, Michael D.	Popowsky, Matthew		Re: Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2877	Email	1/4/16 3:40 PM	Lathen, Jay	Brune, Susan		RE: A privileged and confidential happy new year!	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2878	Email	1/4/16 6:01 PM	Robinson, Michael D.	Popowsky, Matthew		RE: Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2879	Email	1/4/16 6:13 PM	Popowsky, Matthew	Robinson, Michael D.		Re: Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2880	PDF	7/7/2015	Clayman & Rosenberg LLP	Lathen, Jay		Clayman & Rosenberg Invoice 7-7-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2881	PDF	8/11/2015	Clayman & Rosenberg LLP	Lathen, Jay		Clayman & Rosenberg Invoice 8-11-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2882	Email	7/16/15 3:13 PM	Galbraith, Kevin	Lathen, Jay		Legal Fees	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2883	PDF	7/15/2015	Galbraith, Kevin	Lathen, Jay		Galbraith Invoice 7-15-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2884	PDF	12/16/2015	Brune & Richard LLP	Lathen, Jay		Brune & Richard Retainer Invoice and Payment 12-17-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2885	PDF	12/14/2015	Clayman & Rosenberg LLP	Lathen, Jay		Clayman and Rosenberg Invoice and Payment 12-17-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2886	PDF	12/4/2015	Galbraith, Kevin	Lathen, Jay		Galbraith Invoice and Payment 12-17-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2887	PDF	5/7/2015	Clayman & Rosenberg LLP	Lathen, Jay		Clayman & Rosenberg Invoice & Payment 6-7-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2888	PDF	4/14/2015	Galbraith, Kevin	Lathen, Jay		Kevin Galbraith Bill & Payment 6-7-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2889	PDF	4/27/2015	Galbraith, Kevin	Lathen, Jay		Kevin Galbraith Bill & Payment	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2890	PDF	9/8/2015	Clayman & Rosenberg LLP	Lathen, Jay		Clayman & Rosenberg Invoice 9-8-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2891	PDF	9/4/2015	Galbraith, Kevin	Lathen, Jay		Galbraith Invoices 9-4-15 and 10-1-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2892	Spreadsheet					escp_redemptions_current	Attorney Client Privilege	Communication reflecting legal advice of counsel.	Yes	EA00033924
2893	Email	10/10/14 6:21 PM	Kane, Darren	Lathen, Jay		EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2894	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2895	Email	10/20/14 6:25 PM	Kane, Darren	Lathen, Jay		Revised EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2896	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2897	Email	10/20/14 6:25 PM	Kane, Darren	Lathen, Jay		RE: EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2898	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2899	Email	7/23/15 11:57 AM	Robinson, Michael D.	Protass, Harlan		Fwd: Re: EndCare brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2900	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2901	Email	7/23/15 2:37 PM	Robinson, Michael D.	Protass, Harlan		Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2902	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2903	Email	7/23/15 10:15 AM	Robinson, Michael D.	Lathen, Jay		Re: EndCare brochure	Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2904	Attachment						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2905	Attachment						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2906	Attachment						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2907	Email	10/23/14 1:49 PM	Robinson, Michael D.	Kane, Darren	Lathen, Jay	EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2908	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2909	Email	10/14/14 12:08 PM	Robinson, Michael D.	Lathen, Jay		Re: FW: EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2910	Attachment						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2911	Attachment						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2912	Attachment						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
2913	Email	9/11/12 12:40 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2914	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2915	Email	9/18/12 2:25 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.	Doring, Matthew P.; Manoni, Jacquelyn A.	EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2916	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2917	Email	10/1/12 5:10 PM	Robinson, Michael D.	Farrell, Margaret D.	Doring, Matthew P.; Manoni, Jacquelyn A.; Lathen, Jay	Brochure and Participant's Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2918	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2919	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2920	Email	12/3/12 12:38 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2921	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2922	Email	12/19/12 1:05 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2923	Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2924	Word Document					Affidavit ISO Opposition 9_3_15 kg draft	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2925	Word Document					Affidavit ISO Reply jf edits final	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2926	Word Document					Opposition to Motion for Partial SJ jf edits to kg draft 9_3_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2927	Word Document					Opposition to Motion for Partial SJ kg draft 9_3_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2928	PDF					Prospect_Reply ISO MTD_7_16_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2929	Word Document					Reply ISO MTD jf markupto_KG draft7_15_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2930	Word Document					Reply ISO MTD KG draft	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Dates
2931	Word Document					Reply ISO MTD lg Final	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2932	Word Document					Reply ISO MTD lg Final jl last edits	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		
2933	Word Document					07 17 15 Draft SEC White Paper -- Eden Arc	Attorney Work Product	Legal research relating to SEC investigation.		
2934	Word Document					07 17 15 Draft SEC White Paper -- Eden Arc jl edits	Attorney Work Product	Legal research relating to SEC investigation.		
2935	Word Document					07 20 15 Draft SEC White Paper -- Eden Arc CLEAN	Attorney Work Product	Legal research relating to SEC investigation.		
2936	Word Document					07 20 15 Draft SEC White Paper -- Eden Arc REDLINE	Attorney Work Product	Legal research relating to SEC investigation.		
2937	Word Document					07 20 15 Draft SEC White Paper jledits redline	Attorney Work Product	Legal research relating to SEC investigation.		
2938	Word Document					08 19 15 Letter to Weinstock and Grace re Email Production and Reverse Proffer	Attorney Work Product	Attorney draft prepared in connection with SEC investigation.		
2939	Word Document					08 19 15 Letter to Weinstock and Grace re Email Production and Reverse Proffer jledits	Attorney Work Product	Attorney draft prepared in connection with SEC investigation.		
2940	Word Document					09 03 15 Draft SEC White Paper -- Eden Arc	Attorney Work Product	Legal research relating to SEC investigation.		
2941	Word Document					09 03 15 Draft SEC White Paper -- Eden Arc jl edits	Attorney Work Product	Legal research relating to SEC investigation.		
2942	Word Document					09 10 15 Draft SEC White Paper -- Eden Arc -- HUP Comments jl edits	Attorney Work Product	Legal research relating to SEC investigation.		
2943	Word Document					09 10 15 Draft SEC White Paper -- Eden Arc -- HUP Comments jl edits	Attorney Work Product	Legal research relating to SEC investigation.		
2944	Word Document					09 10 15 Draft SEC White Paper -- Eden Arc -- HUP Comments jl final edits clean - DK - 20150910	Attorney Work Product	Legal research relating to SEC investigation.		
2945	Word Document					09 10 15 Draft SEC White Paper -- Eden Arc -- HUP Comments jl final edits clean	Attorney Work Product	Legal research relating to SEC investigation.		
2946	Word Document					09 10 15 Draft SEC White Paper -- Eden Arc	Attorney Work Product	Legal research relating to SEC investigation.		
2947	Word Document					09 10 15 Draft SEC White Paper -- Eden Arc jl edits	Attorney Work Product	Legal research relating to SEC investigation.		
2948	Word Document					09 11 15 SEC White Paper -- Eden Arc -- Lathen	Attorney Work Product	Legal research relating to SEC investigation.		
2949	Word Document					09 11 15 SEC White Paper -- Eden Arc -- Lathen lathen final edits	Attorney Work Product	Legal research relating to SEC investigation.		
2950	PDF					33_act	Attorney Work Product	Legal research regarding securities laws.		
2951	PDF					aba_report_task_force_pp_brokers	Attorney Work Product	Legal research regarding broker-dealers.		
2952	PDF					admin_agreement_edits	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2953	PDF					bony_correspondence	Attorney Client Privilege	Materials received from Robert Flanders in connection with request for legal advice.		
2954	PDF					caramadre_106 RR Plea Agreement 11 19 12	Attorney Client Privilege	Materials received from Robert Flanders in connection with request for legal advice.		
2955	PDF					caramadre_indictment_11-17-11	Attorney Client Privilege	Materials received from Robert Flanders in connection with request for legal advice.		
2956	PDF					caramadre_Plea Agreement 11 19 12	Attorney Client Privilege	Materials received from Robert Flanders in connection with request for legal advice.		
2957	PDF					Doc 106-1 Statement of Facts 11 19 12 (2)	Attorney Client Privilege	Materials received from Robert Flanders in connection with request for legal advice.		
2958	PDF					docs_mark up 2 3 11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2959	Word Document					EACP LPA 06 26 2013 clean	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2960	Word Document					EACP LPA 06 26 2013_redline	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2961	Word Document					EACP LPA 06 26 2013j comments	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2962	Word Document					EACP PPM 06 26 2013	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2963	Word Document					EACP PPM 06 26 2013_redline	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2964	Word Document					eden_arc_capital_advisors_operating_agreement	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2965	Word Document					eden_arc_capital_advisors_operating_agreement_4_15_13	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2966	Word Document					eden_arc_capital_management_operating_agreement	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2967	Word Document					eden_arc_capital_management_operating_agreement_4_15_13	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2968	Word Document	1/12/2011	Hood, Bruce E.	Lathen, Jay; Sophos, Constantine; Lavet, Jeff		EdenArcTaxMemorandum w/igin dana 1 12 11	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2969	Word Document					EndCare Legal Issues	Attorney Client Privilege	Outline reflecting requests for legal advice.		
2970	Word Document					ENDCARE20CAPITAL20PARTNERS(1)	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2971	Word Document					endcare contract	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2972	Word Document					EndCare term sheet 10 6 10	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2973	Word Document					EndCare term sheet 10 6 10 clean	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2974	Word Document					EndCare term sheets 10 10	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2975	Word Document					EndCare term sheets 10 10 clean	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2976	Word Document					EndCare term sheet 10 4 10	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2977	Word Document					ENDCARE20CAPITALPARTNERS	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2978	Word Document					ENDCARE20CAPITALPARTNERS limited_life(1)	Attorney Work Product	Attorney draft of agreement reflecting legal advice.		
2979	PDF					Fed_regT_amendments 1998	Attorney Work Product	Legal research regarding broker-dealers.		
2980	PDF					finra_reg_notice	Attorney Work Product	Legal research regarding FINRA regulations.		
2981	PDF					finra_rule_4210	Attorney Work Product	Legal research regarding FINRA regulations.		
2982	Word Document	2/18/2010	Lathen, Jay	Flanders, Robert G.		flanders_2_18_10	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2983	PDF	5/9/2012	Roper, Eric	Lathen, Jay		gersten_eng_ltr_5_9_12	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2984	Word Document	10/8/2010	Roper, Eric	Lathen, Jay		gersten_savage_drft_eng_ltr_fund_10_8_10	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2985	PDF	10/20/2010	Roper, Eric	Lathen, Jay		gersten_savage_eng_ltr_10_20_10	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2986	PDF	8/18/2010	Roper, Eric	Lathen, Jay		gersten_savage_engltr_8_18_10	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2987	PDF					hedge_fund_legal_primer	Attorney Work Product	Legal research regarding hedge funds.		
2988	PDF	7/26/2012	Flanders, Robert G.	Lathen, Jay		hinkley_eng_ltr_7_26_12	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2989	PDF	7/30/2012	Flanders, Robert G.	Lathen, Jay		hinkley_eng_ltr_executed_7_30_12	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2990	Word Document					IMA_1_26_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2991	Word Document					IMA_Final_5_1_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2992	Word Document	8/31/2012	Farrell, Margaret D.	Lathen, Jay		Lathen - Memo re Caramadre # S 50848846 (2)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2993	PDF					lp_agreement_comments	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2994	PDF					lp_edits_6_26_12	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		

In the Matter of Eden Arc Capital Management, LLC (NY-9197)
Privilege Log

Entry Number	Record Type	Date	From	To	Cc	Email Subject or file Name	Privilege Type	Privilege Description	Redacted	Production Bates
2995	PDF					lp_edits_11_23_10	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2995	Word Document					LPA_2_4_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2997	PDF					lpa_edits_5_28_12	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2998	Word Document					LPA2_04_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2999	Word Document					nda	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3000	Word Document					nda_2_10_2010	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3001	Word Document					nda_12_13_2010	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3002	Word Document					nda_hrc_4_28_2010	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3003	Word Document					nda_prelude_4_29_2010	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3004	Word Document					nj_pos_10_20_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3005	Word Document					non-solicit-disclaimer-lang	Attorney Client Privilege	Attorney draft of contract language reflecting legal advice.		
3006	Word Document					ny_limited_pos	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3007	Word Document					part_agreement_2_17_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3008	Word Document					part_agreement_3_2_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3009	PDF					part_agreement_3_2_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3010	Word Document					part_agreement_8_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3011	PDF					part_agreement_8_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3012	Word Document					part_agreement_10_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3013	Word Document					part_agreement_gs_markup_2_4_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3014	Word Document					part_agreement+pos_5_21_12	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3015	Word Document					Participant Agreement2.4.11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3016	Word Document					pos_texas	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3017	Word Document					ppm_2_4_11	Attorney Client Privilege	Attorney draft of Private Placement Memorandum reflecting legal advice.		
3018	Word Document					ppm_11_22_10	Attorney Client Privilege	Attorney draft of Private Placement Memorandum reflecting legal advice.		
3019	Word Document					ppm_11_22_10_lathen_edits	Attorney Client Privilege	Attorney draft of Private Placement Memorandum reflecting legal advice.		
3020	Word Document					ppm_11_22_10_lathen_edits(1)	Attorney Client Privilege	Attorney draft of Private Placement Memorandum reflecting legal advice.		
3021	Word Document					ppm_lathen_edits_12_21_10	Attorney Client Privilege	Attorney draft of Private Placement Memorandum reflecting legal advice.		
3022	Word Document					PPM2_04_11	Attorney Client Privilege	Attorney draft of Private Placement Memorandum reflecting legal advice.		
3023	PDF					reg_t	Attorney Work Product	Legal research regarding broker-dealers.		
3024	Notepad Document					reg_t	Attorney Work Product	Legal research regarding broker-dealers.		
3025	Word Document					robbins_ltr_8_26_10	Attorney Client Privilege	Attorney draft of correspondence reflecting legal advice.		
3026	PDF					robbins_ltr_final	Attorney Client Privilege	Attorney draft of correspondence reflecting legal advice.		
3027	PDF					sample_to_language	Attorney Client Privilege	Legal research regarding survivor's option.		
3028	PDF					sea34(1)	Attorney Work Product	Legal research regarding securities.		
3029	Word Document					spedal_POA_4_28_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3030	PDF					spedal_POA_4_28_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3031	Word Document					sub_agreement_01.10.11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3032	Word Document					sub_agreement_02.25.11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
3033	Word Document					Sub_agreement_3_3_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of:)
) File No. NY-09197-A
EDEN ARC CAPITAL)

WITNESS: Donald Lathen
PAGES: 1 through 211
PLACE: Securities and Exchange Commission
200 Vesey Street, Suite 400
New York, New York 10281
DATE: Wednesday, July 22, 2015

The above-entitled matter came on for hearing,
pursuant to notice, at 9:41 a.m.

