# UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING File No. 3-17387

SEP 27 2016

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 <u>Exhibit A</u> 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 <u>Exhibit C</u> 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 <u>Exhibit E</u> is a true and correct copy of Respondents' privilege log produced to the Commission.
- 7. Attached hereto as <u>Exhibit F</u> 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 <u>Exhibit G</u> is a true and correct copy of a letter from Corey Chivers to Kevin Galbraith, dated October 10, 2014.
- Attached hereto as <u>Exhibit H</u> 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 <u>Exhibit K</u> 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 <u>Exhibit M</u> 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 <u>Exhibit O</u> is a true and correct copy of an e-mail from Nancy Brown to Harlan Protass, dated September 21, 2016.
- 17. Attached hereto as <u>Exhibit P</u> 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 <u>Exhibit R</u> are true and correct copies of requested subpoenas directed to Margaret F. Farrell, Esq., Robert G. Flanders, Jr., Esq., Eric Roper, Esq. and Cherryl 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

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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17
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      UNITED STATES SECURITIES AND EXCHANGE COMMISSION
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      In the Matter of:
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                                                 File No. 3-17387
      DONALD F. ("JAY") LATHEN, JR.,
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      EDEN ARC CAPITAL MANAGEMENT, LLC,
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      EDEN ARC CAPITAL ADVISORS, LLC
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      ADMINISTRATIVE PROCEEDINGS - PRE-HEARING CONFERENCE
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      PAGES:
                  1 through 25
                  Securities and Exchange Commission
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      PLACE:
                  200 Vesey Street, Suite 400
New York, New York 10281
Monday, September 12, 2016
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      DATE:
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            The above-entitled matter came on for hearing,
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      pursuant to notice, at 1:30 p.m.
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      BEFORE (Via Telephone):
            JAMES E. GRIMES, ADMINISTRATIVE LAW JUDGE
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                  Diversified Reporting Services, Inc.
                                (202) 467-9200
0002
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      APPEARANCES:
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      On behalf of the Securities and Exchange Commission:
            JUDITH WEINSTOCK, ESQ.
            NANCY BROWN, ESQ.
ALEX JANGHORBANI, ESQ.
            JANNA BERKE, ESQ.
            Securities and Exchange Commission
            Division of Enforcement
            200 Vesey Street, Suite 400
New York, New York 10281
11
12
            (212) 336-0094
<u>13</u>
14
15
     On behalf of the Respondent Jay Lathen (Via Telephone): HARLAN J. PROTASS, ESQ.
16
            WAYNE GOSNELL, ESQ.
17
            CHRISTINA CORCORAN, ESQ.
18
            Clayman & Rosenberg, LLP
           305 Madison Avenue
New York, New York 10165
(212) 922-1080
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0003
                            PROCEEDINGS
                  JUDGE GRIMES: Good afternoon.
                                                        Today
     is Monday, September 12th, 2016 and we're holding a telephonic pre-hearing conference in Securities and
     Exchange Commission Administrative Proceeding, File
     Number 3-17387.
                          This is in the matter of three
     respondents and they are Donald F. Lathen, Jr., Eden Arc
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     Capital Management, LLC and Eden Arc Capital Advisors,
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                  My name is James Grimes. I'm the presiding
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17 administrative law judge in this matter.
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                      For the record, could I have appearances of
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       counsel for the Division of Enforcement, please.
      MR. JANGHORBANI: Yes. Good afternoon, Your Honor. Again, this is Alex Janghorbani and with me today
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       are my co-counsel Judith Weinstock, Janna Berke and Nancy
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       Brown.
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                      JUDGE GRIMES: Thank you very much. And then
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       for Respondents.
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                    MR. PROTASS: Yes. Good afternoon, Judge
This is Harlan Protass, P as in Peter, R-O-T, as
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       in Thomas, A-S-S, from Clayman and Rosenberg. And with
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       me from my firm here are Wayne Gosnell and Christina
       Corcoran. And also present on the line here with us is Respondent Jay Lathen.
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                      JUDGE GRIMES: All right. Thank you, Mr.
                      I appreciate that.
       Protass.
      The purpose of today's conference is to discuss the schedule for this proceeding and how matters will be handled, as well as to address any questions or concerns
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       the parties might have.
                     Let me just lay out for the record that by
       letter the parties have informed me the Respondents were served with the Order Instituting Proceedings on
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      August 17th, 2016. The parties have also agreed that the hearing should be -- should take place in New York City,
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      which is perfectly fine with me. So that's where we'll have it. And, interestingly, Respondents have exercised their right to a hearing within 60 days of service of the
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       Order Instituting Proceedings and based on that fact, the
      parties have proposed starting the hearing on October 17th, 2016 and have jointly submitted a proposed hearing schedule, which is also acceptable to me, and I'm
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      prepared to adopt it.
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                      I just have a few questions. The proposed
       schedule does not include a date for exchanging exhibits.
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       Do the parties -- are exchanging exhibit lists sufficient
       or did you mean not to include exchanging exhibits before
       we get started? What's the Division have to say about
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       that?
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                      MR. JANGHORBANI: Your Honor, this is Alex
       Janghorbani for the Division again. Apologies if it
      wasn't clear in the letter. At least our intention is that the exchange of exhibit lists would also include the exchange of exhibits and is normally done electronically via disk or whatever.
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                      JUDGE GRIMES: Right. Okay, that's probably my
                      I just wanted to clarify that.
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       mistake.
      Mr. Protass, does that sound all right to you?

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

JUDGE GRIMES: Okay. Well then, I'm sure it
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       was just my mistake then.
       Has the investigative file been made available?
MR. JANGHORBANI: It has, Your Honor. We made
the -- we produced, again in electronic form, our
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       investigative file on August 23rd.
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                      JUDGE GRIMES: And, Mr. Protass, I assume
       you've had a chance to take a look at it?
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                      MR. PROTASS: Yes, we have, Your Honor. We've
       received it and are going through it. It's a -- it's an
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17 22 extensive file.
       JUDGE GRIMES: Okay. All right. Well, by way of background and for the record, the Commission has adopted new rules which will go into effect at the end of
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        September. The parties have informed me by letter that
        Respondents want the old rules to apply. So, the old
        rules will apply in this proceeding.
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                       Let me just ask about service. Have the
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       parties agreed to serve each other by e-mail? I assume -- I assume they have, but let me just clarify
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        that for the record.
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                       MR. JANGHORBANI: Again, this is Alex
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        Janghorbani from the Division, Your Honor. We have
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        discussed that and we're amenable to that with the one
       caveat, which Mr. Protass and -- and I have discussed, which is that if it's very voluminous exhibit records to
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       also send a courtesy copy to the parties by UPS.

JUDGE GRIMES: Okay. Mr. Protass, does that sound acceptable to you?
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                       MR. PROTASS: Yes, it's cost effective and I
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        accept.
       JUDGE GRIMES: Oh, great. Okay. I think everyone knows this, but just to be clear, my office's e-mail address is ALJ@sec.gov. So I would appreciate
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        being -- receiving courtesy copies of filings as well.
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        Of course the Rules of Practice still require us --
       excuse me, still require the parties to send paper copies to the secretary's office, but courtesy copies would
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        certainly help.
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       And I -- I had one other question. The -- the proposed schedule includes expert reports and rebuttal reports. I would definitely like copies of those. And I
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       will address this in a scheduling order, but your reports
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        should contain the information required under Rule Civil
       Procedure 26(a)(2). That's -- that's not required under the previous rules, but it's something I've always asked for and I think it's something we're all pretty much used
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                       Does either party object to that? I'll start
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       with the Division.
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                       MR. JANGHORBANI: To the extent that there are
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       going to be expert reports, Your Honor, we -- we don't object to that. I think we're still trying from our end
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       to get our arms around exactly what experts we would use and whether they would be solely testifying or whether they would also put in an expert report.
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                       JUDGE GRIMES: All right. Mr. Protass, what's
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       your view?
                      MR. PROTASS: Same applies here, Your Honor. JUDGE GRIMES: All right. Okay. Let me move
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       on then.
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       As far as exhibits go, the parties will be exchanging them. Please don't file them with me
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        beforehand. I don't need to see them until the hearing.
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       And the parties will file those with the secretary after the hearing, but I would like a final paper copy of
       exhibit lists just for housekeeping purposes at the start of the hearing, but it's because that's how I keep track
       of what's been admitted and what has not.
                       Now, let's move on. I'm going to get onto --
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - vol. I.912.NY-013-17
         move onto summary disposition, but before we move onto
         summary disposition I'll ask the Division whether there
        are any other issues that you would like to address.
MR. JANGHORBANI: So just a couple of quick
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        housekeeping issues and then one other potential issue
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        that may be better after Your Honor addresses summary
        disposition.
        So -- so, Your Honor has ruled that it would be in New York. Do I take it that Your Honor wants it to be
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        at Federal Plaza? And I say that just so that we can
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        start the process of getting a courtroom.
        JUDGE GRIMES: I think it's actually our responsibility to find the courtroom. So we'll -- we'll deal with that. Probably Federal Plaza, perhaps SDNY.
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        I'm -- I'm not sure, but we'll -- we'll go through the
        steps that are necessary to secure the courtroom.

MR. JANGHORBANI: That's fine, Your Honor. I
just wanted to make sure I wasn't asleep at the switch on
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        something the Division was supposed to be doing.
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                         And then one other issue goes to courtesy
        copies. So we will serve Your Honor with electronic
        courtesy copies. Do you also want mailed copies by UPS of everything? That's been my practice, but I just
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        wasn't sure from -- from -- from what Your Honor just
        JUDGE GRIMES: I personally don't care. I -- we -- we end up getting a copy from the Secretary's office anyway. So you don't need to send them by -- by
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        UPS.
                         MR. JANGHORBANI: Got it, Your Honor.
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                         JUDGE GRIMES: Anything else?
        MR. JANGHORBANI: No. I think we'll have another issue, but it may be best to wait to the end.
        JUDGE GRIMES: Okay. Mr. Protass, is there anything else you'd like to discuss before we talk about
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        summary disposition?
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                         MR. PROTASS: Not at this time, Your Honor, no.
        JUDGE GRIMES: Okay. And I understand that the -- so, here's what -- for the record, Respondents
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        have filed a letter seeking to move for summary disposition and the Division has indicated that it
        intends to file an opposition.
        Mr. Protass, I want to make sure I understand exactly what's going on, and this is not a loaded
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        question. I just want to understand what's going on.
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        Would you say that the heart of the dispute in this case
        is about the nature of the financing that the fund
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        provided to the fund and the joint accounts? Excuse me,
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        to fund the joint accounts.
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                         MR. PROTASS: Not really, Your Honor. I think
        MR. PROTASS: Not really, Your Honor. I think that the heart of this issue are the joint tenancies that Mr. Lathen formed with terminally ill individuals who are known as participants. And as laid out in our letter, he formed these joint tenancies. The joint tenancies are statutorily presumptively true and valid joint tenancies because there's a New York Banking Statute Section 675 that says they are if you open them using the magic words "joint tenancy with right of survivorship," which he did. And that the relevant case law in New York says that there are only several ways in which a presumptively true
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        there are only several ways in which a presumptively true and valid joint tenancy can be invalidated. Not only are
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17 none of those circumstances present here, but the SEC has
        not alleged that any of those circumstances are present
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        here.
                       So if you -- if you take it from there, that
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        you have a statutorily presumptuous, valid -- true and
       valid joint tenancy, there is nothing alleged that would undermine the validity of that, then what you have is a situation where you have a joint tenancy that owns
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        survivor's options, bonds and CDs. One of those joint tenants passes away, the assets in that -- in that account passed, by operation of law, to the surviving
        joint tenant, Mr. Lathen, who then redeems them from the issuer. And in doing so, makes true and accurate
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        representations as to his survivor/owner status to the
        issuer.
                        And -- and, therefore, it's our position that,
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        in light of the fact there have been no
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        misrepresentations made, that there cannot be a
       what the Commission is saying is that, no, no, no. Mr. Lathen does not own these securities. He's acting as a nominee for the funds that provided financing for the
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       purchase of the securities, but the fact of the matter remains is that as a joint tenant on this account he has actual, legal title to the securities.

And regardless of the nominee language, the
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        fund that's financed the purchase of these securities
       couldn't call up the brokerage firm and say, Hey, please buy or sell. The brokerage firm would say, I don't know who you are. You are not on this account. You don't have actual, legal title to these securities.
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                       JUDGE GRIMES: Can I ask you a question? Does
        one of the accounts for valid joint accounts matter
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        insofar as -- as the -- the issuer's concerned? Let me
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        put it this way: Let's assume for sake of argument -- for the sake of argument the factual allegations in the
        Order Instituting Proceedings. Are you saying the issuers would only have cared that there was a valid
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        joint tenancy and not that the fund was allegedly paying
        for the bond or the CD or whatever the security is in
        auestion?
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                       MR. PROTASS: That's correct, Your Honor.
JUDGE GRIMES: Does -- does showing that the
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        joint tenancy was only a matter of convenience eliminate
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        the presumption?
                       MR. PROTASS: Well, yes. Under New York law
        showing that a joint tenancy account is a convenience
        account is one of the ways in which to invalidate a
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        presumptively valid joint tenancy, but I'd say, Judge,
       there's no allegation here that they are convenience accounts. The SEC hasn't said they're convenience accounts. And in any event, there's a case that we cite
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        in our application paper, the Graham Farak case, which
       is -- is on force with the situation here as -- as you
       can get in which you have a joint tenancy between two individuals, both of whom arguably are acting as nominees for a third party who actually owns the assets.
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                       JUDGE GRIMES: I've read it. So I just want to
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       get -- I'm just getting my arms around what's going on.
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Are you saying that you think that the Division has to

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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17
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 got to the
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        joint tenancies before they could even get to the
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        question of whether there were any representations that
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       were misleading.
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                       JUDGE GRIMES: Well --
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                       MR. PROTASS: But they've not -- and if they've
       not gotten passed that New York speed -- that New York law speed bump, they haven't -- they haven't made any allegations to invalidate the statutorily valid joint
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       tenancies.
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                       JUDGE GRIMES: Is -- would you say that an
       account is one that's open for a matter of convenience if
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       one party lacks the authority to withdraw the funds?
MR. PROTASS: No. No, that's not what a
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       convenience account is. A convenience account under New
       York law is an account that is set up for the convenience
       of one of the parties. The traditional, customary convenience account is -- is, you know,
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       grandmother/grandson where the -- they set up a joint
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       account so the grandson can manage the grandmother's
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       affairs. It's set up for her convenience. That's what a
       convenience account is.
                       JUDGE GRIMES:
                                             I think I understand what you're
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       saying.
       Mr. Janghorbani, do you -- the Division intends
to file a response by Friday; is that right?
MR. JANGHORBANI: That's right, Your Honor.
       JUDGE GRIMES: Okay. What I propose is this, I will consider the letter that Respondent filed and of course I'll consider the Division's response. And then I'll rule on whether I'm going to grant leave to file a motion for summary disposition. If I do, then the motion
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       for summary disposition will be due on the 23rd, the
       opposition will be due on October 3rd and the reply will be due October 11th. Does that make sense? I'll start with the Division. Does that make sense to you?
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                       MR. JANGHORBANI: As long as -- well, I mean,
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       obviously we don't think summary disposition is going to
       advance the ball here and we're --
JUDGE GRIMES: And I understand that. And I'm
       not assuming it is one way or the other. I'm just letting
       you know, in the event I do, that will be the schedule.
MR. JANGHORBANI: Give me one second, Your
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       Honor, to just look at the calendar.
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                       I think that schedule makes sense, Your Honor.
       Obviously without waiving any of our arguments that we
       don't think it should go forward at all.
       JUDGE GRIMES: Right. I understand that. I just wanted to get some clarity on what's -- what's going
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       on. And we know you're not waiving any of your
       arguments.
                       How about Respondents, does that schedule work
        for Respondents?
                       MR. PROTASS: Could you just hold for two
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        seconds, Your Honor?
                       JUDGE GRIMES: Certainly. Take your time.
                       MR. PROTASS: Judge, my one -- my one concern
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17 is this, is that if the Division's opposition is going to be submitted to Your Honor on Friday and --
        JUDGE GRIMES: No. No. No. Not Friday. It on October 3rd -- Monday, October 3rd.

MR. PROTASS: No. No. The opposition to our
                                                                             Not Friday. It's
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         application
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                          JUDGE GRIMES: Oh, I'm sorry. That's correct,
                             Yes. Go ahead.
        MR. PROTASS: And our proposal would be, for submission of our motion, a week from this coming Friday. If Your Honor, for example, grants leave on Wednesday
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         then we'd have two days to get our motion in. Meaning,
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         we'd be sort of -- I suppose we can do this. We'd be
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         working on the motion without knowledge as to whether
        we're going to be granted leave.
                          JUDGE GRIMES: I'm going to do my best to get
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         the decision out by Tuesday.
                          MR. PROTASS: Okay.
JUDGE GRIMES: With the -- I mean, we're all
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         operating under, you know, a compressed schedule here.
        And that's not to suggest upsurgence on the Respondents choice to go within -- you know, to exercise that right. That's perfectly fine, but the reality is we're all operating under a compressed schedule and I'm going to do
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        my best to -- to get the decision out as soon as I can.
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        Of course, the sooner the Division gets their opposition
        in the sooner I can consider it and then issue a decision. So that's what I can do for you, Mr. Protass.
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                          MR. PROTASS: I appreciate it, Your Honor.
JUDGE GRIMES: So, Mr. Janghorbani, you said
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        that you had another issue you wanted to address?

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

There may be an issue as to whether -- it's
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         unclear to us whether Respondents are going to be
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         asserting reliance on advice of counsel. We had had
        discussions with them during the investigation that lead to this case. They told us repeatedly that they were not at that time asserting reliance on advice of counsel, but obviously they said they weren't waiving their right to
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         do so if and when a litigation arose.
        Plainly, I think it's in everybody's interest to bottom that out as soon as possible because if they
        are asserting it, we need to know sooner rather than
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        later so that we can seek documents, we can seek a list
        of lawyers that they talked to and we can attempt to talk to those lawyers. And to the extent they're not waiving -- or rather, not asserting a reliance defense
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        then it's fine and it goes away, but we don't want to be
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        in a position of having it popped at us at the end and
then having to make a preclusion motion when all of this
could have simply been dealt with earlier.
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        So we're going to try to work with defendants about this and -- and hopefully we can and hopefully there won't be any issue, but if there is, we may be back to Your Honor with -- with some more asks.
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                          JUDGE GRIMES: What do the Respondents have to
        say about that?
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17
25 MR. PROTASS: I think it's -- the Division's
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       representations with respect to our communications before
       they filed their OIP are accurate. They kept on asking
       and we kept on saying we are not, at this time, doing
       so, but we reserve the right to do so because we didn't
       know what the -- you know, what they were going to be.
And we didn't want to waive that right, nor were we
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       required to.
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                      In our answer we asserted a good faith defense.
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       And to be perfectly frank with Your Honor and the
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       Division, we are currently -- well, let me say this, given the distinctions or the differences between what is
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       alleged in the OIP and what we thought was going to be alleged in the OIP, because we didn't have a crystal ball and couldn't tell, we are exploring whether there is a
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       viable advice of counsel defense, but we have not yet reached a conclusion as to whether there is a viable
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       advice of counsel defense upon which we will rely on.
                     MR. JANGHORBANI: Your Honor, may I be heard on
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       that?
                      JUDGE GRIMES: Go ahead.
                     MR. JANGHORBANI: You know, I think I'm glad I
       raised this and I'm glad that we're trying to work
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       through it sooner rather than later. I think we need a
       date certain in the very, very near future as to whether they're going to assert that defense. And if they are,
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       they're going to have to give us certain disclosures.
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       You know, they've had the OIP for a month. So I think
       that a reasonable time for them to let us know by would
       candidly be tomorrow.
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                      JUDGE GRIMES: Mr. Protass, what do you have to
       say about that?
       MR. PROTASS: I don't think that -- I think obviously that it serves the Division's interests, of course, to say that the earlier they get it the better
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       for them. Obviously it serves our interests the later
       they get it, the better it is for us. I think to the extent that we're going to assert it, we ought to find a date that works for everyone. I don't think it's necessarily fair or appropriate to say tomorrow, but if I
      want to look at my calendar, Judge, I can give you a date that I think would be a reasonable date.
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       JUDGE GRIMES: Why don't you -- why don't you look at your calendar and bearing in mind that motions in
       limine are due October 7th under the proposed scheduled
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       and tell me what you think is reasonable.
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                     MR. PROTASS: I think Friday, September 23rd.
JUDGE GRIMES: Friday, September 23rd. That is
       a week from Friday.
                     MR. JANGHORBANI: That's okay with us if -- if
       what that means is we're going to get full disclosure on
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       that date. We're going to get all the documents that are relevant. We're going to get a list of the lawyers.
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       We're going to get a representation that those lawyers
       have been talked to and told that it's okay to talk to
       My concern is that this is going to end up being a death by 1,000 cuts and we'll get a little
       information, then there will be a little more, then there will be a little more. And, practically speaking, we
                                                         Page 8
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17 10 won't have time to bottom out the facts prior to the
        October 17th date, which was -- which was chosen by
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                            That really doesn't advance anyone's
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        interests to the extent that the purpose of the hearing
       is to find out what happened.

JUDGE GRIMES: Well, I think September 23rd is reasonable to me. It's hard for me to say exactly
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        what -- what would be deficient in a filing that
       hasn't -- we don't even know is going to be made. So let's -- disclosure by the 23rd of September sounds fine with me. To the extent the Division finds that the
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       disclosure or feels the disclosure is not sufficient then you can make an appropriate filing. And if that means
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       we're going to have to hold the hearing a little bit longer than expected then that's what will happen. So we'll deal with that eventuality as it presents itself.
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0021
       MR. PROTASS: Your Honor, may I consult with my colleagues here for just one second?

JUDGE GRIMES: Certainly. Go ahead.
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                       MR. PROTASS: My wiser associates suggested to
       me that -- that to the extent that we make a production
       and disclose on the 23rd that we are in fact going to rely on the advice of counsel, that we -- and the Division finds that whatever we have produced is
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       deficient, that we should meet and confer with the
       Division and see if we can work it out before having to
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        involve the court.
                       JUDGE GRIMES: Well, I would really appreciate
                  If the parties could work that out, that would be
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       quite helpful. So if the parties could work that out.
       Obviously, if you're going to invoke an advice of counsel defense, you're recognizing you're waiving the attorney/client relationship as to that advice. I
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       assume -- well, obviously everyone knows that, but
       anyway, go ahead. I was speaking out loud.

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

JUDGE GRIMES: Okay. I just -- Mr.
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       Janghorbani, based on some -- some comments you made, I
       just want to make sure, this is -- I understand it's the Respondents who invoked the right to -- their right to have the hearing in 60 days, but the proposed hearing schedule, in light of that implication of 60-day right, is a joint proposal, isn't it?
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       MR. JANGHORBANI: Yes, Your Honor. In other words, the sign post, the due dates along the road to
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       October 17th, is joint. The decision to invoke the 30 to
       60 days was Respondent's decision as it is.
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                       JUDGE GRIMES: Right. Of course.
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       wanted to make sure that this was in fact a joint
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       proposal that I have adopted.
                      MR. JANGHORBANI: Yes, Your Honor. And I
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       wasn't trying to suggest that it wasn't. I'm
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       simply acknowledging the reality that it starts on
       October 17th.
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                      JUDGE GRIMES: Fair enough.
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                      Do you have anything else that you would like
       to address before we adjourn?
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Donald F. (_Jay_) Lathen, Jr., et al., Pre-Hearing Conference - Vol. I.912.NY-013-17
21 MR. JANGHORBANI: I don't, Your Honor. Thank
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          you for your time.
                             JUDGE GRIMES: Sure. And thank you.
                             And do the Respondents have anything else that
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          they would like to address?
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          MR. PROTASS: Nothing, Your Honor. Thank you very much for your time.
          JUDGE GRIMES: Certainly. Well, I'll thank everyone else for their time as well. And -- let me just
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         make sure there isn't anything else.

We're having a final pre-hearing conference on
the 14th of October according to the schedule. I will --
I will come up with a time for that probably in
          consultation with you all at some point in the future,
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         and we'll set up a time for that.
         Other than that, thank you everyone for your time. And I hope you have a good day. We're adjourned.