Diversified Reporting Services, Inc.

(202) 467-9200

1 break now for lunch?
 2 MR. PROTASS: I'll just take this.
 3 One second.
 4 (Brief pause taken.)
 5 MS. WEINSTOCK: We just went off the
 6 record for a minute or two so Mr. Protass could take
 7 a phone call. It's now 1:19.
 8 EXAMINATION
 9 BY MS. WEINSTOCK:
 10 Q Mr. Lathen, did we have any
 11 conversations of substance while your lawyer was
 12 taking that phone call?
 13 A No.
 14 Q I -- let's just go for a few more
 15 minutes and finish this area and we'll break for
 16 lunch.
 17 A Sure. Sounds good.
 18 Q Now, you were talking about a change
 19 that you made.
 20 A Yes.
 21 Q When did you make that change?
 22 A Around January 2013.
 23 Q And why did you make that change?
 24 A We decided to sort of take a fresh
 25 look at our contracts after we became aware of the

1 Joseph Caramadre case up in Rhode Island and several
 2 investors were aware of that situation and had
 3 expressed, you know, concern about it. And we, you
 4 know, told them, look, this is totally different
 5 than what we're doing. And we laid out all the
 6 reasons why that was the case, but nonetheless, we
 7 decided at that point, because we felt like it was
 8 going to be a marketing impediment to raising more
 9 capital for the funds and also to give our own
 10 investors some comfort, we decided to have Hinckley,
 11 Allen, Snyder, which is a law firm up in Rhode
 12 Island, write a legal memo comparing our business
 13 with Caramadre.
 14 And so, they prepared that memo. And
 15 in the course of that work I also said, hey, let's
 16 take a look -- you know, take a look at my
 17 contracts, tell me if you think, you know, we can --
 18 we can improve upon these. And so, that version of
 19 the participant agreement where the fund became a
 20 lender was the result of those discussions.
 21 MR. PROTASS: One minute. I'd just
 22 like him to clarify which version of the participant
 23 agreement you're referring to.
 24 MS. WEINSTOCK: That's fine.
 25 A Yes.

1 MR. PROTASS: Because there have been
 2 multiple.
 3 A Yeah. I don't know if you've looked
 4 at them and numbered them, but we think there's five
 5 versions of the participant agreement.
 6 Q Okay.
 7 A And I'm referring to -- and I'll just
 8 briefly go through them.
 9 The first one where, basically, it
 10 was my own money, my wife and I and the participant
 11 as joint tenants. The second version was more or
 12 less the same, but it was joint tenancies that I
 13 created with -- with Gary Rosenbach. The third
 14 version of the participant agreement, which I've
 15 referred to as the 95/5 version, that was the
 16 initial version of the participant agreement that we
 17 used when we launched the fund in May of 2011.
 18 Participant agreement number four,
 19 which is the first form that contemplates this loan
 20 and you see the term investment loan referenced in
 21 that version of the participant agreement, that was
 22 created in January of 2013. Version number five,
 23 which we created earlier this year, is -- is in most
 24 respects identical to version four, but instead of
 25 just me borrowing on the line of credit agreement

1 with the fund, both the participant and I borrow on
 2 that line.
 3 Q Okay. Okay. I think we'll take a
 4 break now.
 5 MS. WEINSTOCK: It's 1:23. We're off
 6 the record. Thank you.
 7 (Lunch recess taken from 1:23 p.m. to
 8 2:40 p.m.)
 9 AFTERNOON SESSION
 10 MS. WEINSTOCK: Okay. We're back on
 11 the record. It's 2:40 p.m.
 12 MS. WEINSTOCK: Mr. Lathen, did you
 13 and the staff have any conversations of substance
 14 while we were off the record?
 15 THE WITNESS: No.
 16 MS. WEINSTOCK: We've had a
 17 conversation about privilege off the record and I'm
 18 just going to put a few things on the record. The
 19 first is that --
 20 MR. GRACE: With counsel by the way.
 21 MS. WEINSTOCK: With counsel, yes.
 22 The first is that Mr. Protass and
 23 Mr. Lathen are not asserting an advice of counsel
 24 defense. The second matter is that the staff of the
 25 SEC believes that attorney/client privilege has been

1 waived due to Mr. Lathen's activities in terms of
2 his communications with investors and third parties
3 about legal advice. We have agreed that there are
4 certain questions that -- and answers that are not
5 privileged and that the staff will be able to ask
6 Mr. Lathen about those areas. Those areas are
7 questions surrounding whether or not legal advice
8 was given, when it was given, the general subject
9 matter of that advice and with whom, who the
10 attorney was essentially, and whether he got advice
11 on particular topics.

12 MR. PROTASS: The only thing I would
13 add to that is that while we, Mr. Lathen and I,
14 understand that the Commission believes that there
15 has been a waiver of the attorney/client privilege
16 we respectfully disagree with that conclusion and we
17 maintain that there has been no waiver of the
18 attorney/client privilege.

19 MS. WEINSTOCK: Thank you.

20 EXAMINATION

21 BY MS. WEINSTOCK:

22 Q Okay. So returning to the topic that
23 we were talking about before we broke.

24 You were talking about the first
25 version -- the first version of the participant

1 Q You mentioned that there could be a
2 scenario where, in the event that you predeceased,
3 the -- the participant had to pay back the fund,
4 correct? Now, you -- in the hypothetical that you
5 gave, the amount of money had gone from two million
6 to two-and-a-half million dollars. To the extent
7 that there would be a market event that would cause
8 instead of that \$2 million to go up, to go down,
9 what happened?

10 A The -- if it -- if it fell below the
11 value that the investors had contributed in
12 participant version number three, or below the loan
13 plus accrued interest in participant versions four
14 and five, then only what was in the account -- to
15 the extent there was a shortfall, the participant
16 did not have to make up the shortfall. So, whatever
17 was paid to the fund they would effectively have a
18 loss on their loan.

19 Q Which version was that? You said
20 version three?

21 A Version three, four and five.

22 Q Now, we've talked a lot about what
23 happens in the event of your predecease, but let's
24 go back to sort of the usual scenario where the
25 terminally ill person predeceases you.

1 agreement. In the first version of the participant
2 agreement what happened in the event of your
3 predecease?

4 A The first version of the participant
5 agreement was actually a three-way joint tenancy
6 between myself, my wife and the participant. So in
7 the event of my demise, the account would pass to
8 Kathy, my wife, and the participant. And -- and
9 then, whoever was deceased again -- whoever the next
10 person to be deceased would then cause the account
11 to pass to the -- to the last survivor. So in
12 the -- in the event that both Kathy and I
13 predeceased, the participant -- the account would
14 pass to the participant.

15 Q Now, in the version of the
16 participant agreement where there was a loan
17 agreement, a separate loan agreement --

18 MR. PROTASS: I just -- I just want
19 to be clear, there was one version where it was a
20 loan agreement with Jay, Mr. Lathen, and there was a
21 loan agreement with Mr. Lathen and the participant.
22 I'm just wondering which one you're referring to.

23 MS. WEINSTOCK: I'm not sure yet.
24 I'm going to ask him.

25 MR. PROTASS: Fair enough.

1 A Uh-huh.

2 Q Can you walk us through what
3 happened.

4 A So legally, since it's a joint
5 tenancy, the account passes, by operation of law, to
6 the -- to the surviving owner, which is me. I then
7 exercise the survivor's option feature on the
8 securities that are in the account through the
9 process that is proscribed in either the prospectus
10 or the disclosure statement with respect to those
11 securities. And ultimately, through the redemption
12 process, the account is -- is slowly liquidated and
13 ultimately funds that are owed to the -- to the --
14 to the lender, which is Eden Arc Capital Partners,
15 are repaid. And then, through the profit sharing
16 arrangement the -- the remaining proceeds of the
17 fund go to the -- go to the -- the remaining
18 proceeds of the joint account go to the fund.

19 Q And you said so far there has been no
20 scenario where one of the participants and/or their
21 families got a portion of that money; is that
22 correct?

23 A That's right. And that is consistent
24 with joint tenancy law. When one party passes away
25 the account passes, by operation of law, to the

1 **Q And for what purpose?**

2 A For purpose of understanding in the
3 context of having multiple joint accounts with
4 multiple participants that are alive and with excess
5 capital to invest, knowing which account has the
6 shortest duration is helpful. And it also helps us
7 sort of get a sense as we're managing other
8 inquiries from participants or social workers to get
9 a handle on, okay, what are our -- what are our
10 capital -- what is our capital availability?
11 What -- you know, and -- and how can we -- and how
12 and who could we help.

13 **Q Was it important to find out quickly
14 if someone passed away?**

15 A Yeah. I mean, we like to find out
16 quickly. And that's the one thing that we do ask
17 them is, if -- if the person passes away, please do
18 notify us promptly. And, you know, by enlarge
19 people are pretty good about that.

20 **Q And is that because the strategy was
21 dependent on quickly redeeming the bonds?**

22 A Well, since we don't know these
23 individuals personally, we're not going to find it
24 out through the grapevine. So it requires someone
25 contacting us. And, yes, obviously we'd like to

1 thing I was curious, based on our discussion earlier
2 around whether or not we had provided a participant
3 agreement to -- to SecureVest, it does appear on
4 page 16 that we -- you know, we mention the
5 participant agreement. Although, we don't call it
6 that. We just say, "Transaction is fully documented
7 with participant."

8 **Q Sorry, what page is that?**

9 A Oh. That would be, I guess, Bates
10 stamp 40, lower, left-hand corner.

11 So if you look at, you know, the
12 second sub bullet under the first bullet,
13 "Transaction is fully documented with participant."
14 And then we also say that on a few pages back on 34
15 under "Legal," very last bullet point, but anyway.

16 **Q And you say here, "Prior launching
17 business, Eden Arc, received advice from counsel
18 that the strategy is legal"; is that right?**

19 A Yes.

20 **Q What -- what lawyer were you
21 referring to there?**

22 A Katten, Muchin.

23 **Q And you said that you did get
24 something in writing from them or you did not?**

25 A Did not.

1 know sooner rather than later so we can procure the
2 death certificates and get on with the redemption
3 activity. But, you know, in addition, we don't want
4 to be in a situation where we're buying CDs or bonds
5 into a joint account not knowing that the person's
6 already deceased because if those bonds aren't
7 purchased in the account when the person's still
8 alive then they're not eligible for repayment under
9 the survivor's option.

10 MS. WEINSTOCK: This is going to be
11 number 47.

12 (February 2011 Investor Presentation
13 received and marked Exhibit 47.)

14 MR. GOSNELL: Are you done with 14?

15 MS. WEINSTOCK: I am.

16 MR. GOSNELL: Is this 47?

17 MS. WEINSTOCK: This is 47.

18 MR. GOSNELL: Thanks.

19 **Q Is this the investor presentation
20 that you've been referring to?**

21 A Yes. I mean, there are -- there are
22 different -- different versions of the investor
23 presentation as it is evolved over time, but yes,
24 this is -- this is one version.

25 And I'm just looking through it. One

1 **Q And when you say, "the strategy is
2 legal," what was the topic of the -- the topic of
3 the advice that you got? "Strategy is legal" is
4 very broad.**

5 MR. PROTASS: Can I?

6 A The issues that the lawyers were
7 asked to address were compliance with securities
8 laws and -- and aspects of the joint tenancy and
9 disclosure with participants. Those were the main
10 sort of areas probed in the legal analysis.

11 **Q And you say on the page, "The account
12 passes directly to Eden Arc, principal is not part
13 of the participant's estate."**

14 A Yes.

15 **Q Is that correct?**

16 A Yes. So that of course is saying
17 what we already know to be true about a joint
18 tenancy with rights of survivorship. That's a core
19 feature, of course, of a joint tenancy with rights
20 of survivorship. So that's, I mean, something that
21 I know in -- in talking to others when they -- when
22 they see in the participant agreement that it says
23 that the account is going to pass to me, some people
24 have said, oh, you know, why are you -- you know,
25 why are you -- why is it doing that? Why isn't it

1 part of their estate? And -- and those -- those
2 questions are usually coming from people that don't
3 understand how joint tenancy law and how joint
4 tenancy with rights of survivorship accounts work.
5 Namely, that when one joint tenant passes away it
6 passes, by operation of law, to the surviving joint
7 tenant.

8 So that sentence in the participant
9 agreement is not anything that's unique to our
10 arrangement with them. It's really just disclosing
11 to them, to the extent they're not familiar, that
12 when a joint tenancy account is created and if they
13 are a joint tenant and they pass away, that
14 account's going to pass to the surviving joint owner
15 and not be a part of the estate.

16 Q So on page 50, if you could take a
17 look.

18 A Sure.

19 Q You say, "No impact on Medicare or
20 private health insurance benefits."

21 A Yes.

22 Q That's if the money was paid to a
23 family member and not the terminally ill person; is
24 that right?

25 A Yes. So there's a distinction

1 between Medicare, Medicaid and private health
2 insurance. And if you look at the next bullet point
3 below it addresses Medicaid specifically. Medicare
4 is health care for the elderly. Medicaid is health
5 care for the poor. Medicare is not needs based. If
6 you are 65 years old you are eligible for Medicare
7 full stop. No means testing. Medicaid of course
8 being a means tested program, you have to qualify
9 for Medicaid. You have to show income tax returns.
10 You have to show asset statements. Private health
11 insurance, they could care less what your rules are,
12 what your wherewithal is.

13 So, bottom line, Medicare, private
14 health insurance, non-issue, full stop. Medicaid,
15 definitely issues. We highlight the issues, but we
16 make sure that we get it to a family member or to --
17 to a vendor or a funeral home or whatever.

18 Q And it says here, "End Care, not the
19 participant, funds the investment account and
20 assumes all investment risk"; is that right?

21 A Yes. You're -- actually, that's sort
22 of strange. That's a -- that's a typo. It should
23 really say Eden Arc Capital Partners. Oh, no,
24 that's an older version of it. I didn't realize
25 that this was multiple versions of my investor

1 presentation.

2 So you are -- actually, beginning on
3 Bates page 46 this is actually a different
4 presentation than the first page of this exhibit
5 which is investor presentation in February of 2011.
6 Between the time -- and I don't know the date of
7 this End Care Financial Assistance Program
8 Presentation, but this -- this End Care Financial
9 Assistance Program is not actually a investor
10 presentation. This is a presentation that we would
11 have given to social workers to discuss our program
12 so that they understood and knew about us. And to
13 the extent they knew individuals that needed
14 financial assistance, they would be aware of our
15 program.

16 Q And do you still give out this End
17 Care presentation --

18 A No.

19 Q -- to social workers?

20 A No.

21 Q When was the last time you gave out
22 this?

23 A It's been at least four years. I
24 mean, this would have probably been in 2000 -- it's
25 been more. I would say it's been more than four

1 years.

2 Q Well, if you look at page 47 it says,
3 "It was founded by Jay and Kathy Lathen in June of
4 2009." So this has to be after June 2009; is that
5 right?

6 A Yeah. Right. So that was seven
7 years ago. So it could be, you know, as old as
8 seven years, but I don't think we used it beyond,
9 you know, 2000 -- honestly, I don't think we've used
10 this beyond 2011.

11 Q Why is that?

12 A Well, because once we achieved a
13 critical mass with social workers that knew about
14 our program, we didn't see the need to do more
15 outreach. The only thing worse than not being able
16 to help someone because we don't have the capital
17 base to add them as a participant is to market too
18 much to social workers. Say, hey, send us your
19 participants and have to say no to even more people.
20 So we've carefully calibrated our marketing to match
21 our capital base.

22 We know that social workers like our
23 program. We know that they will refer us people
24 and -- and they will continue to refer us people
25 because we make a real difference in these peoples

1 speaks for itself.
2 A Yeah. I mean, that's what it
3 specifies as follows. I mean, it certainly mentions
4 it. It doesn't mention the degree of reliance on
5 it, but it mentions it.

6 Q When did you disburse the participant
7 payment to Kilgus?

8 A It would have been -- I don't recall
9 exactly, but it would have been some time after
10 May 31st or maybe as early as May 31st. I don't --
11 I don't recall.

12 Q Now, take a look at page seven of
13 seven, the second to last paragraph where it says,
14 "Finally, this memoranda does not address the
15 validity of the joint account arrangements or any
16 difference between the structure of Caramadre's
17 activities and the program that are not the basis
18 for the allegations in the indictment."

19 Focusing on the first half of that
20 sentence, you acknowledge you did not have a legal
21 opinion on the validity of the joint account
22 arrangements?

23 MR. PROTASS: Objection.

24 Q Or did you have a separate one?

25 A There -- we do not possess a legal

1 there were valid joint tenancies?

2 MR. PROTASS: Objection. I don't
3 think he testified that he had an opinion. I think
4 he testified that he had advice.

5 A I had advice regarding the joint
6 tenancy.

7 MR. GRACE: Did you ever seek a
8 written opinion regarding the validity of the joint
9 tenancy arrangements?

10 THE WITNESS: Yes, I have sought. I
11 have attempted to get a written opinion.

12 MR. GRACE: Okay.

13 Q And why is it that you didn't get
14 one?

15 A A variety of reasons. In the case of
16 Hinckley, Allen, Snyder they -- they said it's not
17 really what they do. Some other firms we spoke to
18 said similar things, it's not what we do. Another
19 firm -- a couple of firms they -- they said,
20 basically, said, you know, we can't opine. We could
21 potentially opine on this, but we have issuers in
22 this marketplace who are our clients and we don't
23 want to piss them off. No one said, we don't think
24 you have a joint -- valid joint tenancy.

25 Q Did anyone say we think you do have a

1 opinion on the validity of the joint tenancies. Nor
2 do I believe that we ever represented that we had a
3 legal opinion on the validity of the joint
4 tenancies.

5 Q And to be clear, when you say you
6 didn't have a legal opinion on the validity of the
7 joint tenancies we're talking about oral opinions as
8 well as written opinions?

9 A We did not have a written opinion.

10 Q What about an oral opinion?

11 A We had oral advice. I don't want
12 to -- I don't want to use the term opinion because I
13 don't know -- you know, that can sometimes connote,
14 you know, a strong -- stronger -- a stronger view
15 than is intended, but we certainly received advice
16 on, you know, how to structure our contracts in a
17 way which preserved the validity of the joint
18 tenancy.

19 Q Preserved the validity of the joint
20 tenancy or preserve the argument of the validity of
21 the joint tenancy?

22 A Preserve the validity of the joint
23 tenancy.

24 Q So you had an opinion that the way
25 that the agreement was structured there was valid --

1 valid joint tenancy?

2 A Not directly to me, but I understood
3 from one of my colleagues -- not colleagues. I
4 mentioned Blue Sand, which is a -- my marketing
5 firm, they had a contact at Seward and Kissel and we
6 sent out some materials to them describing the --
7 the arrangement, including our -- our contract. And
8 the -- the contract was a little bit different than
9 the -- the participant agreement that we were using
10 at the time, but it was substantively the same. And
11 the word came back from this person at Seward and
12 Kissel, you know -- they basically left a voice mail
13 for Michael Cooney who was one of the partners at
14 Blue Sand. He said, good news, bad news. Good news
15 is I think you -- you know, I think you've got valid
16 joint tenancies here, but the bad news is that we
17 do -- we do work for a number of the issuers in the
18 CD space and we're not going to want to piss them
19 off.

20 MR. GRACE: How many firms did you
21 ask for a written opinion for the validity of the
22 joint tenancy arrangements?

23 THE WITNESS: There were maybe a
24 handful of firms that I pursued conversations to
25 varying degrees around exploring whether or not they

1 could be a candidate to render an opinion.

2 MR. GRACE: By "handful" are we
3 talking about fewer than five?

4 THE WITNESS: Yeah. I'd say
5 probably, yeah, four or five.

6 MR. GRACE: And during what time
7 period?

8 THE WITNESS: This would have been
9 in, sort of, early 2014.

10 MR. GRACE: Prior to that you had not
11 sought a written legal opinion on the validity of
12 the joint tenancies?

13 THE WITNESS: No.

14 MR. GRACE: And is there a point
15 during 2014 that you stopped seeking a written legal
16 opinion regarding the validity of the joint
17 tenancies?

18 THE WITNESS: Yes.

19 MR. GRACE: And why did you stop?

20 THE WITNESS: I was sued by Prospect
21 on June 30th, 2014. And I figured, okay, we're
22 going -- we're going to litigate this. I think I'll
23 save my money to pay a litigator and not spend it on
24 someone writing an opinion. I'd rather wait and get
25 it from the judge than try to buy it from a law firm

1 agreements and -- and said, we're not paying you.
2 We don't think you're valid -- your tenancies are
3 valid.

4 Barclay's, you know, we had shared
5 our participant agreements with them and they
6 ultimately paid the claims. And, you know, we were
7 having issues with Prospect. So we felt, you know,
8 we -- we probably should try to get legal opinion
9 here on the validity of the joint tenancies. For me
10 to be having argument with -- from issuers maybe a
11 legal opinion would be helpful in that context. So
12 that's what initiated the -- the brief survey of --
13 of a handful of firms to explore issue -- you know,
14 issuing some sort of an opinion.

15 EXAMINATION

16 BY MS. WEINSTOCK:

17 Q And earlier when you were talking
18 about advice you said you got advice. Were you
19 referring to Seward and Kissel?

20 A No. I was -- the -- the firms that I
21 have engaged since -- since inception around the
22 business broadly, in order, Katten, Muchin, Gersten,
23 Savage, Hinckley, Allen, Snyder, Kevin Galbraite,
24 and Clayman and Rosenberg.

25 Q But which of those gave you advice on

1 that will have it so full of caveats that it will be
2 almost worthless anyway.

3 MR. GRACE: When was the law -- the
4 last time you had sought written legal opinion
5 before that Prospect lawsuit?

6 THE WITNESS: Probably, you know, May
7 or June. And there may have been -- there may have
8 been some conversations that even went past when,
9 you know, the Prospect lawsuit was filed, but you
10 know, at the end of the day ultimately the decision
11 was made that, you know, I wasn't going -- I wasn't
12 going to look for the opinion and -- and would
13 rather just, you know, pursue a resolution in the
14 courts.

15 MR. GRACE: And that voice message
16 that you had referred to from somebody at Seward and
17 Kissel to somebody at Blue Sand, when did that
18 happen?

19 THE WITNESS: I don't recall. It
20 probably would have been some time in early 2014.
21 First half of 2014. We sought the opinion because
22 we were -- we knew we were in a dispute with
23 Prospect and we sought -- and we had some issues,
24 you know, in late 2013 with Goldman Sachs and
25 Barclay's and Goldman had seen our participants

1 the validity of the joint tenancies? I don't know
2 if I'm understanding you correctly because you
3 talked about Seward and Kissel. You also said --

4 A There are elements -- yeah, the
5 Seward and Kissel never rose to a level where --
6 well, first of all, they didn't advise me directly.
7 I never had a conversation with Seward and Kissel.
8 I was forwarded an e-mail that had an audio file
9 attached to it and it was a voice mail that this
10 partner at Seward and Kissel had left for Michael
11 Cooney, the -- a partner at Blue Sand. That's how I
12 became aware of Seward and Kissel's thoughts on the
13 joint tenancy, but it was not communicated to me
14 directly.

15 And I think it would be a stretch to
16 say that they advised me, the other firms that I
17 have mentioned, have advised me on the program
18 overall and it's many facets. One of which -- one
19 issue of which we've been discussing is the validity
20 of the joint tenancies. So I don't know if that
21 answers your question, but --

22 Q When you talk about you're
23 distinguishing advice from opinion, how are you
24 making that distinction?

25 A An opinion -- I think an opinion is

1 something you get in writing. I mean, this could,
2 you know, technically be an opinion or maybe it's a
3 memorandum. I'm not up to speed on all the
4 different ways that law firms communicate and put
5 their names on -- on stuff. But I sort of think of
6 advice as helping navigate some of the issues and --
7 and structure things in a certain manner with a
8 goal.

9 I mean, the goal has always been to
10 have valid joint tenancies and everything we've done
11 has been toward that end. And, you know, I think
12 that's been understood by all of the law firms that
13 we've dealt with.

14 **Q** You say "understood," but did any law
15 firm specifically tell you you have valid joint
16 tenancies?

17 **A** No one made a flat statement like
18 that. What they have said is --

19 **MR. PROTASS:** I'm not sure I want to
20 go into specifically what they have said.

21 **Q** In general terms, did the
22 conversations relate to how to structure the
23 documents?

24 **A** Yes. And -- and in particular, the
25 key elements of a joint tenancy are -- you know,

1 to the surviving owner. And the -- those cases are
2 all clear that where a joint tenancy has been
3 validly formed under the statute that that is deemed
4 to be prima facie evidence of a -- of a valid joint
5 tenancy. And only by fraud, undue influence,
6 incapacity or a determination by the court that the
7 account was created solely for purposes of
8 convenience, but for those reasons, the joint
9 tenancy is valid.

10 And so, if you go through those lists
11 and tick them off, fraud? No, everybody's informed.
12 They know -- they know we're creating a joint
13 tenancy. So that there's no dispute that the
14 participants and I intended to create a joint
15 tenancy. Incapacitation, we -- we told you how we
16 screened for mental capacity of the -- of the
17 participant. In many events we have a family member
18 who is -- whose capacity is unquestioned. Undue
19 influence, we're not related to these people. We're
20 not a fiduciary to them. We don't stand by them
21 and -- and coerce them to sign something. They do
22 it willingly.

23 And then you're left with the
24 convenience account. These accounts are a lot of
25 things. They're unusual joint tenancies. They're

1 really the crucial element is survivorship and
2 having bilateral survivorship. And every
3 participant agreement that we have has bilateral
4 survivorship. So the advice that I received was,
5 you have to have bilateral survivorship.

6 At the same time, there are no other
7 court cases that deal specifically with a
8 circumstance where you have a joint tenancy
9 arrangement such as I have. So it's not like you
10 can do your typical legal research and say, here's
11 something that's directly on point. It's more, you
12 know, these seem like valid joint tenancies. They
13 look like valid joint tenancies, but at the same
14 time there's no, you know, conclusive proof out
15 there in some case where it's a valid joint tenancy.

16 Now, there is -- there is a lot of
17 joint tenancy case law out there which I really have
18 dug into since the -- since the Prospect litigation
19 surfaced and -- and, you know, that case law, which
20 is typically -- most of the cases are heirs of a
21 decedent suing a surviving joint owner on a
22 brokerage account regarding whether or not that
23 asset should properly be part of that person's
24 estate or should have been -- or should have passed,
25 by operation of law, pursuant to the joint tenancy

1 strange joint tenancies. They're weird joint
2 tenancies, but one thing they're surely not is
3 they're not convenience accounts.

4 So, if you go through the analytical
5 framework -- and, by the way, that framework that
6 I've cited is in every single joint tenancy dispute.
7 The lawyers -- I mean the judges recite that
8 framework verbatim. It's an established framework
9 for almost 100 years in the adjudication of joint
10 tenancy cases in New York courts. So there is
11 extremely strong basis for the validity of our joint
12 tenancies. And we can go -- you know, we can talk
13 about, well, did you talk to this lawyer about this?
14 Did you get an opinion around this? Did you -- you
15 know, what did you specifically talk about? You
16 know, did they say it was a valid joint tenancy? I
17 would -- I would say all of that is of secondary
18 relevance to the case law and the case law is
19 crystal clear as it relates to the validity of our
20 joint tenancies. I don't think it can be
21 misconstrued at all. It's crystal clear.