(Whereupon, at 1:55 p.m., the pre-hearing conference was concluded.)
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                                         PROOFREADER'S CERTIFICATE
                                                DONALD F. ("JAY") LATHEN, JR.,
EDEN ARC CAPITAL MANAGEMENT, LLC,
EDEN ARC CAPITAL ADVISORS, LLC
         In the Matter of:
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         ADMINISTRATIVE PROCEEDINGS - PRE-HEARING CONFERENCE
         File Number:
                                                 3-17387
                                                Monday, September 12, 2016
New York, New York 10281
         Date:
         Location:
        This is to certify that I, Donna S. Raya, (the undersigned), do hereby swear and affirm that the attached proceedings before the U.S. Securities and Exchange Commission were held according to the record and that this is the original, complete, true and accurate transcript that has been compared to the reporting or
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         recording accomplished at the hearing.
         (Proofreader's Name)
                                                                    (Date)
```



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: Subject: Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran 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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F. 212-949-8255

protass@clayro.com www.clayro.com

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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F. 212-949-8255

protass@clayro.com www.clayro.com

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 12<sup>th</sup> Prehearing conference, the Court ordered that Respondents make a full waiver by September 23<sup>rd</sup>. 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 Clayman & Rosenberg LLP 305 Madison Avenue New York, NY 10165 T. 212-922-1080

F. 212-949-8255 www.clayro.com protass@clayro.com

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.

#### **HinckleyAllenSnyderLLP**

Attorneys at Law

#### **MEMORANDUM**

TO:

Donald F. ("Jay") Lathen

FROM:

Margaret D. Farrell

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.

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.

#### 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. 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)

<sup>&</sup>lt;sup>1</sup> The Indictment does not indicate whether or not these payments were made.

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).

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).

Page 5 of 7

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.

#### 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.

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	Email	4/3/09 6:38 PM	Grundstein, Robert	lathen, Jay	Governale, Jack P.; Riordan, JoAnn	RE: Engagement Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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11	Attachment(s)	10/9/09 6:16 PM	Grundstein, Robert	Lathen, Jay	Domina, Daren R.	RE: Lathen/Areias Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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17	Email	2/19/10 10:23 AM	Flanders, Robert G.	Lathen, Jay	Bouton, William W.	Conference Call This Afternoon?		Communication reflecting legal advice of counsel.		<u>t                                    </u>
18	Email	3/31/10 11:09 AM	Lathen, Jay	Flanders, Robert G.				Communication requesting legal advice of counsel.		
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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.		<del> </del>
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79	Email	11/9/10 3:05 PM		Roper, Eric		Re: LPA Comments	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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90	Email	11/17/10 9:11 AN	Roper, Eric	Lathen, Jay; Norensberg, Daniel	Glodek, Kevin; Belesis, Thomas	FW: D & O Insurance	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Email	2/9/11 3:13 PA		Roper, Eric; Calaguio, Cheryll		Fw: Following up	Attorney Client Privilege	Communication requesting legal advice of counsel.		<b></b>
	Email	2/9/11 5:39 PA		Calaguio, Cheryll	Roper, Eric	Re: Mark-up to docs	Attorney Client Privilege	Communication requesting legal advice of counsel.	L	<b></b>
	Émail	2/14/11 1:36 PA		Roper, Eric; Calaguio, Cheryli				Communication requesting legal advice of counsel.	ļ	
				Calaguio, Cheryll	L		Attorney Clent Privilege	Communication requesting legal advice of counsel.		
	£mail	2/17/11 9:15 AN								
122	Email Email	2/17/11 3:07 PA	A Lathen, Jay	Calaguio, Cheryli		Publishing	Attorney Client Privilege			
122 123	Email Email	2/17/11 3:07 PA 2/23/11 10:01 AN	l Lathen, Jay Lathen, Jay	Calaguio, Cheryll Roper, Eric; Calaguio, Cheryll		Fw: Eden Arc - draft admin agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
122 123 124	Email Email Email Email	2/17/11 3·07 PA 2/23/11 10:01 AN 2/23/11 10:43 AN	I Lathen, Jay I Lathen, Jay I Russell, Judith	Calaguio, Cheryll Roper, Eric; Calaguio, Cheryll Lathen, Jay	Roper, Eric	Fw: Eden Arc - draft admin agreement FROM ERIC ROPER'S OFFICE	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
122 123 124 125	Email Email Email Email Email	2/17/11 3:07 PM 2/23/11 10:01 AN 2/23/11 10:43 AN 2/23/11 6:19 PA	A Lathen, Jay A Lathen, Jay A Russell, Judith A Roper, Eric	Calaguio, Cheryll Roper, Eric; Calaguio, Cheryll Lathen, Jay Lathen, Jay; Calaguio, Cheryll		Fw: Eden Arc - draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
122 123 124 125 126	Email Email Email Email Email Email Email	2/17/11 3:07 PM 2/23/11 10:01 AM 2/23/11 10:43 AM 2/23/11 6:19 PM 2/25/11 3:54 PM	A Lathen, Jay S Lathen, Jay A Russell, Judith A Roper, Eric A Russell, Judith	Calaguio, Cheryll Roper, Eric; Calaguio, Cheryll Lathen, Jay Lathen, Jay; Calaguio, Cheryll Lathen, Jay	Roper, Eric Calaguio, Cheryll	Fw. Eden Årc - draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement FROM GERSTEN SAVAGE UP	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
122 123 124 125 126 127	Email Email Email Email Email Email Email Email Email	2/17/11 3:07 PM 2/23/11 10:01 AM 2/23/11 10:43 AM 2/23/11 6:19 PM 2/25/11 3:54 PM 3/3/11 9:35 AM	A Lathen, Jay Alathen, Jay Russell, Judith A Roper, Eric A Russell, Judith A Lathen, Jay	Calaguio, Cheryll Roper, Eric; Calaguio, Cheryll Lathen, Jay Lathen, Jay; Calaguio, Cheryll Lathen, Jay; Calaguio, Cheryll Lathen, Jay Roper, Eric; Calaguio, Cheryll		Fw. Eden Arc - draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement FROM GERSTEN SAVAGE LIP Re: Edits to Admin Agreement	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
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122 123 124 125 126 127 128	Email	2/17/11 3:07 PM 2/23/11 10:01 AA 2/23/11 10:43 AA 2/23/11 6:19 PM 2/25/11 3:54 PA 3/3/11 9:35 AA 3/3/11 10:46 AA 3/3/11 12:59 PM	A Lathen, Jay A Lathen, Jay A Russell, Judith A Roper, Eric A Russell, Judith A Lathen, Jay A Lathen, Jay A Lathen, Jay	Calaguio, Cheryll Goper, Eric; Calaguio, Cheryll Lathen, Jay Lathen, Jay Lathen, Jay; Calaguio, Cheryll Lathen, Jay; Roper, Eric; Calaguio, Cheryll Roper, Eric; Calaguio, Cheryll Calaguio, Cheryll Calaguio, Cheryll		Fav. Eden Arc. draft admin agreement FROM ERIC ROPERS OFFICE Administration Agreement FROM GERSTEN SAVAGE UP Re: Edits to Admin Agreement Re: Edits to Admin Agreement Re: Subscription Agreement	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication requesting legal advice of counsel. Communication requesting legal advice of counsel.		
122 123 124 125 126 127 128 129	Email	2/17/11 3:07 PM 2/23/11 10:01 AM 2/23/11 10:01 AM 2/23/11 10:43 AM 2/23/11 6:19 PM 2/25/11 3:54 PM 3/3/11 10:46 AM 3/3/11 12:59 PM 4/27/11 2:08 PM	A Lathen, Jay  (Jathen, Jay  A Russell, Judith  A Roper, Enc  A Russell, Judith  (Jathen, Jay  (Jathen, Jay  (Jathen, Jay  (Jathen, Jay	Calaguio, Cheryll Roper, Eric Calaguio, Cheryll lathen, Jay Lathen, Jay Calaguio, Cheryll Lathen, Jay Calaguio, Cheryll Apper, Eric, Calaguio, Cheryll Roper, Eric Calaguio, Cheryll Roper, Eric Roper, Eric Roper, Eric Calaguio, Cheryll		Iwe, Eden Arc - draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement FROM GERSTEN SAVAGE LLP Re: Edits to Admin Agreement Re: Edits to Admin Agreement Re: Subscription Agreement Bits to System Agreement Bits to System Agreement Bits to System Agreement	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel.		
122 123 124 125 126 127 128 129 130	Email	2/17/11 3:07 PM 2/23/11 10:01 AA 2/23/11 10:43 AA 2/23/11 6:19 PM 2/25/11 3:54 PA 3/3/11 9:35 AA 3/3/11 10:46 AA 3/3/11 12:59 PM	A Lathen, Jay  (Jathen, Jay  A Russell, Judith  A Roper, Enc  A Russell, Judith  (Jathen, Jay  (Jathen, Jay  (Jathen, Jay  (Jathen, Jay	Calaguio, Cheryll Goper, Eric; Calaguio, Cheryll Lathen, Jay Lathen, Jay Lathen, Jay; Calaguio, Cheryll Lathen, Jay; Roper, Eric; Calaguio, Cheryll Roper, Eric; Calaguio, Cheryll Calaguio, Cheryll Calaguio, Cheryll		Iwe, Eden Arc - draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement FROM GERSTEN SAVAGE LLP Re: Edits to Admin Agreement Re: Edits to Admin Agreement Re: Subscription Agreement Bits to System Agreement Bits to System Agreement Bits to System Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel.		
122 123 124 125 126 127 128 129 130	Email	2/17/11 3:07 PM 2/23/11 10:01 AM 2/23/11 10:01 AM 2/23/11 10:43 AM 2/23/11 6:19 PM 2/25/11 3:54 PM 3/3/11 10:46 AM 3/3/11 12:59 PM 4/27/11 2:08 PM	Lathen, Jay  Lathen, Jay  Alussell, Judith  Roper, Enc  Russell, Judith  Alusten, Jay  Lathen, Jay  Lathen, Jay  Lathen, Jay  Lathen, Jay  Lathen, Jay	Calaguio, Cheryll Roper, Eric Calaguio, Cheryll lathen, Jay Lathen, Jay Calaguio, Cheryll Lathen, Jay Calaguio, Cheryll Apper, Eric Calaguio, Cheryll Roper, Eric Calaguio, Cheryll Roper, Eric Roper, Eric Roper, Eric Calaguio, Cheryll		Fav. Eden Arc. draft admin agreement FROM ERIC ROPERS OFFICE Administration Agreement FROM GERSTEN SAVAGE UP Re: Edits to Admin Agreement Re: Edits to Admin Agreement Re: Subscription Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel.		
122 123 124 125 126 127 128 129 130	Email	2/17/11 3-07 PA 2/23/11 10:01 AM 2/23/11 10:01 AM 2/23/11 6:19 PA 2/25/11 3:54 PA 3/3/11 9:35 AM 3/3/11 10:46 AM 3/3/11 10:46 AM 3/3/11 12:59 PA 4/27/11 2:08 PA 10/19/11 8:13 AM	Allathen, Jay  Russell, Judith  Roper, Enc  Rossell, Judith  Rossell, Judith  Allathen, Jay  Lathen, Jay	Calaguio, Cheryll Lathen, Jay Lathen, Jay Lathen, Jay Lathen, Jay Lathen, Jay Roper, Eric; Calaguio, Cheryll Lathen, Jay Roper, Eric; Calaguio, Cheryll Roper, Eric Calaguio, Cheryll Roper, Eric Roper, Eric		Fw. Eden Arc - draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement FROM GERSTEN SAVAGE UP Re: Edits to Admin Agreement Re: Edits to Admin Agreement Re: Subscription Agreement Blue Sty Follow-up Re: Meeting this morning	Attorney Client Privilege	Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel.		
122 123 124 125 126 127 128 129 130 131 132	Email	2/17/11 3-07 PA 2/23/11 10:01 AM 2/23/11 10:03 AM 2/23/11 10:43 AM 2/23/11 6:19 PA 2/25/11 3:54 PA 3/3/11 10:46 AM 3/3/11 10:46 AM 3/3/11 12:59 PA 4/27/11 2:08 PA 10/19/11 8:13 AM	Lathen, Jay   Jathen, Jay   Mussell, Judith   Roper, Eric   Rosell, Judith   Lathen, Jay   Jathen, Jay	Calaguio, Cheryll  Lathen, Jay  Lathen, Jay  Lathen, Jay  Lathen, Jay;  Roper, Eric; Calaguio, Cheryll  Lathen, Jay;  Roper, Eric; Calaguio, Cheryll  Roper, Eric; Calaguio, Cheryll  Roper, Eric  Roper, Eric  Roper, Eric		Inv. Eden Arc. draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement FROM GESTEN SAVAGE UP Re: Edits to Admin Agreement Re: Edits to Admin Agreement Re: Substoffion Agreement Bise Sty Follow-up Re: Meeting this morning Re: Meeting this morning Re: Meeting this morning	Attorney Client Privilege	Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel.		
122 123 124 125 126 127 128 129 130 131 132	Email	2/3/11 307 PA 2/23/11 1001 AA 2/23/11 1001 AA 2/23/11 1004 AA 2/23/11 619 PA 2/23/11 619 PA 3/3/11 935 AA 3/3/11 1004 AA 3/3/11 1004 AA 3/3/11 1004 AA 10/19/11 1125 AP 10/19/11 1132 AP 10/19/11 1132 AP	Allathen, Jay  (Aussell, Jodith  (Roper, Erc  Rhussell, Judith  (Roper, Erc  (Roper, Erc  (Roper, Jay  (Lathen, Ja	Calaguio, Cheryll Roper, Eric Calaguio, Cheryll Lathen, Jay Lathen, Jay Lathen, Jay Roper, Eric, Calaguio, Cheryll Roper, Eric, Calaguio, Cheryll Roper, Eric		Fw. Eden Arc - draft admin agreement FROM ERIC ROPER'S OFFICE Administration Agreement FROM GERSTEN SAVAGE LLP Re: Edits to Admin Agreement Re: Cidis to Admin Agreement Re: Subscription Agreement Blue Sty Follow-up Re: Meeting this morning Re: Meeting this morning Re: Meeting this morning	Attorney Client Privilege	Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel.		

137 Email	Date	From	10	CC		Privilege Type	Privilege Description	Redacted	Production B.
	10/25/11 12:36 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryll			Attorney Client Privilege	Communication requesting legal advice of counsel.		
138 Email	10/25/11 2:29 PM		Lathen, Jay; Calaguio, Cheryll			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
139 Email	10/31/11 11:07 AM	filathen, Jay	Roper, Eric; Calaguio, Cheryll		Re: Revised Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
140 Email	10/31/11 11:29 AM	Lathen, Jay	Roper, Eric; Calaguio, Cheryll	,	Re: Revised Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
		T			Re: call - could we speak around 11:30 this morning Jay.			1	
141 Email	11/1/11 10:41 AM	Nathen, Jav	Roper, Eric; Calagulo, Cheryll		Tv	Attorney Client Privilege	Communication requesting legal advice of counsel.	1 3	1
		1			Re: call - could we speak around 11:30 this morning Jay.		The state of the s		
142 Email	11/1/11 10:54 AM	dishan in	Roper, Eric	,		Attorney Client Privilege	C	1	1
143 Email							Communication requesting legal advice of counsel.		
144 Email	11/1/11 12:41 PM		Roper, Eric; Calaguio, Cheryll				Communication requesting legal advice of counsel.		
	11/18/11 1 06 PM		Roper, Eric; Calaguio, Cheryll	<del></del>					
145 Email	11/18/11 2:22 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryll		Re: Eden Arc Capital Partners - Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
146 Email	1/11/12 5:31 PM		Lathen, Jay		GERSTEN SAVAGE LLP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
147 Email	1/12/12 10.52 AM		Roper, Eric	Bedard, David	Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.		
148 Email	1/24/12 6.54 PM	Allathen, Jay	Roper, Eric		Re: Introduction		Communication requesting legal advice of counsel.		
149 Email	4/S/12 2:59 PM	A Lathen, Jay	Roper, Eric			Attorney Client Privilege	Communication requesting legal advice of counsel.		
150 Email	4/18/12 9:59 AM		Lathen, Jay; Derosa, Stephen			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
151 Email		A Russell, Judith	Lathen, Jay	Roper, Eric			Communication reflecting legal advice of counsel.		
152 Email	5/14/12 5 38 PM	t Boost Frie		Nopal, Cit.				<del></del>	
153 Email	5/14/12 5 35 FW	Aleste a to	Lathen, Jay; Derosa, Stephen	<del></del>			Communication reflecting legal advice of counsel.		
133(27)	5/29/12 8:20 PM		Roper, Eric			Attorney Client Privilege	Communication requesting legal advice of counsel.		
154 Email	5/30/12 2:36 PM	njustnen, Jay	Roper, Eric	·		Attorney Client Privilege	Communication requesting legal advice of counsel.		L
155 Email	5/30/12 4:53 PM		Roper, Eric			Attorney Client Privilege	Communication requesting legal advice of counsel.		
156 Email	6/5/12 2:40 PM		Lathen, Jay		Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
157 Email	6/7/12 2 31 PM		Roper, Eric	1			Communication requesting legal advice of counsel.		
158 Email		A Flanders, Robert G.	Lathen, Jay	í			Communication reflecting legal advice of counsel.	<del></del>	
159 Email	6/19/12 5-22 PM		Lathen, Jay; Derosa, Stephen	Nunez, Maria; Santos, Brenda			Communication reflecting legal advice of counsel.	-	-
160 Email		A Flanders, Robert G.				Amanay Chent rivilege	Communication reflecting legal advice of countries.	+	
.001411611	0/21/12 4:33 PM	novers, Robert G.	Farrell, Margaret D.	Lathen, Jay	Fwd: Investment Management Agreement	ALLOTHEY CHERT PRIVILEGE	Communication reflecting legal advice of counsel.	<del></del> '	
444			Lathen, Jay; Derosa, Stephen; Montello,	l	l		L		ĺ
161 Email	6/26/12 11:45 AM	Alkoper, Eric	Jessica		Following Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1		1	Roper, Eric; Derosa, Stephen; Montello,	<u> </u>					1
162 Email	6/26/12 2:09 PM	A Lathen, Jay	Jessica	i	Re: Following Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		I
163 Email	6/28/12 9:52 AM	AlLathen, Jay	Roper, Eric	í			Communication requesting legal advice of counsel.	$\neg$	
164 Email	6/28/12 9:56 AM	Alagner Eric	Lathen, Jay		RE: any thoughts on the LPA changes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	1
165 Email	6/28/12 4:51 PM	Allathen lav	Roper, Eric					+	
10312-11811	0/40/14 + 31 PM	mounten, ray	nuper, tric	Daniel Calmander Handley Control	Re: any thoughts on the LPA changes	nuoiney Chent Privilege	Communication requesting legal advice of counsel.	<del></del>	+
166 Email	2/10/12 /	d	L	Roper, Eric; Montello, Jessica; Robinson,	la u	L	L	1 '	l
10015Wall	7/18/12 10:43 AM	ritathen, Jay	Derosa, Stephen	Michael D.	RE: Following Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		<b></b>
ì	1	1	1	Roper, Eric; Montello, Jessica; Robinson,	1			1	1
167 Email	7/18/12 1:S6 PM	Derosa, Stephen	Lathen, Jay	Michael D.	RE: Following Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<u> </u>
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.	1 '	1
	1,337,333,33				7			+	<del>                                     </del>
169 Email	7/18/17 2/01 01:	A Derosa, Stephen	Robinson, Michael D.	Lathen, Jay; Roper, Eric; Montello, Jessica	RE: Following Un	Attorney Client Privilen-	Communication reflecting legal advice of counsel.	1 '	1
170 Email	7/20/22 2:00 0:	A Russell, Judith		Banes Eric	FROM GERSTEN SAVAGE LLP	Attorney Client Bridge	Communication reflecting legal adules of course.	+	+
1/U Eman	1/20/12 1 19 PM	מזוטטון, וושננה	Lathen, Jay	Roper, Eric	PROMI GENDIEN SAVAGE ELP	Attorney Chent Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del></del>
		.l	Lathen, Jay; Derosa, Stephen; Montello,	t	l	l		1 '	I