22 **MR. PROTASS:** Thank you, Professor.

23 **THE WITNESS:** Sorry. I know that's
24 probably your job.

25 **MR. PROTASS:** Thank you, Professor.

1 Q So I just want to clarify a few
2 things. In terms of page seven of seven where it
3 says that this memorandum does not address the
4 validity of the joint account arrangements.

5 A Yes.

6 Q You said that that was because, as
7 far as you understood, Hinckley, Allen couldn't
8 opine on that because of other clients that they
9 had. Is that what you said?

10 A No. Hinckley, Allen -- you know, a
11 couple of things on Hinckley, Allen. One, they
12 said, look, opinions aren't really our -- our deal.
13 Our thing, if you will. And -- and, secondly, I
14 think, you know, they were one of the firms that
15 sort of raised the issue, you know, look, there
16 really isn't direct case law out here. And, you
17 know, one of the things they said is, one thing you
18 can't predict about your situation is going in front
19 of a judge who may not like some of the salacious
20 aspects of this strategy and then that judge decides
21 to kind of, you know, basically, create new case
22 law, you know. And so, you can't dismiss the
23 possibility that a judge may just -- may just think
24 to themselves -- and maybe it's an activist judge.
25 And we'd like to think that the judges are not

1 activists, but let's be honest, there are some
2 activist judges. The judge may say, you know, I
3 don't like Lathen. I think he's a scumbag. I think
4 he's ripping people off and I'm going to write some
5 law here.

6 So I think that's another thing that
7 maybe causes a law firm to render an opinion because
8 there's not a clear precedent. But I -- I'm going
9 to be very surprised if a New York judge decides to
10 depart from the well-established framework of the
11 four reasons that -- that a joint tenancy can be
12 invalidated. None of which are present here.

13 Q So I just want to make sure the
14 record is clear. You did seek an opinion on the
15 validity of the joint tenancies from Katten, Muchin
16 or you did not or you don't remember?

17 A Don't remember.

18 MR. PROTASS: You're talking a formal
19 legal opinion?

20 A I think if I was -- I think if I was
21 asking for --

22 Q Either advice or a formal legal
23 opinion on the topic of whether they were valid
24 joint tenancies?

25 A Advice.

1 Q You did seek advice from Katten,
2 Muchin?

3 A I did seek advice, yes.

4 Q And the advice that you received was,
5 like you said, in the general nature of, this is how
6 you structured your documents; is that correct?

7 MR. PROTASS: Wait. Wait. Let me
8 think about that question.

9 Do you think you could just rephrase
10 it to make it a little more general so we don't
11 approach that line?

12 Q Did they give you direct advice or a
13 direct verbal opinion or did they sort of counsel
14 you on how -- how to best proceed with your
15 business?

16 MR. GOSNELL: Why don't we break that
17 up. It might help.

18 MR. PROTASS: Yeah. Can you break it
19 up into two parts. You said this or that.

20 Q Did they give you direct advice or
21 direct opinion, either orally or in writing, on the
22 validity of the joint tenancies?

23 A We discussed the validity of the
24 joint tenancies. We discussed the need to have
25 bilateral survivorship. My understanding of the

1 whole exercise was, let's have documents and let's
2 have contracts that preserve the joint tenancy. I
3 do not recall if I ever said, is this a valid joint
4 tenancy. I probably would have felt that that would
5 be kind of a silly question because that's what
6 we're driving towards. And I don't recall asking
7 for a legal opinion on the validity of the joint
8 tenancy.

9 Q Okay. And what about Gersten,
10 Savage?

11 A Gersten, Savage there was no -- I not
12 ask them for an opinion. Their role was primarily
13 focused around the fund documents. They did -- they
14 did look at my participant agreement and they made
15 some suggested revisions to the participant
16 agreement.

17 Q And you said that in terms of Blue
18 Sand you didn't provide them a participant
19 agreement? You said you provided them a contract
20 instead?

21 MR. PROTASS: I'm not sure what
22 you're talking about.

23 Q I thought you said when we were
24 talking about Blue Sand, I didn't provide them a
25 participant agreement. I provided them a contract

1 that was similar.

2 A I -- I provided them a -- a new form
3 of the participant agreement that we were
4 contemplating at the time.

5 Q And was it one of the five versions
6 we've talked about?

7 A No. It would have been, you know,
8 call it --

9 MR. PROTASS: Don't do it.

10 A Call it 4.5.

11 Q Five plus?

12 A No, 'cause it was before five, but it
13 was after four. So, 4.5.

14 Q Got it. And what else did you
15 provide to Blue Sand?

16 A You know, basic -- you know, probably
17 an investor presentation. By the way, when I say
18 provided it to Blue Sands, I provided it to them in
19 the context of -- they said they knew -- they knew a
20 couple of lawyers that they could show it around to.
21 So, send me your stuff. So I sent it to them and
22 they were going to be sending it on to some other
23 law firms. And then separately I actually, you
24 know, called a few firms myself.

25 Q And was Blue Sands doing this on your

1 A For instance, I may have -- in some
2 cases if I had -- as an example, I don't recall
3 every single conversation, but as an example I might
4 call up a law firm, tee up the question kind of,
5 here's -- here's who I am. Let me introduce --
6 because you don't know me, here's what I'm doing.
7 Here's the whole thing, you know. I'm looking for
8 an opinion. And if they said, oh, that sounds --
9 you know, that sounds interesting. We -- you know,
10 we do have some expertise in that area. Why don't
11 you send us some information, then I would bomb off
12 the package -- the information package.

13 If they said, you know, we don't
14 really have that much experience in joint tenancy
15 law, you know, don't bother. Or, you know, this
16 sounds really interesting, but I should tell you,
17 like, we have a lot of banks that are clients of
18 ours and I can't ever see this getting passed our
19 conflicts committee. They're not going to want us
20 to write an opinion like that. And in that instance
21 I wouldn't send anything.

22 So where I felt that there was
23 conversation that was further warranted based on
24 that initial conversation, then I would send the
25 information.

1 behalf or did they want to consult a lawyer
2 themselves?

3 A Well, no. They were doing it on my
4 behalf, but they were also, I'm sure, going to be
5 keenly interested in whatever discussions and advice
6 and opinion resulted from it.

7 Q I'm sorry. Do you remember what else
8 you provided to Blue Sands? You said the investor
9 presentation --

10 A I think we might have had some sort
11 of structure diagram that showed the arrangements of
12 the -- you know, of the -- the various contractual
13 arrangements with the fund, the participant, me
14 individually. Kind of, you know, one of those boxes
15 and arrows pages and PowerPoint. And the profit
16 sharing agreement, probably would have provided
17 that. The loan agreement, we would have provided
18 that. The participant agreement.

19 Q Did you provide all those documents
20 to the other lawyers that you've mentioned?

21 A Yes. To the extent that -- to the
22 extent that there was a basis for a substantive --
23 further -- to the extent there was a basis for
24 further conversation.

25 Q So --

1 Q So with respect to Katten, Muchin did
2 you send them all of the information -- all of the
3 documents you just --

4 A No. Katten, Muchin was -- was
5 actually on the very front end, you know, before I
6 ever had a single participant. They were my
7 advisors on the very front end. I had a close
8 friend that worked there. He subsequently left
9 Katten and went to work for a hedge fund. So -- and
10 I didn't -- and the partner that he had worked with
11 at Katten had gone to some other firm.

12 So -- and in addition, when the
13 Caramadre story broke in early 2010, that's when I
14 decided to -- to confer with Hinckley, Allen, Snyder
15 up in Rhode Island because they were his attorneys.
16 Figuring, okay, Katten, Muchin is like a blue chip
17 firm, but these guys at Hinckley, Allen, Snyder are
18 now likely the subject matter experts around, you
19 know, survivor's option paper.

20 So -- so Katten kind of, you know,
21 fell by the way side because I didn't really have a
22 contact there and I didn't feel -- when the news
23 about Caramadre broke, you know, I figured, well,
24 here's -- here's somebody who is probably going to
25 know a little more about this.

1 Q What year did you speak to Katten,
2 Muchin?
3 A It would have been in 2009.
4 Q And --
5 A Beginning in 2009.
6 Q So you didn't have documents at that
7 point to provide them or you did?
8 A I think we would have only had a
9 participant agreement. I think we -- it started
10 with literally no paper. Just kind of conceptually,
11 here's what we're thinking about doing. And they
12 kind of helped scope out some of the issues. And
13 the main kind of take aways from their -- their
14 reviewer, you know, number one, you need to have
15 robust disclosure with participants; number two, it
16 needs to be a valid joint tenancy; and, number
17 three, you know, you may -- you know, you may end up
18 getting in fights with issuers.
19 Q So you knew from the beginning of the
20 strategy that the validity of the joint tenancy
21 might be an issue?
22 A Yes.
23 Q And in terms of some of the documents
24 that you've been talking about making changes to,
25 that was based on advice from different lawyers or

1 was that based on your own research?
2 A It was likely a combination of the
3 two.
4 Q And which lawyers are in that mix?
5 A In terms of -- I would say, you know,
6 Gersten, Savage had some -- well, going all the way
7 back to Katten. There was an initial version of the
8 participant agreement, which was versions one and
9 two, that was -- I don't recall whether I drafted it
10 or Katten drafted it. I think I drafted it and then
11 Katten reviewed it. And then Katten, you know, made
12 comments and then we finalized that version and that
13 was versions one and two.
14 When we went to version three, when
15 we set up the fund, I think I likely drafted change
16 -- you know, modified version two to accommodate
17 this, you know, new funding arrangement and sent it
18 to Gersten, Savage and they came back with comments.
19 Similarly, when -- you know, later on down the line
20 when we went to participant agreement number four,
21 which was in the aftermath of Caramadre being
22 indicted, we had them write this memorandum, which
23 they wrote, but we also said, you know what, let's
24 have a fresh look at -- at all the documents. And
25 given their level of expertise in this space, we

1 decided to improve the participant agreement and
2 that's when version four was -- was created.
3 Q And --
4 MR. PROTASS: When it's a -- you
5 know, we've been going well over an hour-and-a-half.
6 I'd like to take a break.
7 MS. WEINSTOCK: I just have two or
8 three questions left in this area. Let's just get
9 through it so we can start fresh after lunch.
10 Q What other -- aside from the
11 participant agreement, did you show the lawyers
12 other documents?
13 A Which lawyers?
14 Q Well, any of them.
15 A The things that I would have shown --
16 that I would have shown lawyers --
17 MR. PROTASS: In general.
18 A -- in general would range from
19 nothing to a lot of stuff.
20 Q Let's focus on Katten, Muchin,
21 Gersten, Savage and Hinckley, Allen?
22 A Katten, Muchin --
23 MR. PROTASS: One second. Let me --
24 I'm getting a little uncomfortable that we're
25 getting too close to that line of waiver in

1 identifying specific documents that he provided to
2 specific lawyers. And I'm uncomfortable, you know.
3 I've given you -- you know, not objected, you know.
4 I've let you ask a lot of questions, but we're
5 drawing close to a line that I'm uncomfortable with.
6 I'm uncomfortable with that question.
7 MS. WEINSTOCK: Understood. All
8 right. So, why don't we break now and if there's
9 any further conversation we can have it prior to
10 coming back. We're off the record. It's 1:21.
11 (Lunch recess taken 1:21 p.m. to 2:19 p.m.)
12 AFTERNOON SESSION
13 MS. WEINSTOCK: It's 2:19. We're
14 back on the record.
15 EXAMINATION
16 BY MS. WEINSTOCK:
17 Q Mr. Lathen, did you have any
18 conversations of substance with the staff while we
19 were on our break?
20 A No.
21 Q You mentioned before the break that
22 part of your questionnaire for the participants is
23 determining their mental capacity; is that right?
24 A Yes.
25 Q How do you do that?

1 A Generally, we're speaking to a family
2 member of the participant. And so, we're probing
3 with that family member, you know, what is the
4 mental state of your loved one? You know, do they
5 understand what's going on? Do they -- do they have
6 the requisite mental capacity to enter into a
7 contract? We tell them that they need -- their
8 individual needs to have the capacity to enter into
9 a contract. And we also probe whether or not that
10 person has a -- that loved one, or perhaps someone
11 else that is in the participant's family, has a
12 power of attorney. Whether or not the participant
13 has delegated power of attorney and, if so, you
14 know, was that delegated, you know, before they
15 became incapacitated. So those are the sorts of
16 things we -- we probe for.

17 Q Do you speak to the incapacitated
18 person directly?

19 A No, generally not.

20 Q How many different versions of the
21 private placement memorandum were there?

22 A Two.

23 Q And when was that change made?

24 A The initial one was -- well, June
25 of -- June of 2013 is when the revised version

1 par. Where the participant is deceased they're
2 marked at par until such time as we determine that
3 we may, for whatever reason, not be able to
4 successfully exercise the survivor's option feature.

5 MR. PROTASS: I'm sorry, I don't mean
6 to interrupt. Did you state that when they're alive
7 they're marked at par?

8 THE WITNESS: No. I didn't mean to
9 say that. Thank you for correcting me.

10 A When they're deceased they're marked
11 at par. When they're alive they're marked at
12 market.

13 Q Have you had any markdowns?

14 A There is -- there are instances where
15 the value of a security may be marked lower, for
16 instance. And this actually happened back in 2011
17 when we had a bunch of joint accounts where the
18 participant was not yet deceased and there was a
19 sell off in the bond market.

20 So, since we value those positions at
21 market they were lower in price than where we had
22 purchased them. And so, we marked those down to
23 market. So, we mark it at market. That may be a
24 writeup or a write down from the time -- you know,
25 from the prior period and it may be higher or lower

1 was -- was completed.

2 Q And what were the nature of the
3 revisions?

4 A We changed the fee structure to two
5 percent and 20 percent as opposed to half a percent
6 and 30 percent. And we changed the characterization
7 of the relationship between the fund and me to -- to
8 account for the fact that I would be taking on a
9 loan as opposed to the prior -- the prior
10 arrangement was -- did not mention a loan. It just
11 mentioned that funds would be advanced.