171 Email	7/26/12 3:06 PM	Alkoper, Eric	Jessica	Russell, Judith	Side letters	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<b>ֈ</b>
i		1	1	1		1	1	1	1
172 Email	7/26/12 3:51 PM	A Falcoa, Donna M.	Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.	Amended Engagement Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
		1	1	Roper, Eric; Montello, Jessica; Robinson,					
173 Email	7/26/12 5 22 PM	Allathen, Jav	Derosa, Stephen	Michael D.	RE: IARD	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
174 Email	7/27/12 4 11 PA	A Russell, Judith	lathen, Jay	Roper, Eric	FW: Eden Arc Capital Partners, LP	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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125 5 5 5 1	7/30/13 3:33 04	A Falcon Donner SA							I
175 Email	7/30/12 2·32 PM	A Falcoa, 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.		<u> </u>
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176 Email	7/31/12 4.44 PM	A Derosa, Stephen	Robinson, Michael D.	Roper, Eric; Montello, Jessica; Lathen, Jay	RE: IARD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
176 Email 177 Email	7/31/12 4.44 PM				RE: IARD	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
176 Email	7/31/12 4.44 PM 7/31/12 5 23 PM	A Derosa, Stephen A Robinson, Michael D.	Robinson, Michael D.	Roper, Eric; Montello, Jessica; Lathen, Jay	RE: IARD	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
176 Email 177 Email 178 Email	7/31/12 4.44 PM 7/31/12 5:23 PM 8/1/12 6:39 PM	A Derosa, Stephen A Robinson, Michael D. A Derosa, Stephen	Robinson, Michael D. Derosa, Stephen Robinson, Michael D.	Roper, Eric; Montello, Jessica; Lathen, Jay	RE: IARD Re: IARD RE: IARD	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel.		
176 Email 177 Email 178 Email 179 Email	7/31/12 4.44 PM 7/31/12 5:23 PM 8/1/12 6:39 PM	A Derosa, Stephen A Robinson, Michael D.	Robinson, Michael D. Derosa, Stephen	Roper, Eric; Montello, Jessica; Lathen, Jay	RE: IARD Re: IARD RE: IARD	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
176 Email 177 Email 178 Email 179 Email Email with	7/31/12 4.44 PM 7/31/12 5.23 PM 8/11/12 6:39 PM 8/11/12 7:15 PM	A Derosa, Stephen A Robinson, Michael D. A Derosa, Stephen A Robinson, Michael D.	Robinson, Michael D. Derosa, Stephen Robinson, Michael D. Derosa, Stephen	Roper, Eric; Montello, Jessica; Lathen, Jay Lathen, Jay	RE: IARD Re: IARD Re: IARD Re: IARD	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel.		
176 Email 177 Email 178 Email 179 Email Email with 180 Attachment	7/31/12 4 44 PM 7/31/12 5 23 PM 8/1/12 6 39 PM 8/1/12 7 15 PM	A Derosa, Stephen A Robinson, Michael D. A Derosa, Stephen A Robinson, Michael D. A Roper, Eric	Robinson, Michael D. Derosa, Stephen Robinson, Michael D. Derosa, Stephen Lathen, Jay; Robinson, Michael D.	Roper, Eric; Montello, Jessica; Lathen, Jay Lathen, Jay Derosa, Stephen	RE: IARD Re: IARD RE: IARD RE: IARD Re: IARD Revised LPA	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel.		
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Entry Number Record Type	Date	From	То	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
Email with							I		
196 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.		Robinson, Michael D.	RE: Prospectuses	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
			Lathen, Jay; Derosa, Stephen; Robinson,						
198 Email	8/24/12 10:18 AM		Michael D.		11:00 call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
199 Email	8/24/12 10:25 AM	Farrell, Margaret O.	Lathen, Jay		Endcare	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
			Roper, Eric; Derosa, Stephen; Robinson,						
200 Email	8/24/12 11:00 AM	Lathen, Jav	Michael D.		Re: 11:00 call	Attorney Client Privilege	Communication requesting legal advice of counsel.	j l	
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		Farrell, Margaret D.	Lathen, Jay		RE: Joint Accounts	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
		Farrell, Margaret D.					Communication reflecting legal advice of counsel.		
203 Email		Farrell, Margaret D.	Lathen, Jay				Communication reflecting legal advice of counsel.		
204 Email			Lathen, Jay						
205 Email		Farrell, Margaret D.	Lathen, Jay	HT 1 7 A 1 7 A	AZ: AUMI ACCOUNTS	Attorney Clent Privilege	Communication reflecting legal advice of counsel.	<del></del>	
206 Email		Farrell, Margaret D.	Lathen, Jay	Flanders, Robert G.	Lathen - Memo re_ Caramadre.DOCX		Communication reflecting legal advice of counsel.		
207 Email		Derosa, Stephen		Roper, Eric			Communication reflecting legal advice of counsel.		
208 Email		Farrell, Margaret D.		Lathen, Jay	RE: Conference Call RE: Caramadre.DOCX		Communication reflecting legal advice of counsel.		
209 Email	9/7/12 9:21 AM	Robinson, Michael D.		Lathen, Jay; Roper, Eric	11:00 call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
		1	Robinson, Michael D.; Lathen, Jay;		CALL INFORMATION FOR TODAY'S 11:00 CONFERENCE				
210 Email	9/7/12 10:07 AM	Russell, Judith	Derosa, Stephen	Roper, Eric	CALL	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l i	1
Email with			Russell, Judith; Robinson, Michael D.;		RE: CALL INFORMATION FOR TODAY'S 11:00				
213 Attachment(s)	9/7/12 10:48 AM	Lathen, Jav	Derosa, Stephen	Roper, Eric	CONFERENCE CALL	Attorney Client Privilege	Communication requesting legal advice of counsel.		
K13 (5,145-11,147)	27.77.2.20		Lathen, Jay; Robinson, Michael D.;		RE: CALL INFORMATION FOR TODAY'S 11:00				
2125-20	9/7/12 10:59 AM	Duran Indiah	Derosa, Stephen	Roper, Eric	CONFERENCE CALL	Attorney Client Privilege	Communication reflecting legal advice of counsel.		l
212 Email	MA 65:01 21/1/6	inessen, sucien	pervis, stephen	moper, core	Re: CALL INFORMATION FOR TODAY'S 11:00	CONTRACTOR PROPERTY PROPERTY AND ADDRESS OF THE PROPERTY OF TH	Communication renecting regal advice of counsel.	<del> </del>	
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213 Email	9/ //12 11:03 AM	Robinson, Michael D.	Russell, Judith	Lathen, Jay: Derosa, Stephen; Roper, Eric	CONFERENCE CAU	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
1 1		l	Russell, Audith; Robinson, Michael D.;		RE: CALL INFORMATION FOR TODAY'S 11:00	l. <u></u>	La	1	l
214 Email	9/7/12 11:22 AM	Roper, Eric	Lathen, Jay; Derosa, Stephen		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.	l	
			Farrell, Margaret D.; Robinson, Michael				l		
216 Email	9/7/12 1:49 PM	Lathen, Jay	jo		RE: Conference Call RE: Caramadre.DOCX	Attorney Client Privilege	Communication requesting legal advice of counsel.		L
217 Email		Farrell, Margaret D	Lathen, Jay; Robinson, Michael D.		RE: Conference Call RE: Caramadre.DOCX		Communication reflecting legal advice of counsel.		
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218 Attachment(s)	9/7/12 2:25 PM	Lathen lav	Derosa, Stephen; Roper, Eric	Robinson, Michael D.	Final Brochure Part 2	Attorney Client Privilege	Communication requesting legal advice of counsel.	i i	ĺ
219 Email		Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.				Communication reflecting legal advice of counsel.	<del> </del>	
217 Email	7/ // 12 6.30 PM	Tanta, margaret D.	Farrell, Margaret D.; Robinson, Michael		ner conservate can be, caramagrationed	word cheur Ludness	commonwealth remeding regar advance or counter.		<del></del>
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220 Email	9/7/12 2:57 PM	Latnen, lay	ν		Re: Conference Call RE: Caramadre, DOCX	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
221 Email		Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.		RE: Conference Call RE: Caramadre.DOCX		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.	<u> </u>	L
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223 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.	L	
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224 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.		
Email with									
225 Attachment(s)	0/11/12 2:15 PM	Farrell, Margaret D.	Robinson, Michael D.	Lathen, Jay	RE: Documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
226 Email	9/12/12 10:33 AM	Darry Stanban	Lathen, Jay; Robinson, Michael D.	Roper, Eric			Communication reflecting legal advice of counsel.		
220 211411	7/12/12 10:33 AM	Derosa, stephen	Cather, Jay, Robinson, Wilches D.	Nopel, enc	AL. THE DOCUME PARCE	Attorney Chent Filesage	Commonitation renecting regar source or counter.		
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227 Email			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	Deross, 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.		
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230 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		Robinson, Michael D.	Farrell, Margaret D.		Re: Securities Account Control Agreement		Communication requesting legal advice of counsel.		
233 Email		Farrell, Margaret D.	Robinson, Michael D.				Communication reflecting legal advice of counsel.		
234 Email	0/14/17 11:30 ALA	Derosa, Stephen	Lathen, Jay; Robinson, Michael D.	Roper, Eric	RE: Final Brochure Part 2		Communication reflecting legal advice of counsel.		
235 Email	0/19/13 10:37 AM	Sarrall Margaret D	Robinson, Michael D.		RE: Securities Account Control Agreement		Communication reflecting legal advice of counsel.		
235 Email	9/10/12 10:3/ AM	Farrell, Margaret D. Robinson, Michael D.	Farrell, Margaret D.				Communication requesting legal advice of counsel.	<del> </del>	
	9/16/12 10:40 AM	INCOMISON, MICHAEL U.	ranell, Margaret U.	<del></del>	Cito Care Project	ALLOHNEY CHERT PTIVILEGE	permission requesting regal advice or counsel.	<del> </del>	
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237 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.	ļ	
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238 Email	9/18/12 11:16 AM	Farrell, Margaret D.	Robinson, Michael D.	Mancini, Jacquelyn A.; Doring, Matthew P.	RE: End Care Project		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		Communication reflecting legal advice of counsel.		
241 Email	9/18/12 12:02 PM	Farrell, Margaret D.	Robinson, Michael O.		RE: End Care Project		Communication reflecting legal advice of counsel.		
242 Email	9/18/12 12:02 PM	Robinson, Michael D.	Farrell, Margaret D.				Communication requesting legal advice of counsel.		
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243 Attachment(s)	0/10/12 12:32 01	Bahintan Miskasi N	Exercit Manager D		Day Secretias Account Control Account	Attorney Client Privilege	Communication requesting least a date of account	1	l
	9/18/12 12:22 PM	Robinson, Michael D.	Farrell, Margaret D.	·	Re: Securities Account Control Agreement	Actorney Chent Prophege	Communication requesting legal advice of counsel.		
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244 Attachment(s)	9/18/12 2:25 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.	Mancini, Jacquelyn A.; Doring, Matthew P.	EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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245 Attachment(s)		Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.	Doring, Matthew P.; Mancini, Jacquelyn A.		Attorney Client Privilege	Communication reflecting legal advice of counsel.		L
246 Email		Mancini, Jacquelyn A.	Robinson, Michael D.	Lathen, Jay	EndCare	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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247 Attachment(s)	9/27/12 4:2R PM	Robinson, Michael D.	Farrell, Margaret D.	Matthew P.	Re: EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication requesting legal advice of counsel.		l
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248 Email	9/37/13 4:30 Pag		Robinson, Michael D.			Attorney Client Privilege	Communication reflection legal advice of annual	1	
- CHOILING!	2/2//12 4:29 PM	Farrell, Margaret D.			privileged	PROGRET SHEET PRINCES	Communication reflecting legal advice of counsel.		<del></del>
1		l.,	Robinson, Michael D.; Farrell, Margaret	l	L		la	1	
249 Email	9/28/12 8:44 AM	Manoni, Jacquelyn A.	10	Lathen, Jay; Doring, Matthew P.	RE: EndCare Documents/Attorney dient privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with	1			Doring, Matthew P.; Mancini, Jacquelyn	1				
250 Attachment(s)	10/1/12 5:10 PM	Robinson, Michael D.	Farrell, Margaret D.	A.; Lathen, Jay	Brochure and Participant's Agent Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
				Doring, Matthew P.; Mancini, Jacquelyn					
	1 100000000000	Farrell, Margaret D.	Robinson, Michael D.	A.; Lathen, Jay	RE: Brochure and Participant's Agent Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel,	1	1
251 Email	10/1/12 6:55 PM								

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	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.	ľ	
253	Email	10/4/12 9:55 AM	Farrell, Margaret D.	Robinson, Michael D.				Communication reflecting legal advice of counsel.		
	Email with								1	
	Attachment(s) Email with	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	Attachment(s)	11/19/12 10:54 AM	Pages Srie	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.	1	
	Email with	11/13/12 10:34 88	Koper, enc	Carrier, Jay, Robinson, Michael D.		FW: vCard & Bio Darren Kane, Former SEC Agent with	Attorney Chent Privacge	Commonication resecting regal advice of counses.		
256	Attachment(s)	11/19/12 10.56 AM	Roper, Eric	Lathen, Jay		Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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257	Email	11/20/12 11:50 AM	Roper, Eriz	Michael D.		Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email		[	Roper, Eric; Kane, Darren; Robinson,	_	RE: vCard & Bio - Darren Kane, Former SEC Agent with			T	1
258	Email	11/20/12 12:10 PM	Lathen, Jay	Michael D. Roper, Eric; Kane, Darren; Robinson,		Mission Critical Services	Attorney Client Privilege	Communication requesting legal advice of counsel.	<b>_</b>	
259	Email	11/20/12 12 11 PM	lathen law	Michael D.		RE: vCard & Bio Darren Kane, Former SEC Agent with Mission Critical Services	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
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260	Attachment(s)	11/20/12 4.42 PM	Kane, Darren	Lathen, Jay; Robinson, Michael D.	Roper, Eric	Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with									
261	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.		
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262	Émail	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.		
303	Email	11/29/12 11:34 AM	Yana Davier	Lathen, Jay	Robinson, Michael D.	DC. CCC Cusm Descention - C	Attorney Client Col. 11-	Communication collection is at the of account	1	ł
	Email		Flanders, Robert G.			RE: SEC Exam Preparation — Specific Topics & Questions Detail for Work on Caramadre Memorandum	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	+	
104	T	*************			arren, margaret iz.	Determine their on caramaure memorandum	MITATION CHEST LITARIESE	Commencer of renegating regar advice of country.	+	
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	1	1
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.	I	
267	Email		Farrell, Margaret D.	Robinson, Michael D.; Lathen, Jay		RE: "Caramadre Memorandum" Revisions		Communication reflecting legal advice of counsel.		
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268	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.	<del> </del>	<del> </del>
160	Attachment(s)	17/7/17 4 00 814	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		i
	- treo mentry	12/3/22 4 00 7 10	Noonson, Michael D.	Beck, Rafael; Robinson, Michael D.;	Latinetti, Nay	Re. Caramatre Memorandum Revisions	Actorney Chent Filesiege	Commission requesting regar above or course.	+	f
270	Email	12/6/12 5 52 PM	Joseph, Cassondra E.	Lathen, Jay		RE: Compliance services	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	Į.
				Joseph, Cassondra E.; Beck, Rafael;						
271	Email	12/6/12 6:22 PM	Lathen, Jay	Robinson, Michael D.		RE: Compliance services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	L	1				Your Availability Darren Kane/Mission Critical		1.	1	
272	Email Email with	12/10/12 1:24 PM	Kane, Darren	Lathen, Jay		Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
222	Attachment(s)	33/10/13 5:34 61/	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		IA books and records	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
	Email with	12/10/12 3:34 PM	Joseph, Cassonora E.	Lattien, Jay; Robinson, Michael D.		IA BOOKS and records	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del> </del>
	Attachment(s)	12/10/12 5:35 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Steve Pope - Smarsh, Inc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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	Attachment(s)	12/10/12 5:36 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Robert Fredericks - SECCAS, LLC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)		Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Warren Hopwood - Global Relay Communications Inc.				
	Email	12/10/12 5:38 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D. Lathen, Jay; Robinson, Michael D.;		Email archives	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del>                                     </del>
278	Email	12/10/12 6:11 PM	Joseph, Cassondra E.	Lathen, Jay		RE: Email archives	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
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279	Email	12/10/12 7:41 PM	Lathen, Jay	D.; Lathen, Jay		RE: Email archives	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
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.		
	L .		l	Farrell, Margaret D.; Robinson, Michael		L			1	1
	Email	12/12/12 12:01 PM		D.		RE: "Caramadre Memorandum" Revisions		Communication requesting legal advice of counsel.		<del> </del>
	Email Email		Farrell, Margaret D. Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D. Lathen, Jay; Robinson, Michael D.		RE: "Caramadre Memorandum" Revisions RE: "Caramadre Memorandum" Revisions		Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	+
703		14/14/14 1:33 PW	Practice, Margaret U.	Farrell, Margaret D.; Robinson, Michael		inc. Caramaste Memoranopin Revisions	Correct Cheur Lughede	Seminomenton renecting legal autice of courses.	+	<del> </del>
284	Email	12/14/12 4:44 PM	Lathen, Jay	D.		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
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.		
				Farrell, Margaret D.; Robinson, Michael						
	Email	12/14/12 6:00 PM	Lathen, Jay	D		RE: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		+
	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.		<del></del>
	Email		Joseph, Cassondra E. Joseph, Cassondra E.	Robinson, Michael D. Robinson, Michael D.		RE: Email archives Re: Email archives		Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	+	+
289	Email with	14/17/14 0:32 AM	nosepii, Cassonora E.	nounisuit, wetniger U.	Stupey, micheel; Deck, Releti	INE. EINEN BILLINES	LUCIONAL PREST LIAMESE	Communication renerting regar source or counsel.	+	<del> </del>
290	Attachmentisi	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.	1	
	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		Communication requesting legal advice of counsel.		
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293	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.		+
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294	Email with	14/19/12 1 02 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	<del> </del>
295	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.	1	1
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	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.	.1	
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297	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.		<b></b>
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298	Email Email	12/21/12 2 06 PM	Farrell, Margaret D	Lathen, Jay, Robinson, Michael D.		RE: Memo revised RE: Memo revised	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		<del> </del>

Entry Number R	Email with	Date	From	To	54	Emall Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
	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.		
301	Attachinguita)	12/21/12 3.07 FM	ranen, margaret o.	Estreti, sey, recompon, raches o.	rianders, Robert G.	I I I I I I I I I I I I I I I I I I I	Accorded Cheur Lindhelde	Commontation renecting legal advice of counsel.		
302 E	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.		
		34,54,55,55					The state of the s	The state of the s		
303 8	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 E	Email	12/26/12 10:42 PM	Joseph, Cassondra 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.		
					Lathen, Jay; Stupay, Michael; Joseph,					
305 E		1/8/13 10:18 AM		Robinson, Michael D.	Cassondra E.	Re: Eden Arc - Compliance Services proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email		Robinson, Michael D.	Doring, Matthew P.	Farrell, Margaret D.	Discretionary Line Agreement "Draft"	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	1/9/13 5:40 PM	Doring, Matthew P.	Robinson, Michael D.	Farrell, Margaret O.	Re: Discretionary Line Agreement "Oraft"	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	2/18/13 3:48 PM	Joseph, Cassondra E. Joseph, Cassondra E.	Robinson, Michael D.; Lathen, Jay Lathen, Jay; Robinson, Michael D.		Eden Arc Manual 2013 0201.docx Accredited Investors	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email Email with	2/19/13 3:UI PM	Joseph, Cassondra E.	Latnen, Jay; Robinson, Michael U.		Accredited investors	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<u> </u>
	Attachment(s)	2/20/12 4:20 014	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Eden Arc Code of Ethics 2013 0201.doc	Assault Client Balulton	Campus and a second and a second assets as a second		1
	Email	2/26/13 1:40 PM	Robinson, Michael D.	Joseph, Cassondra E.	Lathen, Jay	Re: Eden Arc Code of Ethics 2013 0201.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
	Email		Joseph, Cassondra E.	Robinson, Michael D.	Lathen, Jay	RE: Eden Arc Code of Ethics 2013 0201.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email		Robinson, Michael D.	Joseph, Cassondra E.	Lathen, Jay	Re: Eden Arc Code of Ethics 2013 0201.doc		Communication requesting legal advice of counsel.		
	Email		Robinson, Michael D.	Joseph, Cassondra E.	Lathen, Jay	Discussion of the Draft Compliance Manuals		Communication requesting legal advice of counsel.		
	Email	3/12/13 10:51 AM	Robinson, Michael D.	Joseph, Cassondra E.		Manuals		Communication requesting legal advice of counsel.		
	Email		Joseph, Cassondra E.	Rabinson, Michael D.		Re: Manuals		Communication reflecting legal advice of counsel.	_	$\vdash$
317 8			Robinson, Michael D.	Joseph, Cassondra E.		Re: Manuals		Communication requesting legal advice of counsel.		$\vdash$
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	Attachment(s)	3/13/13 11:49 AM	Robinson, Michael D.	Joseph, Cassondra E.		Re: Manuals	Attorney Client Privilege	Communication requesting legal advice of counsel.		1 1
	Email	3/13/13 11:50 AM	Joseph, Cassondra E.	Robinson, Michael D.		RE: Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)		Robinson, Michael D.	Joseph, Cassondra E.		Re: Manuals	Attorney Client Privilege	Communication requesting legal advice of counsel.		I
321 8	Email	3/13/13 1:22 PM	loseph, Cassondra E.	Robinson, Michael D.		RE: Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
322 8	Email .			Robinson, Michael D.		RE: Manuals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
323 6			Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		IA registration	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
324 E		3/14/13 2:35 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		TXIA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	3/14/13 2:42 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Oscar Gonzalez - Texas State Securities Board	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	3/14/13 2:45 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Series 65 & 66 licenses.docr	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Email	3/14/13 3:48 PM	Joseph, Cassondra E. Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D. Lathen, Jay; Robinson, Michael D.		IA overall requirements per SEC  More from SEC re regulatory requirements	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	_	
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	Attachment(s)	3/14/13 4:10 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Eden Arc Privacy Notice 2013 0314.docx	Attorney Client Privilege	Communication reflecting legal advice of counsel.		í í
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	Attachment(s)	3/14/13 5:07 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		COMPLIANCE CHECKLIST for IAS.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i l
	Email	3/14/13 7:29 PM		Joseph, Cassondra E.	Robinson, Michael D.	RE: TX IA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email		Joseph, Cassondra E.	Lathen, Jay		RE: TX IA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	3/14/13 7:33 PM	Joseph, Cassondra 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, Cassondra E.		RE: TX IA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	3/21/13 4:04 PM	Robinson, Michael D.	Joseph, Cassondra E.		The Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
337			Joseph, Cassondra E.	Robinson, Michael D.		RE: The Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	3/21/13 4:53 PM	Robinson, Michael D.	Joseph, Cassondra E.		Re: The Docs		Communication requesting legal advice of counsel.		
339			Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		TX IAR NOTICE filing		Communication reflecting legal advice of counsel.		
	Email		Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		FL IAR registration - from FL FACs		Communication reflecting legal advice of counsel.		
341			loseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.	<u> </u>	TX registration		Communication reflecting legal advice of counsel.		<b></b>
	Email		Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.	201	TX issues		Communication reflecting legal advice of counsel.		
	Email Email	3/26/13 11:34 AM		Joseph, Cassondra E.	Robinson, Michael D.	Re: TX registration	Attorney Client Privilege	Communication requesting legal advice of counsel.		<b></b>
	Email Email		Joseph, Cassondra E. Joseph, Cassondra E.	Robinson, Michael D.		RE: TX registration RE: The Docs	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
	Email	4/1/13 12:24 PM	Joseph, Cassondra E.	Robinson, Michael D.		RE: Updates from Us		Communication reflecting legal advice of counsel.		
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	Attachment(s)	4/8/13 2-12 DLA	loseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		EdenArc AML Procedures 2013 0408.docs	Attorney Client Priviles-	Communication reflecting legal advice of counsel,		i 1
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348	Attachment(s)	4/8/13 2:SS PM	Joseph, Cassondra E.	lathen, Jay; Robinson, Michael D.		Eden Arc BCP 2013 0408.doc	Attorney Client Privilege	Communication reflecting legal advice of counsel.	'	i l
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349	Attachment(s)	4/9/13 9:53 AM	Robinson, Michael D.	Joseph, Cassondra E.	Lathen, Jay	Code of Ethic + Compliance Policies and Procedures	Attorney Client Privilege	Communication requesting legal advice of counsel.		i i
	Email	4/24/13 10:35 PM	Robinson, Michael D.	Joseph, Cassandra E.		Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
351 8	Email	4/24/13 11:38 PM	Robinson, Michael D.	Joseph, Cassondra E.		Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	4/25/13 4:07 AM	Joseph, Cassondra E.	Robinson, Michael D.		Re: Documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email		Robinson, Michael D.	Joseph, Cassondra E.		Re: Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	<u>Email</u>	4/25/13 8:05 AM		Lathen, Jay		Time to talk about compliance?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	5/13/13 1:12 PM	Joseph, Cassondra E.	Lathen, Jay; Robinson, Michael D.		Do you have availability today?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email			Joseph, Cassondra E.		Re: Do you have availability today?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email		Joseph, Cassondra E.	Robinson, Michael D.		RE: Do you have availability today?		Communication reflecting legal advice of counsel.		
358	Email		Robinson, Michael D.	Joseph, Cassondra E.		Re: Do you have availability today?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	5/13/13 4:20 PM	Joseph, Cassondra E.	Robinson, Michael D.		RE: Do you have availability today?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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300	Email with	3/22/13 12:39 PM	Roomson, Michael D.	Joseph, Cassondra 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, Jav	Roper, Eric		Current Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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	Attachment(s)	6/26/13 8:19 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryli		FW: Revised Docs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with									
	Attachment(s)	6/27/13 12:36 PM	Lathen, Jay	Roper, Eric; Calaguio, Cheryll		RE: Revised Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with	6/27/13 1:30 PM	Roper, Eric	Lathen, Jay; Calaguio, Cheryll		Final documents	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Attachment(s)	2/2/12 7 20 014	l	Robinson, Michael D.					1	ļ
	Email	7/2/13 3:30 PM	loseph, Cassondra E. Robinson, Michael D.	Joseph, Cassondra E.	Lathen, Jay Lathen, Jay	Eden Arc Manual v. 2 2013 0702 docx Re: Eden Arc Manual v. 2 2013 0702 docx	Attorney Chent Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
	Email		Joseph, Cassondra E.	Robinson, Michael D.				Communication reflecting legal advice of counsel.	<del></del>	
	Email		Joseph, Cassondra E.	Robinson, Michael D.				Communication reflecting legal advice of counsel.		
375	Email	7/7/13 5:38 PM	Robinson, Michael D.	Joseph, Cassondra E.			Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with									i
	Attachment(s)	7/8/13 6:59 PM		Roper, Eric; Calaguio, Cheryll		RE: Final documents	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	7/16/13 9:14 PM	Roper, Eric	Lathen, Jay		Out of Office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	7/26/13 12:17 PM	Joseph, Cassondra E.	Robinson, Michael D.				Communication reflecting legal advice of counsel.		
	Email Email		Robinson, Michael D.	Joseph, Cassondra E.		Re: Still in Maine?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email		Robinson, Michael D. Joseph, Cassondra E.	Robinson, Michael D.				Communication requesting legal advice of counsel.	<del>                                     </del>	
	Email	7/26/13 3:15 PM	Joseph, Cassondra E.	Robinson, Michael D.			Attorney Client Brisiles	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del> </del>	<del></del>
	Email	7/31/13 5:19 PM	Robinson, Michael D.	Joseph, Cassondra E.				Communication requesting legal advice of counsel.	<del> </del>	<del></del>
	Email		Joseph, Cassondra E.	Robinson, Michael D.		RE: Still in Maine?		Communication reflecting legal advice of counsel.	<del>                                     </del>	<del> </del>
	Email		Joseph, Cassondra 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, Cassondra E.	Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
387	Email	8/9/13 2:29 PM	Robinson, Michael D.	Joseph, Cassondra E.	Lathen, Jay	Re: Back In Maine?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	8/9/13 2:30 PM	Joseph, Cassondra E.	Robinson, Michael D.		RE: Back in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	8/9/13 3:07 PM	Joseph, Cassondra E.	Robinson, Michael D.				Communication reflecting legal advice of counsel.		
	Email	8/9/13 3:08 PM	Joseph, Cassondra E.	Robinson, Michael D.				Communication reflecting legal advice of counsel.	<b> </b>	
	Email with	8/12/13 3:10 PM	Joseph, Cassondra E.	Robinson, Michael D.		RE: Back in Maine?	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del></del>
	Attachment(s)	0/12/12 1 55 014	Joseph, Cassondra E.	Lathen, Jav: Robinson, Michael D.		Manuals				1
	Email	8/23/13 12:09 PM	Lathen Jay	Farrell, Margaret D.				Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del> </del>	<del></del>
	Email		Farrell, Margaret D	Lathen, Jay				Communication reflecting legal advice of counsel.		
	Email	8/23/13 12 43 PM		Farrell, Margaret D.			Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
	Email	B/23/13 1:00 PM	Farrell, Margaret D.	Lathen, Jay				Communication reflecting legal advice of counsel.	<del>                                     </del>	
397	Email	8/23/13 3:26 PM		Farrell, Margaret D.				Communication requesting legal advice of counsel.		
	Email	9/9/13 1:15 PM	Lathen, Jay	Malino, Phaedra			Attorney Client Privilege	Communication requesting legal advice of counsel.		<u></u>
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399	Attachment(s)	9/18/13 10:33 AM	Kane, Darren	Lathen, Jay		Arc Capital Management	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
	i					FW: SEC Charges Father and Son in South Carolina for	i			1
ano!	Email	0/30/13 6 46 014	Joseph, Cassondra E.	Lathen, Jay		FraudulentProgram Designed to Profit From Fate of Terminally ill	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
	Line.	3/20/13 0.40 FM	Joseph, Cassumora E.	Cathen, Jay		Terminally III	Attorney Chent Privilege	Communication renecting legal sovice of coursel.		<del></del>
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.	1	1
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				]		FraudulentProgram Designed to Profit From Fate of		Communication reflecting legal advice of Cassondra	i	1
402	Email	9/21/13 8:32 AM	Lathen, Jay	Lathen, Kathy		Terminally III	Attorney Client Privilege	Joseph.		1
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	Attachment(s)	9/25/13 10:29 AM						1		<del> </del>
	Email with		INDUINSON, MICHAELD.	Farrell, Margaret D.		Profit Sharing Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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4051	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.		
	Email	9/25/13 10:46 AM		l		FW: Redemption Request	Attorney Client Privilege			
	Email	9/25/13 10:45 AM 9/25/13 11:01 AM	Lathen, Jay Robinson, Michael D.	Flanders, Robert G.; Farrell, Margaret D. Farrell, Margaret D.		FW: Redemption Request Boilerplate	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.		
406	Email Email	9/25/13 10:45 AM 9/25/13 11:01 AM	Lathen, Jay	Flanders, Robert G.; Farrell, Margaret D.	Lathen, Jay	FW: Redemption Request	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.		
406	Email Email Email with	9/25/13 10:46 AM 9/25/13 11:01 AM 9/25/13 1:49 PM	Lathen, Jay Robinson, Michael D. Farrell, Margaret D	Flanders, Robert G.; Farrell, Margaret D. Farrell, Margaret D. Robinson, Michael D.	Lathen, Jay	FW: Redemption Request Boilerplate  AE: Profit Sharing Agreement/Privileged communication	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
405 407	Email Email Email with Attachment(s)	9/25/13 10:46 AM 9/25/13 11:01 AM 9/25/13 1:49 PM 9/25/13 3:51 PM	Lathen, Jay Robinson, Michael D. Farrell, Margarel D Lathen, Jay	Flanders, Robert G.; Farrell, Margaret D. Farrell, Margaret D. Robinson, Michael D. Farrell, Margaret D.; Flanders, Robert G.	Lathen, Jay Robinson, Michael D.	FW: Redemption Request Boilerplate  RE: Profit Sharing Agreement/Privileged communication Fwd: Goldman Sachs Bank USA	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
405 407 408	Email Email Email with	9/25/13 10:46 AM 9/25/13 11:01 AM 9/25/13 1:49 PM 9/25/13 3:51 PM	Lathen, Jay Robinson, Michael D. Farrell, Margaret D	Flanders, Robert G.; Farrell, Margaret D. Farrell, Margaret D. Robinson, Michael D. Farrell, Margaret D.; Flanders, Robert G.	Lathen, Jay	FW: Redemption Request Boilerplate  AE: Profit Sharing Agreement/Privileged communication	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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422 Email	9/30/13 5 07 PM Lathen, Jay	Flanders, Robert G.		RE: Case Summaries You Requested		Communication requesting legal advice of counsel.		<del></del>
423 Email	10/1/13 8:22 AM Lathen, Jay 10/1/13 3:25 PM Roper, Eric	Roper, Eric Lathen, Jay; Strohmenger, Richard		Got your message yesterday		Communication requesting legal advice of counsel.	<del></del>	<del></del>
425 Email	10/1/13 5:25 PM Noper, Crit	Roper, Eric; Strohmenger, Richard		RE: Got your message yesterday RE: Got your message yesterday		Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del></del>	<del></del>
425[EmBi)	10/1/13 3:17 PM Lathen, 149	moper, enc; stronmenger, menary		RE: Engagement Letter Mission Critical Services &	Attorney Chent Privilege	Communication requesting legal advice of courses.	+	<del></del>