12 Q For the life of the fund, what is the
13 rate of the returns? And you can break it out by
14 year.

15 A It's been in the -- I don't know
16 precisely the number, but it's in the 13 to
17 14 percent annualized since inception.

18 Q Under what circumstances are
19 securities marked up?

20 A The --

21 MR. PROTASS: In joint tenancy
22 accounts?

23 MS. WEINSTOCK: Correct.

24 A So, generally where the participant
25 is still alive, the securities are marked at -- at

1 than the purchase price.

2 Q What about in the situations where
3 the participant has died and the issuer is refusing
4 to redeem?

5 A We will generally, you know, push to
6 overcome that objection and, ultimately, if that
7 objection is not overcome and we reach an impasse,
8 we mark the position down to market and we have done
9 that.

10 Q And with which issuers?

11 A With Goldman Sachs Bank, Goldman
12 Sachs Group, Prospect, Citibank, Caterpillar, GE,
13 that's it.

14 Q What percentage of your assets under
15 management does this group consist of?

16 A I can tell you -- I can't quote the
17 exact percentage 'cause I don't have the figures in
18 front of me, but the Goldman bonds were -- or the
19 Goldman CDs were about two million. The Prospect
20 bonds were also in that range, two million. I think
21 GE was about seven or 800,000. Citibank is three
22 million or so.

23 Now, those were not all written down
24 at the same time. So, at the time they were written
25 down they represented varying percentages of

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October 10, 2014

Kevin Galbraith, Esq.
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Re: GE Capital Internotes

Dear Mr. Galbraith:

We are writing as a follow-up to our discussion on October 2, 2014 regarding Mr. Jay Lathen's request to exercise the Survivor's Option for GE Capital Internotes (the "Notes"). We have considered the arguments and authorities you raised on our October 2, 2014 call and in your follow-up email, and we continue to believe that GE is entitled under the terms of the Notes to reject the redemption request.

Let me reiterate from the outset that GE has always been (and continues to be) prepared to honor the terms of the Notes. In this case, we do not believe anyone reasonably believes that the spirit of the Survivor's Option intended for it to be used in these circumstances, but GE has nevertheless always been prepared to honor the provision if the language itself does require it to do so in this case. In light of a recent and ongoing SEC fraud action involving a similar arrangement, as well as our analysis of the documents Mr. Lathen provided, which are attached hereto, Mr. Lathen has no right of redemption.

For Mr. Lathen to validly request redemption under the Survivor's Option, he must demonstrate among other things that the case involves the "death of a person holding a beneficial ownership interest in the note as a joint tenant." This requires two separate and independent conclusions: first, that the deceased person held a beneficial ownership interest in the note, and second, that the deceased person held that interest as a joint tenant.

No Beneficial Ownership

In our discussions with you, you focused on whether or not there was a valid joint tenancy, which we will address further below, but more fundamentally under the terms of the Survivor's Option Mr. Lathen needs to show that the deceased person held a beneficial ownership interest in the note.

The prospectus disclosure relating to the Notes makes it abundantly clear that the Survivor's Option can only be exercised following the death of the beneficial owner of the note.

The "Survivor's Option" is a provision in a note pursuant to which we agree to repay that note, if requested by the authorized representative of the *beneficial owner* of that note, following the death of the *beneficial owner* of the note, so long as the note was owned by that *beneficial owner* or the estate of that *beneficial owner* at least six months prior to the request. (emphasis added)

In order to exercise the Survivor's Option for a note, the deceased beneficial owner's representative must provide "appropriate evidence satisfactory to . . . us (a) that the deceased was the *beneficial owner* of the note at the time of death . . ." (emphasis added). This includes "any additional information . . . we reasonably require . . . to document *beneficial ownership*" (emphasis added). We had reviewed the materials Mr. Lathen provided, including a sample brokerage account application and a sample participant agreement with respect to one of the deceased persons. You have represented that similar arrangements were entered into with respect to the other deceased persons (which GE reserves the right to confirm).

Based on our review of the materials, attached hereto, the arrangements appear in fact to be carefully designed to strip the deceased person of all rights that are indicia of beneficial ownership.

~~It appeared that effectively the deceased person had simply been paid a \$10,000 fee to lend her name to an investment account solely for the purpose of attempting a scheme to exercise the Survivor's Option.~~

~~Although the term "beneficial owner" is not defined in the disclosure itself, it is a well known concept under federal securities laws. We also looked by way of analogy to New York state statutory uses of the term in relation to ownership of securities. In each case, at a minimum, beneficial ownership entails certain basic rights, such as the right to vote or dispose of securities. It also entails under New York statutory provisions holding an economic interest in the securities and bearing the risk of loss.~~

Under the arrangements we reviewed, we saw none of these indicia that would be sufficient to suggest a bona fide beneficial ownership interest by the deceased person in the Notes.

~~The sample participation agreement your client provided to us demonstrates that the participant did not have any ownership interest in the joint account used to purchase the notes. Specifically, the participation agreement—entered into the day before the brokerage account was opened—relinquished the participant's economic interests in the account. The participant was not permitted to "pledge, borrow against, or withdraw funds from the Account(s)" and waived the rights of the participant's estate to "participate in the profits in the Account(s) following the death of the participant." It provided Mr. Lathen with all of the power to control the account, including granting Mr. Lathen a "limited power of attorney" to establish and set up the account and to "make transfers of cash and securities into and out of the "Accounts" without the participant's "prior consent." Mr. Lathen and his investors were "solely responsible for funding the account."~~

Our position is supported by the SEC (the primary regulator that interprets the meaning of “beneficial ownership” under federal securities laws) in a case that is very similar to this one. *See U.S. SEC v. Staples*, 2014 WL 4792115 (D.S.C. Sept. 24, 2014). There the SEC brought an action for securities fraud against the Staples, arising out of their attempts to seek redemption under a survivor’s option similar to ours. The SEC’s position is that the deceased person had contracted away its ownership interest through a participant agreement similar to the participant agreement involved here, and therefore, the defendants’ assertions that the decedents were owners of the bonds (as joint tenants) were false and misleading. The defendants claimed that the decedent, as a joint tenant to the brokerage account used to purchase the notes, was the beneficial owner and moved to dismiss the SEC’s complaint. The U.S. District Court for South Carolina denied the defendants’ motion to dismiss.

In our view, therefore, regardless of the effect or validity of the alleged joint tenancy, because the arrangements stripped the deceased person from any beneficial interest in the Notes, we do not believe that Mr. Lathen is entitled to exercise the Survivor’s Option. In other words, even if Mr. Lathen through a valid joint tenancy was entitled to the deceased person’s interest in the account, there was no beneficial interest held by the deceased person to begin with in the Notes, which is a condition for the Survivor’s Option to be exercised. Mr. Lathen at all times was the sole beneficial owner of the Notes.

No Joint Tenancy

With respect to the question of joint tenancy, we have also reviewed the authorities you cited and we continue to believe that no bona fide joint tenancy was ever intended or achieved. While there is no dispute that “[g]enerally, the deposit of funds into a joint account constitutes prima facie evidence of an intent to create a joint tenancy. . . [t]he presumption created by Banking Law § 675 can be rebutted by providing direct proof *that no joint tenancy was intended* or substantial circumstantial proof that the joint account had been opened for convenience only.” *In re Richichi*, 38 A.D.3d 558, 559 (2d Dep’t 2007) (emphasis added) (citations and internal quotation marks omitted).

When Mr. Lathen opened the brokerage account, he checked a box on the application stating: “Joint Tenants with Right of Survivorship. If one owner dies his/her interest passes to the surviving owners.” This was simply not true. Just like the defendants in the SEC action, it appears to us that Mr. Lathen made a false representation on the brokerage account application when he checked that box.

The terms of the participation agreement itself demonstrate that there was no intention to establish a joint tenancy. A joint tenancy requires that each joint tenant have an equal and identical interest in the entire *property*. *Goetz v. Slobey*, 76 A.D.3d 954, 956 (2d Dep’t 2010) (“A joint tenancy is an estate held by two or more persons jointly, with *equal rights to share in its enjoyment during their lives*, and creating in each joint tenant a *right of survivorship*”) (emphasis added) (internal citations and quotation marks omitted). In a true joint account, any joint tenant “has the right to withdraw one half of the funds during the lifetime of both tenants; in other words, at the time the account was opened, there must have been a present gift from the original donor to the cotenant of one half of the account which each could withdraw unilaterally while both were alive.” *In re Estate of Zecca*, 152 A.D.2d 830, 830-831 (3d Dep’t 1989) (citations omitted). Here, the participant did not possess any such rights. The participant

agreement limited the participant's interest in the account to a nominal amount (which was clearly less than 50% of the value); prevented the participant from withdrawing the funds without Mr. Lathen's permission; and restricted the participant from pledging or encumbering the assets in the account.

Furthermore, the fact that Mr. Lathen maintained control over the account and limited the participant's ability to access the funds in the account is further evidence that there was no intent to establish a joint tenancy. *Ehrlich v. Wolf*, 2011 WL 197821 (N.Y. Sup. Ct. Jan. 11, 2011), one of the cases you rely upon, supports the position that no joint tenancy was intended because unlike the party in the *Ehrlich* case, Mr. Lathen "retained control of the account such that [he] did not intend that [the participant] have access without [his] permission." *Id.* See also *In re Yaros*, 90 A.D.3d 1063, 1064 (2d Dep't 2011) (evidence, such as an agreement requiring permission from the other party before withdrawing funds from the account, demonstrates that the party "did not intend to make a present gift of one-half of the account," which was sufficient to demonstrate, prima facie, that there was no intent to create a joint tenancy); *Wacikowski v. Wacikowski*, 93 A.D.2d 885 (2d Dep't 1983) (factors establishing that there was no intent to give the other party a "beneficial interest in [the] account during her lifetime" sufficient to rebut the presumption that the account was a joint tenancy included: "all the money in the account had been solely her own, that she always had exclusive possession of the account passbook and that her son has never made any deposits or withdrawals from the account").

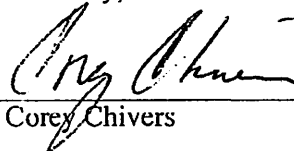
GE's Right to Exercise Discretion

Based on the operative documents, attached hereto, and the foregoing cases, our view continues to be that Mr. Lathen does not hold a valid claim for a payment under the Survivor's Option because the deceased was not a "person holding a beneficial ownership interest in the note as a joint tenant."

Finally, as clearly stated in the disclosures for the Notes, "questions regarding the eligibility or validity of any exercise of the Survivor's Option will be determined by [GE], in [its] sole discretion, which determination will be final and binding on all parties." We believe our analysis of the terms of the Notes and the relevant case law (including the authorities you have cited), as well as our conclusions with respect thereto, which we have shared with you, provide GE with an appropriate basis to exercise that discretion.

We look forward to discussing this further with you on our call this Monday.

Sincerely,



Corey Chivers

Enclosure(s)

cc: Fred Robustelli, Esq.
Miranda Schiller, Esq.

In the Matter of Eden Arc Capital Management, LLC (NY-9197)

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June 22, 2016

BY ELECTRONIC MAIL

Harlan Protass
Clayman & Rosenberg LLP
305 Madison Avenue
New York, NY 10165

Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)

Dear Mr. Protass:

We write in connection with the above-referenced investigation to confirm that your clients, Donald Lathen ("Lathen"), Eden Arc Capital Management, LLC ("EACM"), and Eden Arc Capital Advisors, LLC ("EACA"), are not asserting reliance on the advice of counsel. Throughout this investigation, including at Mr. Lathen's testimony on July 22, 2015, at which point you were counsel, and in the Wells Submission submitted by counsel Susan Brune, your clients have stated that they were not asserting an advice of counsel defense. (See Lathen Tr. at 109-110, Wells Submission page 23).

To the extent your clients intend to change their position and rely on the advice of counsel now that you have returned to this matter, we request that you promptly notify us and that you promptly produce all documents relevant to such advice and make Mr. Lathen available for testimony. If we do not hear from you by June 27, 2016, we will assume your clients do not intend to change their position on this issue.

If you have any questions, please contact me at (212) 336-9078, or Janna Berke at (212) 336-9144.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith A. Weinstock".

Judith A. Weinstock
Assistant Regional Director

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June 28, 2016

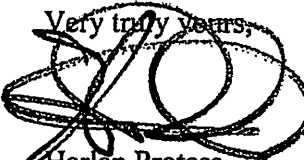
VIA ELECTRONIC MAIL

Judith A. Weinstock, Esq.
U.S. Securities and Exchange Commission
New York Regional Office
Brookfield Place
200 Vesey Street, Suite 400
New York, NY 10281-1022

Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)

Dear Ms. Weinstock:

I have received your June 22, 2016 letter, which inquires as to whether Donald Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC are relying on the advice of counsel defense with respect to the referenced matter. Initially, please be advised that Mr. Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC reserve all rights to assert any and all defenses available to them, including, but not limited to, the advice of counsel defense, should the U.S. Securities and Exchange Commission initiate an enforcement action, administrative proceeding or any other action or proceeding against them. As to the specific question posed in your June 22, 2016 letter, Mr. Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC have not to date asserted an advice of counsel defense.

Very truly yours,

Harlan Protass



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Assistant Regional Director
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weinstockj@sec.gov

DIVISION OF ENFORCEMENT

June 29, 2016

BY ELECTRONIC MAIL

Harlan Protass
Clayman & Rosenberg LLP
305 Madison Avenue
New York, NY 10165

Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)

Dear Mr. Protass:

I write in response to your letter dated June 28, 2016. Throughout this investigation including in the Wells submissions, your clients have declined to assert an advice of counsel defense. You now state that, despite such action, your clients "reserve all rights to assert any and all defenses available to them, including but not limited to the advice of counsel" should we initiate an enforcement action against them. In order for the staff to consider all information relevant to its decision of whether to recommend an enforcement action, the staff again requests that you advise us whether your clients intend to assert a reliance on counsel defense, and if your clients do, to voluntarily waive the attorney-client privilege with respect to all information and materials relevant to such a defense so that the staff can take the investigative steps necessary to evaluate it. If you choose not to do so by July 5, 2016, but attempt to do so in a later proceeding (if any), the staff intends to move to preclude that defense and any evidence of reliance on counsel.