426 Email	10/2/13 10:19 AM Lathen, Jay	Kane, Darren	Michael D.	Eden ArcCapital Management	Attorney Client Privilege	Communication requesting legal advice of counsel.		ı
				RE: Engagement Letter Mission Critical Services &			<del> </del>	
427 Email	10/2/13 10:27 AM Kane, Darren	Lathen, Jay		Eden Arc Capital Management	Attorney Client Privilege	Communication reflecting legal advice of countel.		<u> </u>
Email with				Re: Engagement Letter Mission Critical Services &				$\overline{}$
428 Attachment(s)	10/2/13 10:36 AM Robinson, Michael D.	Xane, Darren	Lathen, Jay; Davis, Amanda; Brooks, Jenna	Eden Arc CapitalManagement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
429 Email	10/2/13 5:35 PM Strohmenger, Richard	Lathen, Jay		Eden Arc Capital		Communication reflecting legal advice of counsel.		
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430 Attachment(s)	10/2/13 9:56 PM Kane, Darren	Robinson, Michael D.	Lathen, Jay; Davis, Amanda; Brooks, Jenna		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
431 Email	10/2/13 9:56 PM Kane, Darren	Lathen, Jay	Robinson, Michael D.	Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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432 Attachment(s)	10/3/13 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.		
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433 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.		<del> </del>
434 Email	10/7/13 6:13 PM Lathen, Jay	Xane, Darren		RE: Your Availability	Attorney Client Privilege			
435 Email	10/7/13 6:38 PM Kane, Darren	Lathen, Jay		RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.	-{	
436 Email	10/7/13 6:40 PM Lathen, Jay	Xane, Darren	Robinson, Michael D.	RE: Your Availability	Attorney Client Privilege		- <b> </b>	<del> </del>
437 Email	10/7/13 7:27 PM Xane, Darren	Lathen, Jay		RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	+
438 Email	10/7/13 8 23 PM Xane, Darren	Lathen, Jay		RE: Your Availability	ALLOTTEY CHENT PRIVILEGE	Communication reflecting legal advice of counsel.	+	<del></del>
Email with 439 Attachment(s)	10/9/13 2:29 PM Lathen, Jay	Lathen, Jay		Fwd: Memorandum to Jay Lethen	Attorney Work Product	Communication attaching polylland ward and	1	
440 Email	10/9/13 2:29 PM Lathen, Jay 10/9/13 7:41 PM Flanders, Robert G.	Massey, William R.	Zarchan, Aryeh H.; Stern, Andrew W.	RE: Call	Attorney Client Privilege	Communication attaching privileged work product.  Communication reflecting legal advice of counsel.	+	
441 Email	10/10/13 10:07 AM Flanders, Robert G.	Massey, William R.		RE: Call	Attorney Client Privilege		+	<del></del>
442 Email	10/15/13 12:07 PM Lathen, Jay	Flanders, Robert G.	The state of the s	Call	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	<del> </del>
443 Email	10/15/13 1:22 PM Flanders, Robert G.	Lathen, Jay		RE: Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del></del>
444 Email	10/15/13 1:37 PM Lathen, Jay	Flanders, Robert G.		RE: Call		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.	1	
446 Email	10/15/13 3:48 PM Kane, Darren	Lathen, Jay		RE: Today's call	Attorney Client Privilege		<del> </del>	1
447 Email	10/17/13 12:46 PMilathen, Jay	Kane, Darren		RE: Today's call	Attorney Client Privilege		<del></del>	1
448 Email	10/17/13 12:57 PM Kane, Darren	Lathen, Jay		RE: Today's call		Communication reflecting legal advice of counsel.	i	
449 Email	10/17/13 1:02 PM Lathen, Jay	Xane, Darren		RE: Today's call		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.		
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451 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.		
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452 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.		<del></del>
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.	·	<b>└</b>
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454 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.		<del> </del>
ا باب		h		RE: Eden Arc Capital Partners - September 2013			1	1
455 Email	10/23/13 10:20 AM Roper, Eric	Lathen, Jay		Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
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456 Attachment(s) Email with	10/23/13 11:41 AM Flanders, Robert G.	Lathen, Jay	rarren, Margaret D.	KE: GOIDMAN SACIIS DANK USA	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
457 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 1:05 PM Lathen, Jay	Flanders, Robert G.	Paries, Margaret C.	Call temorrow	Attorney Client Privilege	Communication requesting legal advice of counsel.	· <del> </del>	<del></del>
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459 Attachment(s)	10/23/13 4:31 PM Xane, Darren	Lathen, Jay	1	SEC Enforcement Action	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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460 Attachment(s)	10/23/13 4:58 PM Kane, Darren	Lathen, Jay		Sniptt 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ł	i
Email with							<u> </u>	
461 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.	J	1_
462 Email	10/23/13 7:43 PM Kane, Darren	Lathen, Jay		Document Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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467 Attachment(s)	10/24/13 4 55 PM Kane, Darren	Lathen, Jay		Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u> </u>	
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468 Attachment(s)	10/25/13 12:50 PM Lathen, Jay	Flanders, Robert G.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.	<u> </u>	ļ
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469 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.		<del></del>
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.	<del></del>	<del></del>
423/2001	10/25/12 2 11 514	Francis Management & Comment & Comme		PF. F-H	Assessment Citizen Bei 19	Communication and and add to add	1	1
471 Email 472 Email	10/25/13 3:41 PM Lathen, Jay	Farrell, Margaret D.; Flanders, Robert G.	<del></del>	RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	<b>├</b>
4/2	10/25/13 6:15 PM Farrell, Margaret D.	Lathen, Jay; Flanders, Robert G.		RE: Follow-up	Introductions Linear Linearese	Communication reflecting legal advice of counsel.	<del> </del>	<b>├</b>
473 Email	10/28/13 9:54 AM Lathen, Jay	Baner Frie	l	RE: Eden Arc Capital Partners - September 2013 Performance Summary	Attorney Client Privilege	Communication requesting least added of security	1	1
4/3[[///8//	ANY ANY 13 7.34 ANY LELINER, 164	Roper, Eric		RE: Eden Arc Capital Partners - September 2013	THE PROPERTY AND PARTY OF THE P	Communication requesting legal advice of counsel.	<del> </del>	<del></del>
	10/28/12 11/26 AM Vano Davis-	harban Jaw	l .	Performance Summary	Attorney Client Brighton	Communication reflecting legal advise of	1	į
474 Fm sil	10/28/13 11:36 AM Kane, Darren	Lathen, Jay		Re: Eden Arc Capital Partners - September 2013	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del></del>
474 Email	1	Lathen, Jay	1	Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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475 Email Email with 476 Attachment(s)	10/28/13 2:13 PM Roper, Eric 10/28/13 2:23 PM Flanders, Robert G.	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
475 Email Email with				RE: Follow-up FW: Fwd:scusip 38143ASS0	Attorney Client Privilege			

Entry Number	Record Type	Date	From							
479	Email 1	10/29/13 6:55 AM	Yane Darren	Lathen, Jay	ς¢	Email Subject or File Name New Rule 506(d)	Privilege Type	Privilege Description Communication reflecting legal advice of counsel.	Redacted	Production Bates
	Email	11/4/13 11:24 AM	Lathen, Jay	Lonergan, Kyle A.		Re: Talk		Communication requesting legal advice of counsel.		
481	Email	11/4/13 11:25 AM	Lonergan, Kyle A.	Lathen, Jay		RE: Talk		Communication reflecting legal advice of counsel.		
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	Attachment(s)	11/4/13 11:55 AM	Lathen, Jay	Lonergan, Kyle A.		RE: Talk	Attorney Client Privilege	Communication requesting legal advice of counsel.	l i	
483	Email	11/4/13 3:26 PM		Xane, Darren		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.		
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	Attachment(s) Email	11/5/13 11:28 AM	Robbins, David E.	Lathen, Jay		Robbins	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	11/6/13 12:10 PM 11/6/13 12:11 PM	Lonergan, Kyle A.	Lathen, Jay		Your call		Communication reflecting legal advice of counsel.	<u> </u>	
	Email with	11/6/13 12:11 PM	Lathen, Jay	Lonergan, Kyle A.		RE: Your call	Attorney Chent Privilege	Communication requesting legal advice of counsel.		
	Attachment(s)	11/6/13 5:05 PM	lathen lau	Robbins, David E.		Follow-up	Attorney Client Privilege	Communication requesting level adules of equated		
	Email		Lonergan, Kyle A.	Lathen, Jay		RE: Your call	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
	Email	11/7/13 10:54 AM	Robbins, David E.	Lathen, Jay		RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
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491	Attachment(s)	11/7/13 2 47 PM	Lonergan, Kyle A.	Lathen, Jay		Attorney Recommendations	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
	Email	11/7/13 5:49 PM	lathen, Jay	Flanders, Robert G.		FIRREA		Communication requesting legal advice of counsel.		
	Email	11/7/13 6 39 PM		Flanders, Robert G.	Robinson, Michael D.	New Goldman Death Put Language		Communication requesting legal advice of counsel.		
	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.		
	Email	11/7/13 7:41 PM	Flanders, Robert G.	Lathen, Jay		Re: FIRREA		Communication reflecting legal advice of counsel.		
	Email		Flanders, Robert G.	Lathen, Jay		Fwd: FIRREA		Communication reflecting legal advice of counsel.	1	
	Email			Lathen, Jay		FW: FIRREA		Communication reflecting legal advice of counsel.		
	Email	11/8/13 7:03 PM		Lonergan, Kyle A.	——————————————————————————————————————	RE: Attorney Recommendations	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email Email	11/13/13 10:45 AM	Farrell, Margaret D.	Farrell, Margaret D.		Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	11/13/13 10:48 AM 11/13/13 10:58 AM		Lathen, Jay Farrell, Margaret D.		RE: Follow-up RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>  </del>	
	Email		Farrell, Margaret D.	Lathen, Jay				Communication requesting legal advice of counsel.	<b></b>	
	Email	11/13/13 1:57 PM	Lathen lav	Farrell, Margaret D.		RE: Follow-up FW: New Goldman Death Put Language	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del> </del>	
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	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.		1
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505	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.	1	
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	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.		
	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.		
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	Attachment(s)		Flanders, Robert G.	Lathen, Jay		Draft Ct King letter		Communication reflecting legal advice of counsel.		
	Email Email	12/1/13 4:47 PM		Lathen, Jay	·	Your Availability Monthly Compliance Call		Communication reflecting legal advice of counsel.	ļ	
	Email	12/3/13 5.02 PM 12/3/13 5.16 PM	Lathen, Jay	Kane, Darren		RE: Your Availability Monthly Compliance Call		Communication requesting legal advice of counsel.		
	Email	12/3/13 5:26 PM	Flanders, Robert G.	Flanders, Robert G. Lathen, Jay		RE: Draft CL King letter Re: Draft CL King letter	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del>                                     </del>	
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513	Attachment(s)	12/3/13 5:44 PM	Lathen, Jav	Flanders, Robert G.		FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
	Email	12/3/13 8:15 PM		Lathen, Jay		RE: Your Availability Monthly Compliance Call		Communication reflecting legal advice of counsel.		
515	Email	12/4/13 2:S4 PM	Lathen, Jay	Kane, Darren		RE: Your Availability Monthly Compliance Call		Communication requesting legal advice of counsel.		
	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.		
	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.		
	Email with									
	Attachment(s)	12/6/13 2 44 PM		Flanders, Robert G.; Farrell, Margaret D.		FBI Memo on Staples Case		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.		
	Email with		<u> </u>			Fwd: Accounts #7090-0028, Donald Lathen and	1	L		
	Attachment(s)	12/6/13 5:35 PM	Flanders, Robert G.	Lathen, Jay		Frederick Jackson, JTW/ROS;	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ļ	
	Email with Attachment(s)	17/0/11 0 10 0 1	 			De. W A			1	
	Email Email	12/8/13 6:49 PM	Robinson, Michael D.	Lathen, Jay		RE: Your Availability Monthly Compliance Call		Communication reflecting legal advice of counsel.	<del> </del>	
522	Email	12/9/13 11:19 AM		Xane, Darren Xane, Darren		Log-in Grandfather	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.	<del>                                     </del>	
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	Attachment(s)	12/9/13 11:28 AM	Lathen, Jav	Xane, Darren		Blue Sand Solicitation Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
	Email	12/9/13 11:28 AM	Kane, Darren	Robinson, Michael D.		RE: Log-in	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
	Email	12/9/13 11:30 AM		Robinson, Michael D.		RE: Grandfather	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
	Email	12/9/13 11:37 AM	Kane, Darren	Lathen, Jay		RE: Blue Sand Solicitation Agreement		Communication reflecting legal advice of counsel.	1	
	Email	12/10/13 5 13 PM		Montgomery, Michael H.		Staples Case		Communication requesting legal advice of counsel.		
	Email	12/10/13 S:17 PM	Montgomery, Michael H.	lathen, Jay		RE: Staples Case		Communication reflecting legal advice of counsel.		
530	Email	12/10/13 5:18 PM	Lathen, Jay	Montgomery, Michael H.		Staples Case		Communication requesting legal advice of counsel.	1	
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531	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.	<del>                                     </del>	
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233	Attachment(s)	12/18/13 9 56 AM	Flanders, Robert G	Lathen, Jay	Farrell, Margaret D.	Caramadre appeal decision	Attorney Chent Privilege	Communication reflecting legal advice of counsel.		
***	Email	12/20/13 3:00 PM	Banes Sas	Lathen, Jay		RE: Eden Arc Capital Partners - November 2013 Performance Summary	Attacent Client British	Communication reflecting legal advice of counsel.		
	Email with	12/20/13 3 00 PM	noper, enc	Latiners, 189		Lengthiance Summary	VALUE ALIANGE	Communication reliecting legal advice of counsel.	<del> </del>	
	Attachment(s)	12/30/13 7:09 AM	Xane, Darren	Lathen, Jay		FW: Invoices from Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	12/31/13 2:55 PM		Kane, Darren	<del></del>	RE: Invoices from Mission Critical Services		Communication requesting legal advice of counsel.	1	
	Email	12/31/13 8 49 PM		Lathen, Jay		RE: Invoices from Mission Critical Services		Communication reflecting legal advice of counsel.	1	
	Email	1/6/14 8:54 AM		Lathen, Jay	Hartman, David	Your Availability		Communication reflecting legal advice of counsel.		
538	Email:	1/6/14 10:47 AM		Kane, Darren	Hartman, David	RE: Your Availability	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	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 2 05 PM	Lathen, Jay	Kane, Darren	Hartman, David	Re: Your Availability	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with							•		1
541	Attachment(s)	1/7/14 2:54 PM	Kane, Darren	tathen, Jay	Hartman, David	Draft Risk Assessment & Gap Analysis Matrix	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1

Entry Number Record Type E	Date	From	10	CC	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
542 Email	1/7/14 4:57 914	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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543 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.	1	1
544 Email	1/13/14 4:20 PM		Lathen, Jay				Communication reflecting legal advice of counsel.		
545 Email	1/14/14 6:50 PM		Roper, Eric		RE: Lunch tomorrow	Attorney Client Privilege	Communication requesting legal advice of counsel.		
546 Email	1/15/14 8:04 AM	Roper, Eric	Lathen, Jay		Re: Lunch tomorrow		Communication reflecting legal advice of counsel.		
547 Email	1/15/14 10:17 AM	Lathen, Jay	Roper, Eric		Re; Lunch tomorrow	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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548 Attachment(s)	1/29/14 3:46 PM	Lathen, Jay	Roper, Eric		Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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549 Attachment(s)	1/29/14 4:38 PM	Roper, Enc	Lathen, Jay		FW: Goldman Situation		Communication reflecting legal advice of counsel.		ļ
550 Email	1/31/14 5:14 PM 2/3/14 12:53 PM	Latnen, Jay	Grundstein, Robert; Zitter, Ken		RE: Introduction Your Availability	Attorney Cleat Privilege	Communication requesting legal advice of counsel.		
5S1 Email	2/3/14 12:53 PM 2/3/14 3:41 PM		Lathen, Jay Hartman, David		RE: Your Availability	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		<del> </del>
SS2 Email	2/3/14 3:41 PM	Coumoutsos, Jami	Lathen, Jay		RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
SS3 Email SS4 Email	2/4/14 2:59 PM		Coumoutsos, Jami		Re: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		
555 Email		Coumoutsos, Jami	Lathen, Jay		RE: Goldman Situation		Communication reflecting legal advice of counsel.		
556 Email	2/7/14 2:57 PM	Lathen law	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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SS7 Email	2/7/14 4:17 944	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ĺ	1 1
SSE Email	2/7/14 4:50 PM		Montgomery, Michael H.		RE: Staples Case	Attorney Client Priviless	Communication requesting legal advice of counsel.	<del> </del>	<del> </del>
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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.	I	1
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560 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.	ł	1
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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.	1	1
S62 Email	2/11/14 12:29 PM			Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with									
S63 Attachment(s)	2/11/14 3:00 PM	Lathen, Jay	Sarkozi, Paul D.	Roper, Eric	RE: Goldman Situation		Communication requesting legal advice of counsel.	l	<u> </u>
564 Email	2/12/14 4:55 PM		Hood, Bruce E.		Re:		Communication requesting legal advice of counsel.		
Email with									
565 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.		
S66 Email	2/12/14 7:42 PM	Hood, Bruce E.	Lathen, Jay		RE: Re:		Communication reflecting legal advice of counsel.		
567 Email	2/12/14 7:54 PM	Lathen, Jay	Hood, Bruce E.		Re: RE: Re:		Communication requesting legal advice of counsel.		
S68 Email	2/13/14 7:18 AM		Lathen, Jay		Re: RE: Re:		Communication reflecting legal advice of counsel.		
S69 Email	2/13/14 7:28 AM	Lathen, Jay	Hood, Bruce E.		Re: RE: Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
570 Email	2/13/14 2:47 PM		Hood, Bruce E.		RE: RE: Re:		Communication requesting legal advice of counsel.		
571 Email	2/13/14 4:10 PM		Lathen, Jay		(Auto-Reply) RE: ADV Update		Communication reflecting legal advice of counsel.		
572 Email	2/13/14 4:10 PM		Hartman, David	Kane, Darren	RE: ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
\$73 Email	2/14/14 8:50 AM		Lathen, Jay		RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
574 Ernail	2/14/14 9:18 AM	Lathen, Jay	Hartman, David	Kane, Darren	Re: ADV Update	Attorney Client Privilege	Communication requesting 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					Eden Arc - Revised Participant Agreement and Loan	l	<b>.</b>	•	1
576 Attachment(s)	2/14/14 11:10 AM	Lathen, Jay	Farrell, Margaret D.	Robinson, Michael D.	Document	Attorney Client Privilege	Communication requesting legal advice of counsel.		ļ
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577 Email		Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
S78 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	Kane, Darren	RE: ADV Update		Communication requesting legal advice of counsel.	ļ	
SBO Email	2/20/14 2:27 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: ADV Update RE: RE: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
581 Email	2/20/14 6:17 PM		Lathen, Jay		RE: RE: RE:		Communication reflecting legal advice of counsel.		<del> </del>
S82 Email	2/20/14 6:SS PM	Launen, Jay	Hood, Bruce E.		RE: RE: RE: SEC Announces Initiative Directed at Never-Before	PERMIT ALLANGES	Communication requesting legal advice of counsel.		<del> </del>
[ 503]	3/30/14 3:30	Y D			Examined Registered Investment Advisers	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
S83 Email	2/20/14 7:28 PM 2/21/14 1:04 PM	Name, Darren	Lathen, Jay		RE: RE: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		+
584 Email 585 Email	2/21/14 1:04 PM 2/21/14 1:12 PM		Lathen, Jay Hood, Bruce E.		RE: RE: Re:		Communication requesting legal advice of counsel.		
585[Email	2/21/14 1:12 PM 2/21/14 4:42 PM		Lathen, Jay		RE: RE: Re:		Communication reflecting legal advice of counsel.		
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587 Attachment(s)	2/21/14 7·08 PM	tathan law	Sarkozi, Paul D.	Roper, Eric	RE: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
588 Email	2/22/14 9:15 AM		Lathen, Jay	Sarkozi, Paul D.	Re: Goldman Situation		Communication reflecting legal advice of counsel.		
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SR9 Attachmentis)	2/22/14 12 45 PM	lathen lav	Roper, Eric	1	Fwd: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.	l	
590 Email	2/22/14 12:45 PM		Lathen, Jay		Re: Goldman Situation		Communication reflecting legal advice of counsel.		$\vdash$
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591 Attachment(s)	2/24/14 11:08 AM	Lathen Jav	Roper, Eric	i	RE: Goldman Situation	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
355 Attacaments)	67 L-7 34 33 US AM	5001-1511, 107			RE: Eden Arc - Revised Participant Agreement and Loan	and an arrange	The state of the s		$\vdash$
592 Email	2/24/14 6:55 DLA	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1 1
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S93 Attachment(s)	3/3/14 12:11 03/	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1 1
594 Email	3/12/14 8:51 AM		Lathen, Jay	Xane, Darren	regulatory assets under management		Communication reflecting legal advice of counsel.		
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595 Attachment(s)	3/13/14 6:59 AM	Kane, Darren	Lathen, Jay		Ryan Dylan Kane	Attorney Client Priviless	Communication reflecting legal advice of counsel.		1
596 Email		Joseph, Cassondra 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.		<del></del>
597 Email		Joseph, Cassondra E.	Lathen, Jay, Robinson, Michael D.		RE: Michael A. Horowitz and Moshe Marc Cohen	Attorney Client Priviless	Communication reflecting legal advice of counsel.		
598 Email	3/14/14 11:00 AM		Hartman, David	Kane, Darren; Robinson, Michael D.	RE: ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
599 Email	3/14/14 11:11 AM		Lathen, Jay		RE: ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
600 Email	3/14/14 11:15 AM		Hartman, David	Xane, Darren: Robinson, Michael D.	RE: ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
601 Email	3/14/14 2:40 PM		Hood, Bruce E.	l l l l l l l l l l l l l l l l l l l	RE: RE: Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
602 Email	3/16/14 6:48 PM		lathen, Jay		Re: RE: RE: Re:		Communication reflecting legal advice of counsel.		<del></del>
603 Email	3/19/14 9:20 AM	Hartman David	Lathen, Jay; Robinson, Michael D.	Kane, Darren	RE: ADV Update	Attorney Client Privilere	Communication reflecting legal advice of counsel.		
604 Email		Robinson, Michael D.	Hartman, David; Lathen, Jay		Re: ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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605 Attachment(s)	***************************************	March 1997 Annual Control of the Control			100-00-220-020-02			
	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 Email with	3/25/14 11:39 AM Hood, Bruce E.	Lathen, Jay		RE: RE: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		_
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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.		
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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	3/25/14 4:19 PM Hood, Bruce E.	Lathen, Jay				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.		
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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		Communication requesting legal advice of counsel.		
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616 Attachment(s)	3/29/14 11:06 AM Hartman, David	Lathen, Jay; Robinson, Michael D.		MUST BE FILED MONDAY 2	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 /	1
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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 least advice of counted		1
618 Email	3/30/14 7:22 PM Hartman, David				Attorney Client Privilege	Communication reflecting legal advice of counsel.		-
		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 7:42 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.		-
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622 Attachment(s)	3/31/14 2:17 PM Hartman, David	Lathen, Jay		Updated AVD 1A for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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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.		
Email with								
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 Privilese	Communication requesting legal advice of counsel.		
625 Email	4/1/14 8:17 PM Lathen, Jay	Hood, Bruce E.	mountain, mistaer o.	RE:	Attorney Client Privilege	Communication requesting legal advice of counsel.		+
627 Email					Attaches Client Privilege	Communication requesting legal advice of counsel.		-
	4/1/14 9:16 PM Hood, Bruce E	Lathen, Jay		Re: RE:	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting 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.		-
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629 Email	4/2/14 1:24 PM Hood, Bruce E.	Lathen, Jay		have tomeet	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.	1000	
633 Email	4/4/14 11:21 AM Lathen, Jay	Galbraith, Kevin		RE: Message from Kevin Galbraith (Jay Lathen)		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)		Communication reflecting legal advice of counsel.		
635 Email	4/4/14 11:36 AM Lathen, Jay	Galbraith, Kevin		RE: Message from Kevin Galbraith (Jay Lathen)		Communication requesting legal advice of counsel.		1
635 Email	4/8/14 4:26 PM Lathen, Jay	Flanders, Robert G.		Audit Confirm		Communication requesting legal advice of counsel.		-
637 Email	4/8/14 S-02 PM Flanders, Robert G.	Lathen, Jay		Re: Audit Confirm		Communication reflecting legal advice of counsel.		
638 Email	4/24/14 12:00 PM Lathen, Jay			Follow-up				1
639 Email		Farrell, Margaret D.			Attorney Clear Privilege	Communication requesting legal advice of counsel		+
933 Euran	4/24/14 12:01 PM Farrell, Margaret D.	Lathen, Jay		Automatic reply: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		+
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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.		-
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641 Attachment(s)	S/5/14 5:41 PM Hartman, David	Lathen, Jay		Risk Assessment and Gap Analysis	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
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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		Communication reflecting legal advice of counsel.		
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645 Attachment(s)	5/29/14 11:39 AM Lathen, Jay	Roper, Eric		Subscription Doc	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
				RE: Eden Arc - Revised Participant Agreement and Loan				1
646 Email	6/17/14 3:09 PM Lathen, Jay	Farrell, Margaret D.	Robinson, Michael D.	Document	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
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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.		+
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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.		-
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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.		1
650 Email	6/17/14 5:37 PM Lathen, Jay	Hartman, David		RE: Updated ADV	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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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.		1
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652 Attachment(s)	6/17/14 6:50 PM Lathen, Jay	Roper, Eric		FW: Fallow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
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.		1
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		Ito. David		RE: Updated ADV				1
655 Email	6/18/14 12:50 PM Lathen, Jay	no, vavio	Hartman, David; Kane, Darren	ms. oposted Moy	accorney Estent Privilege	Communication requesting legal advice of counsel.		-
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	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.		-
656 Attachment(s)	6/19/14 3:36 PM Galbraith, Kevin	Lathen, Jay		Your Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		-
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657 Email Email with 658 Attachment(s)	6/19/14 6:30 PM Lathen, Jay	Galbraith, Kevin		RE: Your Message	Settomes enem susuese	Communication requesting legal advice of counsel.		
657 Email Email with 658 Attachment(s)	6/19/14 6:30 PM Lathen, Jay 6/19/14 6:36 PM Galbraith, Kevin				Attorney Client Privilege	Communication reflecting legal advice of counsel.		
657 Email Email with	6/19/14 6:36 PM Galbraith, Kevin	Lathen, Jay	Hartman, David; Kane, Darren	Re: Your Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
657 Email Email with 658 Attachment(s) 659 Email			Hartman, David; Kane, Darren	Re: Your Message RE: Updated ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.		-
657 Email Email with 658 Attachment(s) 659 Email 660 Email	6/19/14 6:36 PM Galbraith, Kevin 6/19/14 7:11 PM Lathen, Jay	Lathen, Jay Ito, David		Re: Your Message RE: Updated ADV RE: Eden Arc - Revised Participant Agreement and Loan	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		-
657 Email Email with 658 Attachment(s) 659 Email	6/19/14 6:36 PM Galbraith, Kevin	Lathen, Jay	Hartman, David; Kane, Darren Robinson, Michael D.	Re: Your Message RE: Updated ADV RE: Eden Arc - Revised Participant Agreement and Loan Document	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.		
657 Email Email with 658 Attachment(s) 659 Email 660 Email	6/19/14 6:36 PM Galbraith, Kevin 6/19/14 7:11 PM Lathen, Jay	Lathen, Jay Ito, David		Re: Your Message RE: Updated ADV RE: Eden Arc - Revised Participant Agreement and Loan	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		

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663 Email	6/23/14 5:38 PM	Farrell, Margaret D.	Lathen, Jay	Robinson, Michael D.	Document	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
Email with 664 Attachment(s)	6/28/14 A:75 DM	Galbraith, Kevin	Lathen, Jay		Engagement Letter (Eden Arc Capital Management, LLC)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	t
665 Email		Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel.		<del></del>
666 Email	6/25/14 5:40 PM		Galbraith, Kevin		Re: Opinion Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
667 Email		Galbraith, Kevin	lathen, Jay				Communication reflecting legal advice of counsel.		<del></del>
668[£mai]	6/26/14 12:50 PM		Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
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669 Attachment(s)	6/30/14 3:37 PM	listhan tru	Galbraith, Kevin		FW: Bloomberg Law Document Delivery	Attorney Client Privilege	Communication requesting legal advice of counsel.	i '	ł
670 Email		Galbraith, Kevin	Lathen, Jay		RE: FW: Bloomberg Law Document Delivery		Communication reflecting legal advice of counsel.		——
671 Email	6/30/14 3:53 PM		Galbraith, Kevin			Attorney Client Privilege	Communication requesting legal advice of counsel.		
672 Ernail		Galbraith, Kevin	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
673Email	6/30/14 6:05 PM	Lathen lav	Montgomery, Michael H.			Attorney Client Privilege	Communication requesting legal advice of counsel.		
673(21141)	0/30/14 0.03 / 14	Cottlen, 701	William III		III. Stephes case	ALLOHIE CHARLES THE REAL	technical control respecting regar abovice or courses.	<del> </del>	<del></del>
674 Email	C/20/14 C:16 04	Montgomery, Michael H.	Lathen, Jay		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 '	
674 Elliali	0/30/14 0.10 FM	i i i i i i i i i i i i i i i i i i i	Cathera 789		nt. steples case	Actorney Chemic Stronge	Committee of the learning legal addice of coolings.		<del></del>
675 Email	6/2n/14 6:19 PM	Montgomery, Michael H.	tathen law		RE: Staples Case	Attorney Client Privilege	Communication reflecting legal advice of counsel.	i '	1
673Email	0/30/14 0.18 PM	Twomtgomery, witchaer it.	Latiteri, say		nz. steples case	Attorney Cheft Frishege	Commonitation renecting regar advice or counsel.		<del></del>
636/5-11	£ (30/3 £ 5.31 m)		lashan tou	<u> </u>	RE: Staples Case	Attorney Client Privilege	Communication and leading lead action of courses	1	
676 Email 677 Email	6/30/14 6:21 PM	Montgomery, Michael H.	Montgomery, Michael H.				Communication reflecting legal advice of counsel.		<del></del>
	6/30/14 6:22 PM 6/30/14 6:25 PM	Cathen, Jay	Montgomery, Michael H.		RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.	<b></b>	<del> </del>
678 Email	6/30/14 6:23 PM	Carnen, Jay	Mongonery, Michael II.		RE: Staples Case	Attorney Chent Privilege	Communication requesting legal advice of counsel.		
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679 Attachment(s)	6/30/14 8:46 PM				RE: FW; Bloomberg Law Document Delivery	Attorney Client Privilege	Communication requesting legal advice of counsel.		
680 Email	6/3U/14 8:52 PM	Galbraith, Kevin	Lathen, Jay		Re: Bloomberg Law Document Delivery	Accomey Chent Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del></del>
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681 Attachment(s)	7/1/14 1:03 PM	Galbraith, Kevin	Lathen, Jay	<del></del>	RE: FW: Bloomberg taw Document Delivery	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
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682 Attachment(s)	//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.	<b></b>	<del></del>
683 Email	7/1/14 4:39 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay		Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
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684 Attachment(s)	7/1/14 4:49 Ph	Galbraith, Kevin	tathen, Jay; Robinson, Michael D.	<del></del>	Executed.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
1 1 1		1	L	1	Re: Kevin Galbraith has signed Engagement Letter -	l		1 '	ì
685 Email	7/1/14 5:13 PA	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Fully Executed.	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
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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.	<u> </u>	
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687 Email	7/1/14 B:50 PA		Lathen, Kathy		FW: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
688 Email	7/1/14 10:56 PA	Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.				Communication reflecting legal advice of counsel.	<b></b> '	
689 Email	7/2/14 B:14 AN	A Lathen, Jay	Galbraith, Kevin	<u> </u>	Re: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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690 Email	7/2/14 9:12 AN		Lathen, Jay	L	Re: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
691 Email	7/2/14 1:08 PA	A 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 PN	A Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: Signed Engagement Letter & Payment	Attorney Client Privilege	Communication requesting legal advice of counsel.		
693 Email		Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.	L	Call with Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
694 Email	7/3/14 12:07 PA	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 PA	(Galbraith, Keyin	Robinson, Michael D.		RE: Call with Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
fismal 898	7/3/14 2:32 PA	Martman, David	Lathen, Jay		Documents for Best Execution Review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