If you have any questions, please contact me at (212) 336-9078, or Janna Berke at (212) 336-9144.

Sincerely,

Handwritten signature of Judith A. Weinstock in black ink.
Judith A. Weinstock



305 Madison Avenue
New York, NY 10165
T: 212-922-1080
F: 212-949-8255
www.clayro.com

Harlan J. Protass
Partner
protass@clayro.com

July 5, 2016

VIA ELECTRONIC MAIL

Judith A. Weinstock, Esq.
U.S. Securities and Exchange Commission
New York Regional Office
Brookfield Place
200 Vesey Street, Suite 400
New York, NY 10281-1022

Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)

Dear Ms. Weinstock:

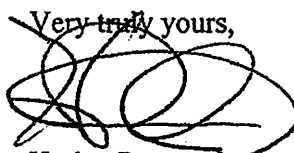
I have received your June 29, 2016 letter, which repeats the question posed in your June 22, 2016 letter – that is, whether Donald Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC intend to rely on the advice of counsel defense in connection with the referenced SEC investigation.

As we stated in our June 28, 2016 letter to you, Mr. Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC have not to date asserted an advice of counsel defense in connection with the referenced investigation. Additionally, as we also stated in our June 28, 2016 letter to you, Mr. Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC reserve all rights to assert any and all defenses available to them, including, but not limited to, the advice of counsel defense, should the SEC initiate an enforcement action, administrative proceeding or any other action or proceeding against them.

Your June 29, 2016 letter states that “the staff intends to move to preclude” an advice of counsel defense “and any evidence of reliance on counsel” in any enforcement action, administrative proceeding or other action or proceeding if Mr. Lathen, Eden Arc Capital Management, LLC and/or Eden Arc Capital Advisors, LLC “choose not to” assert that defense “by July 5, 2016.” We know of no authority supportive of the notion that Mr. Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC could or would be precluded from asserting or relying on any defense in any actual legal proceeding adjudicated by an independent and impartial judicial officer if they did not first assert or rely on that defense in the context of the referenced investigation. Indeed, we believe that such a position is contrary to the Federal Rules of Civil Procedure and the relevant rules applicable to administrative proceedings.

Moreover, please be advised that Mr. Lathen, Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC intend to vigorously contest – and reserve all rights to contest – any such position should the SEC assert same in any enforcement action, administrative proceeding or any other action or proceeding.

Finally, we wish to express our concern regarding the fairmindedness of the SEC's evaluation of the facts at issue in the referenced matter as reflected by: (1) the approach you have taken toward obtaining an answer to the identical question posed in both your June 22, 2016 and June 29, 2016 letters; and (2) your attempt at bullying my clients by asserting that you will seek to preclude a defense that they have every right to assert – if appropriate and applicable – in any enforcement action, administrative proceeding or other action or proceeding that the SEC might initiate.

Very truly yours,

Harlan Protass

cc: Andrew M. Calamari, Esq. (via e-mail)
Adam Grace, Esq. (via e-mail)
Janna Berke, Esq. (via e-mail)

Clayman &
Rosenberg^{LLP}

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Harlan J. Protass
Partner
protass@clayro.com

September 23, 2016

VIA E-MAIL

Judith Weinstock, Esq.
U.S. Securities and Exchange Commission
New York Regional Office
Brookfield Place
200 Vesey Street, Suite 400
New York, NY 10281-1022

Re: In the Matter of Donald F. Lathen, Jr., Eden Arc Capital Management, LLC
and Eden Arc Capital Advisors, LLC, Admin. Proc. File No. 3-17387

Dear Ms. Weinstock:

Per our conference call earlier today (and pursuant to the Order Following Prehearing Conference, dated September 13, 2016), we write to advise you that Donald F. Lathen, Jr., Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC (the "Eden Arc Respondents") intend to invoke the advice of counsel defense at the hearing in the referenced matter with respect to (and hereby waive the attorney-client privilege with respect to attorney-client communications, whether written, oral or electronic, concerning) the legal advice they received concerning and relating to the structure of, and structuring of, the Eden Arc Respondents' investment strategy.

In connection therewith, the Eden Arc Respondents relied on legal advice they received concerning and relating to the structure of, and structuring of, the Eden Arc Respondents' investment strategy from Margaret F. Farrell, Esq. and Robert G. Flanders, Jr., Esq. of Hinckley Allen & Snyder LLP. Ms. Farrell remains a Partner at Hinckley Allen & Snyder LLP. Mr. Flanders is now a Partner at Whelan, Corrente, Flanders, Kinder & Siket LLP. Contact information for Ms. Farrell and Mr. Flanders is:

Margaret D. Farrell, Esq.
Hinckley, Allen & Snyder LLP
100 Westminster Street, Suite 1500
Providence, RI 02903
T. 401-274-2000
mfarrell@hinckleyallen.com

Robert G. Flanders, Jr., Esq.
Whelan, Corrente, Flanders, Kinder & Siket LLP
100 Westminster Street, Suite 710
Providence, RI 02903
T. 401-270-0154
rflanders@whelencorrente.com

Additionally, the Eden Arc Respondents relied on legal advice they received concerning and relating to the structure of, and structuring of, the Eden Arc Respondents' investment strategy from Eric Roper, Esq. and Cherryl J. Calaguio, Esq. of Gersten Savage LLP, a law firm that no longer exists. Mr. Roper is now retired. Ms. Calaguio is now Counsel at Sichenzia Ross Friedman Ference LLP. Contact information for Mr. Roper and Ms. Calaguio is:

Eric Roper, Esq.
T. 917-535-0038
eric@ericroperesq.com

Cherryl J. Calaguio, Esq.
Sichenzia Ross Friedman Ference LLP
61 Broadway
New York, NY 10006
T. 212-930-9700
ccalaguio@srff.com

Finally, consistent with the invocation of the advice of counsel defense, attached to the e-mail with which this letter is sent is the initial production of attorney-client privileged communications with Ms. Farrell, Mr. Flanders, Mr. Roper and Ms. Calaguio. We will produce the attached communications to you in Concordance-ready production format during the week of September 26, 2016. Additionally, we will supplement the attached production of attorney-client privileged correspondence and/or documents consistent with the invocation of the advice of counsel defense detailed above during the week of September 26, 2016.

Please contact me if you have any questions concerning the foregoing or the attached.

Very truly yours,

/s/

Harlan Protass

Encls.

cc: Nancy Brown, Esq. (via e-mail w/ encls.)
Alex Janghorbani, Esq. (via e-mail w/ encls.)
Janna Berke, Esq. (via e-mail w/ encls.)

Janghorbani, Alexander

From: Janghorbani, Alexander
Sent: Sunday, September 25, 2016 2:42 PM
To: 'Harlan Protass'
Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; 'Wayne Gosnell'; 'Christina Corcoran'
Subject: RE: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Harlan,

To confirm the points you made in today's meet and confer telephone conversation:

1. Your clients are not waiving the privilege as to any communications with any lawyer about any topic prior to the launching of the Fund in 2011.
2. Your clients are not waiving the privilege as to any communications with any lawyer about any topic after the launching of the Fund in 2011 except the structure of and structuring of the investment strategy executed by Respondents. Because you believe that that topic was only addressed by the four lawyers mentioned in your letter to Judy Weinstock of September 24, 2016, as well as Mr. Galbraith in 2015, your clients are not waiving the privilege as to communications any of them might have had with any other lawyers, even after the launching of the Fund.
3. Your clients are not waiving privilege as to any communications with any lawyer concerning their Forms ADV, filed with the Commission.

We specifically asked you whether you were waiving the privilege as (1) to issues respecting the disclosure of the true and complete ownership structure of the investments, including the participant agreements, to the issuers or their agents; and (2) advice received concerning compliance with the federal securities laws. First you responded by saying that you couldn't answer that question without conceding that either was an issue relevant to the merits of the Division's case against your client. Later you said that you believed those issues would be covered by the waiver you have made, and finally, you said you wanted to consider the issue further with your associate, and, if he were available, would get back to us with your position. Please confirm in writing whether you are waiving privilege as to the above two issues and the scope of that waiver (if any).

You further advised that you could not give us a timetable for the full production of the materials that you intended to produce, and cited some difficulties with accessing Mr. Lathen's Yahoo emails as the reason for the delay in making a full production. You also said that you had not yet searched for communications with Mr. Galbraith.

Sincerely,
Alex

From: Janghorbani, Alexander
Sent: Sunday, September 25, 2016 12:10 PM
To: 'Harlan Protass'
Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
Subject: RE: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Harlan,

We will call you at 1:30 on the number provided.

Alex

From: Harlan Protass [<mailto:protass@clayro.com>]

Sent: Sunday, September 25, 2016 12:08 PM

To: Janghorbani, Alexander

Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran

Subject: Re: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Alex --

On such short notice, I can't do 12:30. Bu I can do 1:30 or 2:00, if you'd like. Just tell me which of those two times you choose. And then call me at that time on 917-733-3901.

-- Harlan

Harlan Protass
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On Sun, Sep 25, 2016 at 11:45 AM, Janghorbani, Alexander <JanghorbaniA@sec.gov> wrote:

Harlan,

We are available for a call at 12:30 pm. Where can we reach you?

Alex

From: Harlan Protass [<mailto:protass@clayro.com>]

Sent: Saturday, September 24, 2016 8:03 PM

To: Janghorbani, Alexander

Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
Subject: Re: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Alex --

If you're still interested in doing so, please let me know what time after 11:00 am on Sunday you'd like to speak.

-- Harlan

Harlan Protass

CLAYMAN & ROSENBERG LLP

305 Madison Avenue

New York, NY 10165

T. 212-922-1080

F. 212-949-8255

M. [REDACTED]

protass@clayro.com

www.clayro.com

On Sep 24, 2016, at 3:10 PM, Janghorbani, Alexander <JanghorbaniA@sec.gov> wrote:

Harlan,

I understand that you are not available to speak today. However, any delay plainly prejudices the Division. Thus, we request that you respond to our questions and requests—including that you provide us with all relevant documents—in writing today.

Thank you.

Best,

Alex

From: Harlan Protass [<mailto:protass@clayro.com>]
Sent: Saturday, September 24, 2016 3:06 PM
To: Janghorbani, Alexander
Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
Subject: Re: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Alex --

As I said in my last email, I'm not available today. If you'd like to talk tomorrow, though, just let me know. I'm available any time after 11:00 am. You choose the time.

-- Harlan

Harlan Protass

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M. [REDACTED]

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On Sep 24, 2016, at 2:06 PM, Janghorbani, Alexander <JanghorbaniA@sec.gov> wrote:

Harlan,

We think it is necessary to resolve these issues today. As you cannot speak, please provide us with responses to our below questions and requests today in writing.

In addition to the information in our below email, we note that you have not produced any communications from Katten Muchin Roosenman LLP, Seward Kissel, or any of the other “handful of firms” that Lathen testified that he “pursued conversations” with about “render[ing] an opinion.” (See Tr. of Testimony of Donald F. Lathen at 321.) Moreover, Mr. Lathen testified that he began receiving advice about his business model as early as 2009. (*Id.* at 329.) Thus, please also let us know whether, with respect to these firms, you will be producing documents, identifying the relevant attorneys, and informing them of your waiver, as to the entire relevant time period.

Thank you.

Sincerely,

Alex

From: Harlan Protass [<mailto:protass@clayro.com>]

Sent: Saturday, September 24, 2016 12:34 PM

To: Janghorbani, Alexander
Cc: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
Subject: Re: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Alex --

I am not available to speak today (Saturday). But I will be available to speak tomorrow (Sunday) after 11:00 am. When would you like to speak?

-- Harlan

Harlan Protass

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M. [REDACTED]

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On Sep 24, 2016, at 10:33 AM, Janghorbani, Alexander
<JanghorbaniA@sec.gov> wrote:

Harlan,

We write in response to your letter of yesterday, invoking the advice of counsel defense as to “the legal advice [Respondents] received concerning and relating to the structure of, and structuring of, the Eden Arc Respondents’ investment strategy.” In your letter, you stated that you intend to “supplement the attached production of attorney-client privileged correspondence and/or documents consistent with the invocation of the advice of counsel defense detailed above during the week of September 26, 2016.” This letter raises a number of issues, which need to be addressed immediately.

First, during the September 12th Prehearing conference, the Court ordered that Respondents make a full waiver by September 23rd. However, by your own admission, it appears that you have not yet produced all relevant documents and, thus, have failed to make a complete waiver. Moreover, the documents you have produced indicate additional relevant documents that have not been produced. For example, document 20160932195108 includes a link to a Dropbox file, but does not attach the documents in that Dropbox file. (See also document 20160923173901 (email referencing attachments, but failing to attach them).)

Second, as you know, the Commission alleges that, among other things, your clients failed to disclose to bond issuers the full and accurate picture concerning their purported ownership structure (including, inter alia, the existence and terms of the Participant Agreements, the Investment Management Agreement, the Discretionary Line Agreement, and the Profit Sharing Agreement). However, you purport to waive privilege—not as to the relevant question of disclosure to issuers and other third parties—but only as to the advice Respondents received relating to the “structure of, and structuring of,” their “investment strategy.” Thus, it is unclear whether you are asserting advice of counsel—and waiving privilege—as to the relevant question of whether Respondents needed to disclose their arrangement to issuers and other third parties.

Third, your letter indicates that you are waiving privilege as to communications with only four attorneys, Ms. Farrell, Mr. Flanders, Mr. Roper and Ms. Calaguio. However, your current and prior document productions make it clear that Mr. Lathen discussed these issues with other attorneys, including Mr. Galbraith, Stephen Derosa, Jessica Montello, Jackie Mancini, and

Matt Doring. Mr. Lathen also testified that he had consulted other, unnamed attorneys. Please confirm that you are waiving privilege as to communications with all attorneys, or anyone working at their direction, with whom your client discussed the relevant issues, have produced all relevant communications with those attorneys, and have instructed those attorneys as to your client's waiver and that they are free to speak with the Division of Enforcement.

Given the short time until the Hearing, by the end of today, please (1) inform us whether you are asserting that Respondents received advice of counsel concerning the failure to disclose the relevant information to issuers and others; (2) produce—or confirm that you already have produced—all communications relevant to your advice of counsel defense; and (3) confirm that you have provided us with a complete list of attorneys consulted, including as to the relevant disclosure issues, and have instructed those attorney to speak with the Division.

Should you wish to discuss, we are free to meet and confer today at 2:00 pm.

Sincerely,

Alex

From: Harlan Protass [<mailto:protass@clayro.com>]
Sent: Friday, September 23, 2016 9:35 PM
To: Weinstock, Judith; Janghorbani, Alexander; Berke, Janna; Brown, Nancy A
Cc: Wayne Gosnell; Christina Corcoran
Subject: Email 1 of 4 -- In the Matter of Donald F.Lathen, Jr., et al., Admin. Proc. File No. 3-17397

Dear Judy --

Please see the attached letter and the attachments to this email.

My initial attempt at sending these materials bounced back. The data was too large for one email. I am therefore trying again and will split the attachments into four separate emails.

Best regards,

Harlan

Harlan Protass
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protass@clayro.com

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From: [Weinstock, Judith](#)
To: [Harlan Protass](#); [Wayne Gosnell](#)
Cc: [Berke, Janna](#); [Janghorbani, Alexander](#); [Brown, Nancy A](#)
Date: Tuesday, September 13, 2016 2:38:02 PM
Attachments: [Privileged Confidential - 1 11 16 Wells Draft 4849-9947-1916 v 1 JL - redline.docx](#)

Dear Harlan,

Attached please find a draft Wells submission we came across in our Recommind database that was produced by Respondents in this matter. We return it to you without waiver of our rights to assert that any privilege or protection that might have been asserted over the document has been waived. If we identify additional potentially privileged or protected material, we will notify you, but we have not undertaken to search the database for materials similar to that attached.

Best regards,

Judy Weinstock

From: [Harlan Protass](#)
To: [Weinstock, Judith](#)
Cc: [Wayne Gosnell](#); [Berke, Janna](#); [Janghorbani, Alexander](#); [Brown, Nancy A](#); [Christina Corcoran](#)
Subject: Re:
Date: Sunday, September 18, 2016 2:16:05 PM

Thank you for your email, Judy. We have been and are still investigating the production of these privileged documents. Thus, please do not interpret the fact that we have not yet gotten back to you as anything other than the foregoing. Put differently, the inadvertent production of any privileged emails or any other document protected from disclosure by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or protection is not and should not be considered or interpreted as a waiver of any such privilege or protection.

Additionally, we will endeavor to conclude the matter of the inadvertent production of privileged documents by the close of business on September 19, as you have requested. But, as you no doubt know, no time limit exist on any party's right to recall inadvertently produced documents that are protected from discovery by any of the aforementioned privileges or protections. Thus, it is inappropriate for the SEC to attempt to set a false "deadline" by which the matters relating to that inadvertent production must be resolved. Moreover, the SEC will have acted in bad faith and in violation of well-established caselaw and norms relating to the inadvertent production of privileged materials if it considers the privilege attaching to such materials to have been waived after any artificial "deadline" that it sets but has no authority or justification to set. Still, we appreciate the fact that the SEC has not reviewed and is returning such documents to us. And, as I mentioned above, we will endeavor to resolve this issue tomorrow, Monday, September 19.

Best regards,

Harlan

Harlan Protass
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On Sun, Sep 18, 2016 at 1:55 PM, Weinstock, Judith <weinstockj@sec.gov> wrote:

Dear Harlan,

I am writing to follow-up on my email to you of September 13, 2016, to which you have not responded. Please find attached three additional documents that you produced to us (and that we produced back to you in August when we made our investigative file available to you) that appear to be communications between your clients and their attorneys. At least one of them appears on your privilege log. We return these to you without waiver of our rights to assert that any privilege or protection that might have been asserted over the document has been waived. Moreover, given the length of time that you have had notice that these documents were produced to us and have not requested their return, it appears that you may have intended to waive any privilege attached to these documents. Thus, if we do not hear from you concerning the status of these documents (as well as any other potentially privileged documents that you have produced to us) by close of business on September 19, 2016, we will presume that you have intended a waiver and will act accordingly.

As we notified you earlier, we are returning these documents as a courtesy. By doing so, we do not assume any obligation to undertake a privilege review on your behalf.

Best regards,

Judy



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F: 212-949-8255

Harlan J. Protass
Partner
protass@clayro.com

September 20, 2016

VIA E-MAIL

Judith Weinstock, Esq.
U.S. Securities and Exchange Commission
New York Regional Office
Brookfield Place
200 Vesey Street, Suite 400
New York, NY 10281-1022

Re: In the Matter of Donald F. Lathen, Jr., Eden Arc Capital Management, LLC
and Eden Arc Capital Advisors, LLC, Admin. Proc. File No. 3-17387

Dear Ms. Weinstock:

As you know, this firm represents respondents Donald F. Lathen, Jr., Eden Arc Capital Management, LLC and Eden Arc Capital Advisors, LLC (together the "Eden Arc Respondents") in the referenced matter. We write regarding your inquiries (on September 13 and 18, 2016) into several documents produced by the Eden Arc Respondents in response to subpoenas issued by the SEC and, in turn, produced by the SEC when it provided its investigative file to us. Those documents (and any attachments to those documents) were inadvertently produced by the Eden Arc Respondents and, as you noted, are protected from disclosure by the attorney-client privilege, the attorney work product doctrine and/or other similar, applicable privileges and protections. We believe that the overwhelming majority of those privileged documents were inadvertently produced to the SEC after January 1, 2016.

Given the short time-frame in which you requested a response, we have determined three categories of inadvertently produced documents. These documents can easily and readily be identified and returned to us.

The first category includes e-mails between Mr. Lathen and Kevin Galbraith, one of his attorneys. You can find these e-mails by searching the metadata fields "To," "From," and "CC" for the e-mail domain "kevingalbraithlaw.com."

The second category includes e-mails between Mr. Lathen and his attorneys at Clayman & Rosenberg LLP, including myself and Wayne Gosnell. You can find these e-mails by searching the metadata fields "To," "From," and "CC" for the e-mail domain "clayro.com."

The third category includes e-mails between Mr. Lathen and his attorneys at Brune Law PC, including Susan Brune and several of her attorneys and staff. You can find these e-mails by searching the metadata fields "To," "From," and "CC" for the e-mail domain "brunelaw.com."

The privileges applicable to each of the above categories of documents are the same: They are textbook attorney-client communications and/or documents protected from disclosure by the attorney work product doctrine. Accordingly, we ask that you identify the aforementioned documents using the search directions above and return the documents identified through those searches to us. Until such time as all such privileged documents have been returned to us, we ask that you and all members of your staff refrain from reviewing any such documents. To the extent that the SEC believes that a waiver of the attorney-client privilege has occurred (which it has not), we ask that the SEC still refrain from reviewing any such privileged documents until such time as the SEC presents that issue to Judge Grimes for purposes of adjudicating the question of whether there has been a waiver.

Finally, should the SEC determine that it has located additional documents that appear to be similarly privileged, we ask that you again refrain from reviewing such documents and return them to us.

Very truly yours,

/s/

Harlan Protass

cc: Janna Berke, Esq. (via e-mail)
Alex Janghorbani, Esq. (via e-mail)
Nancy Brown, Esq. (via e-mail)

From: [Brown, Nancy A](#)
To: ["protass@clayro.com"](mailto:protass@clayro.com)
Cc: [Weinstock, Judith](#); [Janghorbani, Alexander](#); [Berke, Janna](#)
Subject: In re Donald L. Lathen, Jr., et al, Admin. Proc. File No. 3-17387
Date: Wednesday, September 21, 2016 9:36:10 AM
Attachments: [cc Galbraith.pdf](#)

Harlan,

I write in response to your letter of yesterday concerning your production of privileged documents. In your letter you ask that the Division of Enforcement undertake a search on your behalf in an attempt to cull potentially privileged material from your own productions to us. However, it would be inappropriate for us to undertake the search you request for a host of reasons.

First, as a general matter, the privilege is Respondents' and it is, therefore, your responsibility to assert and protect it. As we have indicated in the past, we are willing—without waiver of our rights to assert that any privilege or protection that might have been asserted over the document has been waived—to sequester the produced documents that you identify as privileged. However, you will need to provide us with a list of the produced documents, by Bates number, over which you assert privilege and claim inadvertent production. Second, if we undertook the review that you ask, you would necessarily authorize us to review the documents over which you claim to be re-asserting the privilege. That you would have us review that material is inconsistent with your assertion of privilege. Third, the search parameters that you propose appear on their face to be ineffective at culling out only privileged, and inadvertently-produced, materials. For example, not every document copied to Kevin Galbraith is even arguably privileged, and as the attached illustrates, was not inadvertently produced. Fourth, your letter seems to indicate that at least some of the otherwise-privileged documents were produced knowingly. (See Letter from Harlan Protass to Judith Weinstock, Sept. 20, 2016, at 1 (“We believe that the overwhelming majority of those privileged documents were inadvertently produced . . .”).) However, the search you now propose would not distinguish between those documents and the ones you now claim to have produced inadvertently.

Finally, and to reiterate what we've said before, we reserve all rights to argue that you have waived any ability to claim inadvertence given the breadth of the possibly privileged documents produced, and both the time that's elapsed since you first produced them and since you were notified of their production to us. For example, we re-produced these documents to you back to you in August, and provided you with direct notice on September 13, and then again this weekend. Still, it was not until yesterday morning that you even attempted to claw them back (and even then without identifying them with any specificity). For that reason, we have agreed to sequester the produced documents over which you specifically assert a privilege, but we want to make clear that, by doing so, we are not conceding the validity of your privilege assertions.

Thank you.
Nancy Brown

From: [Brown, Nancy A](#)
To: ["protass@clayro.com"](mailto:protass@clayro.com)
Cc: [Weinstock, Judith](#); [Janghorbani, Alexander](#); [Berke, Janna](#)
Subject: In re Donald L. Lathen, Jr., et al, Admin. Proc. File No. 3-17387
Date: Wednesday, September 21, 2016 9:36:10 AM
Attachments: [cc Galbraith.pdf](#)

Harlan,

I write in response to your letter of yesterday concerning your production of privileged documents. In your letter you ask that the Division of Enforcement undertake a search on your behalf in an attempt to cull potentially privileged material from your own productions to us. However, it would be inappropriate for us to undertake the search you request for a host of reasons.

First, as a general matter, the privilege is Respondents' and it is, therefore, your responsibility to assert and protect it. As we have indicated in the past, we are willing—without waiver of our rights to assert that any privilege or protection that might have been asserted over the document has been waived—to sequester the produced documents that you identify as privileged. However, you will need to provide us with a list of the produced documents, by Bates number, over which you assert privilege and claim inadvertent production. Second, if we undertook the review that you ask, you would necessarily authorize us to review the documents over which you claim to be re-asserting the privilege. That you would have us review that material is inconsistent with your assertion of privilege. Third, the search parameters that you propose appear on their face to be ineffective at culling out only privileged, and inadvertently-produced, materials. For example, not every document copied to Kevin Galbraith is even arguably privileged, and as the attached illustrates, was not inadvertently produced. Fourth, your letter seems to indicate that at least some of the otherwise-privileged documents were produced knowingly. (See Letter from Harlan Protass to Judith Weinstock, Sept. 20, 2016, at 1 (“We believe that the overwhelming majority of those privileged documents were inadvertently produced . . .”).) However, the search you now propose would not distinguish between those documents and the ones you now claim to have produced inadvertently.

Finally, and to reiterate what we've said before, we reserve all rights to argue that you have waived any ability to claim inadvertence given the breadth of the possibly privileged documents produced, and both the time that's elapsed since you first produced them and since you were notified of their production to us. For example, we re-produced these documents to you back to you in August, and provided you with direct notice on September 13, and then again this weekend. Still, it was not until yesterday morning that you even attempted to claw them back (and even then without identifying them with any specificity). For that reason, we have agreed to sequester the produced documents over which you specifically assert a privilege, but we want to make clear that, by doing so, we are not conceding the validity of your privilege assertions.

Thank you.
Nancy Brown



305 Madison Avenue
New York, NY 10165
T: 212-922-1080
F: 212-949-8255

Harlan J. Protass
Partner
protass@clayro.com

September 22, 2016

VIA E-MAIL

Nancy Brown, Esq.
U.S. Securities and Exchange Commission
New York Regional Office
Brookfield Place
200 Vesey Street, Suite 400
New York, NY 10281-1022

Re: In the Matter of Donald F. Lathen, Jr., Eden Arc Capital Management, LLC
and Eden Arc Capital Advisors, LLC, Admin. Proc. File No. 3-17387

Dear Ms. Brown:

I write in response to your September 21, 2016 e-mail, which responded to my September 19, 2016 letter concerning certain privileged documents that the Eden Arc Respondents inadvertently produced. We disagree with several of the assertions in your e-mail.

First, we will shortly provide the SEC with a log of all documents that the Eden Arc Respondents inadvertently produced, which documents are protected from disclosure by the attorney-client privilege, the attorney work product doctrine and/or any other applicable privilege or protection. We dispute that any grounds exist for your assertion that a waiver of any privilege or protection occurred with respect to those inadvertently produced documents. In fact, the privileges and protections associated with those inadvertently produced documents have not been waived and remain in place today. We therefore expect the SEC to treat those inadvertently produced documents accordingly.

Second, given the clear instructions in my September 19, 2016 letter for identifying all such privileged documents that were inadvertently produced, the SEC is now on notice as to the existence and identity of those privileged documents. We therefore expect the SEC to refrain from examining or reviewing any such documents any more than is necessary than to determine that they fall within one of the categories of documents described in my September 19, 2016 letter. Lest there be any confusion, we specifically instruct the SEC to refrain from examining or reviewing any such documents except as provided for herein.

Third, we also dispute that the timing of our response to your recent e-mails concerning the privileged documents that the Eden Arc Respondents inadvertently produced somehow contributes to a finding (which, in any event, you have no authority to unilaterally declare) that a waiver of any privilege or protection has occurred. To the contrary, we understand the law to require notice to an adversary of any privileged documents that were inadvertently produced promptly after discovering same. We did just that and did so after undertaking an internal inquiry into the question of how and when such documents were inadvertently produced as well as after developing a means for identifying such documents so that they could be returned to us. We consider having done so to have been both professional and appropriate, particularly since we did so in a matter of days.

Finally, your e-mail claims that certain language in my September 19, 2016 letter suggests that certain of the privileged documents identified therein were “produced knowingly.” You are either confused as to what I wrote or are incorrect. In particular, I stated that we “believe that the overwhelming majority of those privileged documents were inadvertently produced to the SEC after January 1, 2016.” That sentence states that the overwhelming majority of those privileged documents were inadvertently produced after January 1, 2016, at a time when Brune Law PC represented the Eden Arc Respondents. That sentence also states that a few of those privileged documents were inadvertently produced before January 1, 2016, at a time when my firm was representing the Eden Arc Respondents. Lest there be any confusion, that sentence does not refer to any privileged documents that were “produced knowingly.”

Please let me know if you have any questions about the foregoing.

Very truly yours,

/s/

Harlan Protass

cc: Judith Weinstock, Esq. (via e-mail)
Alex Janghorbani, Esq. (via e-mail)
Janna Berke, Esq. (via e-mail)

To: Lindsey Alley[JAlley@HL.com]
From: Jay Lathen
Sent: Tue 4/19/2011 10:12:49 AM
Importance: Normal
Subject: Update
[sub_agreement_final.pdf](#)
[PPM_final.pdf](#)
[inv_pres_3_11.pdf](#)

Hey Lindsey,

Hope you guys are doing well.

Well, I am finally launching my hedge fund, Eden Arc Capital Partners, at the end of this month. Very exciting.

I wanted to give you a chance to participate. When we spoke back in December, you indicated that you were potentially interested but didn't have a lot of free liquidity. Not sure if that has changed but wanted to give you a heads-up on the launch.

To refresh your memory, the investment strategy is centered around an unusual arbitrage opportunity in the retail corporate bond market. I have been managing the strategy with my own capital since July 2009 and with outside capital from a family office since September 2010. Based on the success of the strategy, I have decided to raise the fund. The fund will have its initial closing at the end of this month. Most of the capital is coming from a handful of institutions but I am also opening it up to selected "friends and family." There is a one year lock-up, after which you can request full or partial liquidity.

The strategy is unique in that it generates equity-like returns while taking short term corporate credit risk. I believe the strategy will consistently yield net returns in excess of 20% with very limited market correlation and minimal risk.

Anyway, I have attached the fund docs in case this is of interest. Subscription instructions are on page 3 of the sub agreement.

Let me know your thoughts.

Best,

Jay Lathen
Eden Arc Capital Management, LLC
One Penn Plaza, Ste. 3671
New York, NY 10119
212-786-7414 Work
[REDACTED]
646-349-5964 Fax
[REDACTED]

EDEN ARC CAPITAL
PARTNERS

March 2011

Supplemental Info

Structural and Legal Considerations

16

- Eden Arc principals open a joint tenants with rights of survivorship (“JTWROS”) account with a terminally ill participant
 - Eden Arc funds the account
 - Transaction is fully documented with participant
 - Participant receives up front cash payment, typically \$10,000, for agreeing to the arrangement
- Upon the death of the participant, Eden Arc principals are surviving joint owners and entitled to exercise the survivor’s option in full under the terms of the prospectuses
 - Account passes directly to Eden Arc principals and is not part of participant’s estate
 - No requirement in prospectus that the surviving owner be related to the decedent
- Prior to launching business, Eden Arc received advice from counsel that the strategy is legal
- Eden Arc has submitted numerous redemption requests to multiple issuers over the course of the last year and all claims have been paid
- The strategy was further validated by a page 1 article in the Wall Street Journal on March 10, 2010 titled “Investors Tap Into Deathbed Bond Deal”



SUBPOENA TO PRODUCE DOCUMENTS

Issued Pursuant to U.S. Securities and Exchange Commission Rules of Practice 111(b) and 232, 17 C.F.R. §§ 201.111(b), 201.232.

<p>1. TO Robert G. Flanders, Jr., Esq. Whelan, Corrente, Flanders, Kinder & Siket LLP 100 Westminster Street, Suite 710 Providence, RI 02903</p>	<p>This subpoena requires you to produce documents or other tangible evidence described in Item 7, at the request of the Party described in Item 4, in the U.S. Securities and Exchange Commission Administrative Proceeding described in Item 6.</p>
<p>2. PLACE OF PRODUCTION US Securities and Exchange Commission NY Regional Office 200 Vesey Street, Suite 400 New York, NY 10281</p>	<p>3. DATE AND TIME PRODUCTION IS DUE September 30, 2016 5:00 p.m.</p>
<p>4. PARTY AND COUNSEL REQUESTING ISSUANCE OF SUBPOENA Nancy A. Brown, Esq. Alexander J. Janghorbani, Esq. Division of Enforcement US Securities and Exchange Commission</p>	<p>5. THE PRODUCTION OF DOCUMENTS OR OTHER TANGIBLE EVIDENCE IS ORDERED BY Hon. James E. Grimes Administrative Law Judge U.S. Securities and Exchange Commission</p>

6. TITLE OF THE MATTER AND ADMINISTRATIVE PROCEEDING NUMBER
In the Matter of Donald F. Lathen, Jr., et al., Admin. Proc. File No. 3-17387

7. DOCUMENTS OR OTHER TANGIBLE EVIDENCE TO BE PRODUCED (ATTACH PAGES AS REQUIRED)

Please see Attachment.

DATE SIGNED	SIGNATURE OF ADMINISTRATIVE LAW JUDGE
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GENERAL INSTRUCTIONS

MOTION TO QUASH
The U.S. Securities and Exchange Commission's Rules of Practice require that any application to quash or modify a subpoena comply with Commission Rule of Practice 232(e)(1). 17 C.F.R. § 201.232(e)(1).

SUBPOENA ATTACHMENT

In the Matter of Donald F. ("Jay") Lathen, Jr., et al., Admin. Proc. File No. 3-17387

DEFINITIONS

1. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
2. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of the term "documents or electronically stored information" in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.
3. The term "concerning" means relating to, referring to, describing, evidencing or constituting.
4. The following rules of construction apply to all discovery requests:
 - (a) The terms "all," "any," and "each" shall each be construed as encompassing any and all.
 - (b) The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - (c) The use of the singular form of any word includes the plural and vice versa.
5. "You" or "Your" shall refer to Robert G. Flanders, Jr., and all of his current and former partners, counsel, associates, agents and representatives at Hinckley Allen & Snyder, LLP.
6. For each entity listed below, the entity shall be defined to include any parent corporations, subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, limited partners or partnerships, wherever located:

Eden Arc Capital Management, LLC

Eden Arc Capital Advisers, LLC

Eden Arc Capital Partners, LP

EndCare

7. “Lathen” shall refer to Donald “Jay” Lathen, and each of his agents, representatives, associates, affiliates and partners.

INSTRUCTIONS

1. Where any document is withheld, in whole or in part, due to any claim of privilege, please provide the nature of the privilege (including work product) which is being claimed and, if the privilege is governed by state law, indicate the state’s privilege rule being invoked; and the following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

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- (b) the general subject matter of the document;
- (c) the date of the document; and
- (d) the author of the document, the addressees of the document, and any other recipients, and, where not apparent, the relationship of the author, addressees, and recipients to each other.

2. Each document requested is to be produced in its entirety, including all non-identical copies and drafts, without abbreviation, expurgation, or redaction.

3. Each request shall be answered fully unless it is subject to a good faith objection, in which even the reason for the objection shall be stated in detail. If an objection pertains to

only a portion of a request, or a word, or phrase, or clause contained within a request, please state the objection to that portion only, and respond to the remainder of the request.

4. If any document sought by these document requests once was, but no longer is, within Your possession, custody or control, please identify each such document and its present or last known custodian, and state: (a) the reason why the document is not being produced; and (b) the date of the loss, destruction, discarding, theft or other disposal of the document.

5. This request is ongoing in nature and You should continue to produce responsive documents as they are found or created on an ongoing basis.

DOCUMENTS AND INFORMATION TO BE PRODUCED

1. All documents concerning the structure of, and structuring of, Eden Arc Capital Capital Management, LLC, Eden Arc Capital Advisers, LLC, Eden Arc Capital Partners, LP, and/or EndCare (“Lathen Entities”) and any investment strategy contemplated or pursued by the Lathen Entities and/or Lathen.

2. All documents concerning any agreements concerning any of the Lathen Entities and/or Lathen, including but not limited to the Participant Agreements, Investment Management Agreement, Discretionary Line Agreement, and Profit Sharing Agreement (collectively, “Lathen Agreements”).

3. All documents concerning the disclosure of Lathen’s or the Lathen Entities’ investment strategies to anyone, including but not limited to disclosure of the Lathen Agreements.

4. All documents concerning any redemptions of any bonds, notes, or certificates of deposits by, or related to, Lathen or the Lathen Entities.

5. All billing records concerning Lathen or the Lathen Entities.

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9. All documents concerning any communications between You and any issuer of any investment instrument containing a Survivor’s Option.

Eden Arc Capital Management, LLC

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SUBPOENA TO PRODUCE DOCUMENTS

Issued Pursuant to U.S. Securities and Exchange Commission Rules of Practice 111(b) and 232, 17 C.F.R. §§ 201.111(b), 201.232.

<p>1. TO Eric Roper, Esq. 1025 Fifth Avenue New York, NY 10028-0134</p>	<p>This subpoena requires you to produce documents or other tangible evidence described in Item 7, at the request of the Party described in Item 4, in the U.S. Securities and Exchange Commission Administrative Proceeding described in Item 6.</p>
<p>2. PLACE OF PRODUCTION US Securities and Exchange Commission NY Regional Office 200 Vesey Street, Suite 400 New York, NY 10281</p>	<p>3. DATE AND TIME PRODUCTION IS DUE September 30, 2016 5:00 p.m.</p>
<p>4. PARTY AND COUNSEL REQUESTING ISSUANCE OF SUBPOENA Nancy A. Brown, Esq. Alexander J. Janghorbani, Esq. Division of Enforcement US Securities and Exchange Commission</p>	<p>5. THE PRODUCTION OF DOCUMENTS OR OTHER TANGIBLE EVIDENCE IS ORDERED BY Hon. James E. Grimes Administrative Law Judge U.S. Securities and Exchange Commission</p>
<p>6. TITLE OF THE MATTER AND ADMINISTRATIVE PROCEEDING NUMBER In the Matter of Donald F. Lathen, Jr., et al., Admin. Proc. File No. 3-17387</p>	
<p>7. DOCUMENTS OR OTHER TANGIBLE EVIDENCE TO BE PRODUCED (ATTACH PAGES AS REQUIRED)</p>	

Please see Attachment.

DATE SIGNED	SIGNATURE OF ADMINISTRATIVE LAW JUDGE
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SUBPOENA TO PRODUCE DOCUMENTS

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<p>1. TO Margaret D. Farrell, Esq. Hinckley, Allen & Snyder LLP 100 Westminister Street, Suite 1500 Providence, RI 02903</p>	<p>This subpoena requires you to produce documents or other tangible evidence described in Item 7, at the request of the Party described in Item 4, in the U.S. Securities and Exchange Commission Administrative Proceeding described in Item 6.</p>
<p>2. PLACE OF PRODUCTION US Securities and Exchange Commission NY Regional Office 200 Vesey Street, Suite 400 New York, NY 10281</p>	<p>3. DATE AND TIME PRODUCTION IS DUE September 30, 2016 5:00 p.m.</p>
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3. The term "concerning" means relating to, referring to, describing, evidencing or constituting.
4. The following rules of construction apply to all discovery requests:
 - (a) The terms "all," "any," and "each" shall each be construed as encompassing any and all.
 - (b) The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
 - (c) The use of the singular form of any word includes the plural and vice versa.
5. "You" or "Your" shall refer to Cherryl J. Calaguio, and all of her current and former partners, counsel, associates, agents and representatives at Gersten Savage, LLP.
6. For each entity listed below, the entity shall be defined to include any parent corporations, subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, limited partners or partnerships, wherever located:

Eden Arc Capital Management, LLC



SUBPOENA TO PRODUCE DOCUMENTS

Issued Pursuant to U.S. Securities and Exchange Commission Rules of Practice 111(b) and 232, 17 C.F.R. §§ 201.111(b), 201.232.

1. TO
Cherryl J. Calaguio, Esq.
Sichenzia Ross Friedman Ference LLP
61 Broadway
New York, NY 10006

This subpoena requires you to produce documents or other tangible evidence described in Item 7, at the request of the Party described in Item 4, in the U.S. Securities and Exchange Commission Administrative Proceeding described in Item 6.

2. PLACE OF PRODUCTION
US Securities and Exchange Commission
NY Regional Office
200 Vesey Street, Suite 400
New York, NY 10281

3. DATE AND TIME PRODUCTION IS DUE
September 30, 2016 5:00 p.m.

4. PARTY AND COUNSEL REQUESTING
ISSUANCE OF SUBPOENA
Nancy A. Brown, Esq.
Alexander J. Janghorbani, Esq.
Division of Enforcement
US Securities and Exchange Commission

5. THE PRODUCTION OF DOCUMENTS OR OTHER
TANGIBLE EVIDENCE IS ORDERED BY

Hon. James E. Grimes

Administrative Law Judge
U.S. Securities and Exchange Commission

6. TITLE OF THE MATTER AND ADMINISTRATIVE PROCEEDING NUMBER
In the Matter of Donald F. Lathen, Jr., et al., Admin. Proc. File No. 3-17387

7. DOCUMENTS OR OTHER TANGIBLE EVIDENCE TO BE PRODUCED (ATTACH PAGES AS REQUIRED)

Please see Attachment.

DATE SIGNED

SIGNATURE OF ADMINISTRATIVE LAW JUDGE

GENERAL INSTRUCTIONS

MOTION TO QUASH

The U.S. Securities and Exchange Commission's Rules of Practice require that any application to quash or modify a subpoena comply with Commission Rule of Practice 232(e)(1). 17 C.F.R. § 201.232(e)(1).