697 Email	7/3/14 2:54 PA	A 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 PA	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay		Attorney Client Privilege	Communication requesting legal advice of counsel.		
699 Email		A Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay			Communication reflecting legal advice of counsel.		
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700 Attachment(s)	7/7/14 1:07 PA	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Prospect Capital - Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
701 Email	7/7/14 1:20 PA	Allathen, Jay	Galbraith, Kevin	Robinson, Michael D.			Communication requesting legal advice of counsel.		
702 Email		A Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.			Communication reflecting legal advice of counsel.		
703 Email	7/8/14 11:34 AN	A Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.			Communication reflecting legal advice of counsel.		
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704 Attachment(s)	7/8/14 3:54 PA	A Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Prospect Capital Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<i>l</i>	1
705 Email		A Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
705 Email	7/9/14 1:03 PA		Galbraith, Kevin		RE: Prospect Capital Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
707 Email		A Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel.		
708 Email		A Galbraith, Kevin	Lathen, Jay	<del> </del>			Communication reflecting legal advice of counsel.		<del></del>
709 Email	7/9/14 7:20 PA	Allathen law	Galbraith, Kevin	<del> </del>	RE: Prospect Capital Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
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710 Attachment(s)	7/10/14 3:40 PA	Allathan lav	Tannenbaum, Michael G.	Roper, Eric	FW: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.	'	I
711 Email	7/10/14 3:40 PM		Lathen, Jay	1			Communication reflecting legal advice of counsel.		<del></del>
712 Email		A Galbraith, Kevin	Lathen, Jay		RE: Prospect Capital — Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
713/Email	7/10/14 4:18 PA		Galbraith, Kevin	<del></del>	Re: Prospect Capital Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
713 Email	7/10/14 4:30 04	A Galbraith, Kevin	Lathen, Jav		RE: Prospect Capital Follow-Up	Attorney Client Provilege	Communication reflecting legal advice of counsel.		
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716 Email		A Tannenbaum, Michael G. A Galbraith, Kevin	Lathen, Jay Lathen, Jay	Roper, Eric; Sarkozi, Paul D.	Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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71/[Email 718[Email	7/10/14 7:07 PM 7/10/14 7:07 PM	Allathen Inc	Lathen, Jay Tannenbaum, Michael G.	Roper, Eric; Sarkozi, Paul D.				<del> </del>	
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720 Email	7/11/14 5:47 PA	A Galbraith, Kevin	Lathen, Jay	<del></del>	RE: Prospect Capital - Follow-Up	MITOLIEA CHEUT LUANESS	Communication reflecting legal advice of counsel.		
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721 Email	7/11/14 5:56 PA								
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Email with 722 Attachment(s)	7/14/14 10:23 AN	A Lathen, Jay	Galbraith, Kevin		Prospect Holdings	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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	Email	7/14/14 11:59 AM G		Lathen, Jay		Email Subject or File Name RE: Prospect Holdings	Privilege Type	Privilege Description Communication reflecting legal advice of counsel.	Redacted	Production Bates
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725	Attachment(s)	7/14/14 12:04 PM LI	athen, Jay	Galbraith, Kevin		RE: Prospect Holdings	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1 1
726	Email	7/14/14 1:07 PM G	ialbraith, Kevin	Lathen, Jay		RE: Prospect Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	7/15/14 4:39 PM K	ane, Darren	Lathen, Jay		FW: Involces from Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
	Email	7/16/14 9:31 AM G		Lathen, Jay		Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	7/16/14 9:57 AM L	athen, Jay	Galbraith, Kevin		Re: Schedule the rest of the week	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	7/16/14 9:59 AM G	ialbraith, Kevin	Lathen, Jay		RE: Schedule the rest of the week	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	7/16/14 5:05 PM G	albraith, Kevin	Lathen, Jay		RE: Schedule the rest of the week		Communication reflecting legal advice of counsel.		
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	Email	7/16/14 5:26 PM G 7/16/14 5:35 PM G		Lathen, Jay Lathen, Jay		RE: Schedule the rest of the week RE: Schedule the rest of the week		Communication reflecting legal advice of counsel.	<del></del>	
	Email:	7/16/14 5:49 PM LI		Galbraith, Kevin			Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		<del>                                     </del>
	Email	7/16/14 6:05 PM G		Lathen, Jay				Communication reflecting legal advice of counsel.	<del></del>	
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737	Email	7/17/14 2:16 PM G	Salbraith, Kevin	Robinson, Michael D.		Michael_Robinson_wants_to_share_*PROSPECT_CAPIT  AL_DATABASE*_with_you  Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
738	Email	7/17/14 3:46 PM R	obinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Michael_Robinson_wants_to_share_"PROSPECT_CAPIT AL_DATABASE"_with_you	Attorney Client Privilege	Communication requesting legal advice of counsel.	İ	
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739	Email	7/17/14 3:54 PM G	ialbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Michael_Robinson_wants_to_share_"PROSPECT_CAPIT AL_DATABASE"_with_you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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740	Email	7/21/14 12:06 PM G	ialhraith Kevin	Lathen, Jay	Robinson, Michael D.	Michael_Robinson_wants_to_share_"PROSPECT_CAP ITAL_DATABASE"_with_you	Attorney Client Privilege	Communication reflecting local advice of course	1	
/40		1/24/14 12 VO PM U	resustanti, AEVIII	Letters, set	november, Michael C.	RE-	ALLOHNEY CHERT PRIVILEGE	Communication reflecting legal advice of counsel.	+	<del> </del>
741	Email	7/21/14 12 50 PM U	athen, Jay	Galbraith, Kevin	Robinson, Michael D	Michael_Robinson_wants_to_share_"PROSPECT_CAP ITAL_DATABASE"_with_you Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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742	Email	7/21/14 1 03 PM G	ialbraith, Kevin	Lathen, Jay	Robinson, Michael D.	ITAL_DATABASE*_with_you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Email 1	7/21/14 1:42 PM G	ialbraith, Kevin	Lathen, Jay	Robinson, Michael D	ITAL_DATABASE"_with_you	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u> </u>	
	Email with					IFWD: Fw: Supplemental Indenture to Eden Arc Prospect		,		
	Attachment(s)	7/22/14 4:01 PM G		Lathen, Jay; Robinson, Michael O.		Holdings		Communication reflecting legal advice of counsel.		
	Email Email	7/24/14 5:31 PM G	albraith, Kevin	Lathen, Jay; Robinson, Michael D.	2-1			Communication reflecting legal advice of counsel.		<del></del>
	Email	7/24/14 5:48 PM L	arrell, Margaret D.	Galbraith, Kevin	Robinson, Michael D. Flanders, Robert G.	Re: Next week Michael Horowitz		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
	Email	7/31/14 7:17 PM L		Lathen, Jay Farrell, Margaret D.	Flanders, Robert G.	Re: Michael Horowitz		Communication requesting legal advice of counsel.		l
	Email	8/4/14 3.00 PM L		Blattmachr, Jonathan	riangers, nodert G.			Communication requesting legal advice of counsel.	<del></del>	
750	Email		lattmachr, Jonathan	Lathen, Jay		RE: Follow-up		Communication reflecting legal advice of counsel.		
				Lathen, Jay; Zeydel, Diana; Figueras,		Telephone Conference: Diana Zeydel and Jay Lathen re				
	Email Email	8/4/14 3:15 PM Z 8/4/14 6:31 PM L	eyoer, Diana	Marilyn Galbraith, Kevin	Robinson, Michael D.	seeking legal opinion (referred by J. Blattmachr)	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
752	Email	8/4/14 6 41 PM G			Robinson, Michael D.	Follow-up RE: Follow-up		Communication reflecting legal advice of counsel.	<del></del>	
	Email	8/5/14 1 41 PM G		Lathen, Jay	Robinson, Michael D.	RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	8/5/14 2:02 PM G		Lathen, Jay	Robinson, Michael D.	RE: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	8/5/14 2:49 PM L	athen lav	Galbraith, Kevin	Robinson, Michael D.	Re: Follow-up		Communication requesting legal advice of counsel.	_	<del> </del>
	Email	8/14/14 6 09 PM G	albraith, Kevin	Lathen, Jay		Fwd: from US Bank outside counsel		Communication reflecting legal advice of counsel.	1	
758	Email	8/15/14 3:07 AM L		Galbraith, Kevin	Robinson, Michael D.	Re: from US Bank outside counsel		Communication requesting legal advice of counsel.	1	1
759	Email	8/15/14 2:34 PM G		Lathen, Jay	Robinson, Michael D.	Re: from US Bank outside counsel		Communication reflecting legal advice of counsel.	1 .	
	Email	8/18/14 9:38 AM G		Lathen, Jay	Robinson, Michael D.	RE: from US Bank outside counsel			T	
	Email	8/18/14 9:48 AM/L		Galbraith, Kevin	Robinson, Michael D.	RE: from US Bank outside counsel		Communication requesting legal advice of counsel.	1	
	Email	8/18/14 1.56 PM G		Lathen, Jay	Robinson, Michael D.	RE: from US Bank outside counsel		Communication reflecting legal advice of counsel.		
	Email	8/18/14 6.05 PM L		Blattmachr, Jonathan		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	8/20/14 4 02 PM G		Lathen, Jay	Robinson, Michael D.	Updates		Communication reflecting legal advice of counsel.		
	Email	8/25/14 6:36 PM K	ane, Darren	Lathen, Jay		Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	8/26/14 4 29 PM L		Galbraith, Kevin	<del></del>	Goldman Correspondence		Communication requesting legal advice of counsel.		+
	Email Email	8/26/14 S 13 PM G		Lathen, Jay Galbraith, Kevin		RE: Goldman Correspondence	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del> </del>
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	Attachment(s)	8/27/14 7:57 AM L	athen, Jay	Galbraith, Kevin		My letter to US Bank dated January 29, 2014	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
772	Email	8/27/14 9:29 AM G	ialbraith, Kevin	Lathen, Jay		Re: Legal Research		Communication reflecting legal advice of counsel.		
773	Email	8/27/14 2:48 PM G	albraith, Kevin	Lathen, Jay		RE: Legal Research		Communication reflecting legal advice of counsel.		
	Email	8/27/14 2:49 PM L	athen, Jay	Galbraith, Kevin		RE: Legal Research		Communication requesting legal advice of counsel.		
	Email	8/27/14 11:15 PM G	ialbraith, Kevin	Lathen, Jay	L	RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
776	Email	8/27/14 11:52 PM L	athen, Jay	Galbraith, Kevin		Re: Legal Research	Attorney Client Privilege	Communication requesting legal advice of counsel.	4	
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777	Attachment(s)	8/28/14 1:44 PM L	athen, Jay	Galbraith, Kevin		RE: Legal Research	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	<del></del>
	Email	8/28/14 1:55 PM G		Lathen, Jay		RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
	Email Email with	8/29/14 12:48 PM G	aioraith, Kevin	Lathen, Jay		RE: Legal Research	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	+
	Attachment(s)	8/29/14 4:59 PM G	albraith Kovin	Lathen, Jay	1	Letter Draft with KG Suggested Revisions	Attaches Client Debile	Communication reflecting legal advice of counsel.	1	
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	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.	1	
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782 4	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 E			Galbraith, Kevin	lathen, Jay		RE: Letter - Draft with KG Suggested Revisions		Communication reflecting legal advice of counsel.		
784 E	[mail	9/2/14 1.52 PM	tathen, Jay	Galbraith, Kevin		RE: Letter Draft with KG Suggested Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.		<u> </u>
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	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.	<del></del>	<u> </u>
	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.		<del> </del>
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	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.		
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	Attachment(s) Email with	9/2/14 5:27 PM	Latnen, Jay	Galbraith, Kevin		RE: Letter – Draft with KG Suggested Revisions [FWD: Prospect Capital Corporation Survivor's Option	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
		0/3/14 5 47 014	Galbraith, Kevin	Larbon Inc	1	[Submissions]	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ĺ	
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	Attachment(s)	9/7/14 6-14 PM	Galbraith, Kevin	Lathen, Jay		Bill 9-2-14	Attorney Client Privilege	Communication reflecting legal advice of counsel.	i	
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	Attachment(s)	9/3/14 2:03 PM	lathen lav	Galbraith, Kevin		US Bank Recent Reject Letters	Attorney Client Privilege	Communication requesting legal advice of counsel.		l
792 (5			Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel.		
	Email with	3/3/141.031.00	Colorating section			[FWD: Eden Arc Capital - Additional Submissions			<del></del>	<del></del>
	Attachment(s)	9/3/14 2:27 PM	Galbraith, Kevin	Lathen, Jay		Rejected)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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794 E	Email	9/3/14 3:47 PM	Lathen, Jay	Galbraith, Kevin		Rejected)	Attorney Client Privilege	Communication requesting legal advice of counsel.	-1	
			Galbraith, Kevin	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	<b> </b>
795 E	Email	9/4/14 S:46 PM		Galbraith, Kevin				Communication requesting legal advice of counsel.	1	
7971	Email		Galbraith, Kevin	Lathen, Jay		Re: [FWD: Prospect Capital]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email		Galbraith, Kevin	Lathen, Jay		RE: (FWD: Prospect Capital)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	9/5/14 11:07 AM	Lathen, Jay	Galbraith, Kevin				Communication requesting legal advice of counsel.		
	Email	9/5/14 11:51 AM	Galbraith, Kevin	Lathen, Jay		Fwd: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
801 E		9/5/14 11:51 AM	Galbraith, Kevin	Lathen, Jay		Re: (FWD: Prospect Capital)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
802 8	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 E	Email	9/5/14 3:30 PM		Galbraith, Kevin		FINRA	Attorney Client Privilege	Communication requesting legal advice of counsel.		
804 E			Galbraith, Kevin	Lathen, Jay		RE: FINRA	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
805 E		9/5/14 6:21 PM		Lathen, Jay		RE: Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
806 E	Email	9/6/14 10:54 AM		Kane, Darren		Re: Monthly Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	9/6/14 9:33 PM		Lathen, Jay	Hartman, David	RE: Monthly Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email		Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel,	<del></del>	_
	Email	9/9/14 2:20 PM		Galbraith, Kevin		RE: FINRA CAR	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email .		Galbraith, Kevin	Lathen, Jay		RE: FINRA CAN	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
811 F	Email	9/9/14 2:59 PM		Galbraith, Kevin		RE: FINRA CAN	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del> -	
812		9/9/14 3:05 PM	lathen, lay	Galbraith, Kevin		RE: FINRA Call	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
813		9/9/14 3:28 PM	Galbraith, Kevin	Lathen, Jay		RE: FINRA Cati	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with		L	Kane, Darren		FW: Invoice 1-360536 from Vintage	Attorney Client Privilege	Communication and advantage of account		
81414			Latnen, Jay			PW: Invaice 1-350536 from Vintage	Attorney Chent Privilege	Communication requesting legal advice of counsel.		
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- 18	Email with			T		Title levelen 1-2633P3 from Motors	Attornou Client Brivilage	Communication requesting legal addes of source	<del> </del>	1
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.		
815 A	Email with Attachment(s) Email	9/9/14 4:35 PM 9/9/14 10:50 PM	Lathen, Jay Kane, Darren	Kane, Darren Lathen, Jay		RE: Involce 1-362182 from Vintage	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
815 A 816 E 817 E	Email with Attachment(s) Email Email	9/9/14 4:35 PM 9/9/14 10:50 PM 9/10/14 10:39 AM	Lathen, Jay Kane, Darren Lathen, Jay	Kane, Darren Lathen, Jay Kane, Darren		RE: Invoice 1-362182 from Vintage RE: Invoice 1-362182 from Vintage	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
815 A 816 E 817 E 818 E	Email with Attachment(s) Email Email Email	9/9/14 4:35 PM 9/9/14 10:50 PM 9/10/14 10:39 AM 9/10/14 10:57 AM	Lathen, Jay Kane, Darren Lathen, Jay Kane, Darren	Kane, Darren Lathen, Jay Kane, Darren Lathen, Jay		RE: Invoice 1-362182 from Vintage RE: Invoice 1-362182 from Vintage RE: Invoice 1-362182 from Vintage	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
815 A 816 E 817 E 818 E 819 E	Email with Attachment(s) Email Email Email Email Email	9/9/14 4:35 PM 9/9/14 10:50 PM 9/10/14 10:39 AM	Lathen, Jay Kane, Darren Lathen, Jay Kane, Darren	Kane, Darren Lathen, Jay Kane, Darren		RE: Invoice 1-362182 from Vintage RE: Invoice 1-362182 from Vintage RE: Invoice 1-362182 from Vintage	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
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815 A 816 E 817 E 818 E 819 E 820 A 821 E	Email with Attachment(s) Email	9/9/14 4:35 PM 9/9/14 10:50 PM 9/10/14 10:39 AM 9/10/14 10:57 AM 9/10/14 11:32 AM	Lathen, Jay Kane, Darren Lathen, Jay Kane, Darren Kane, Darren Kane, Darren Lathen, Jay Kane, Darren	Kane, Darren Lathen, Jay Kane, Darren Lathen, Jay Lathen, Jay		All: Invoice 1-362182 from Vintage All: Invoice 1-362182 from Vintage All: Invoice 1-362182 from Vintage FW: Invoice 1-362182 from Vintage FW: Invoice 1-362892 from Vintage All: Invoice 1-362892 from Vintage All: Invoice 1-362892 from Vintage	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel.		
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843 Email 9/19/14 3:04 PM Galbraith,	and the same of th	ļ					
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844 Attachment(s) 9/19/14 6:24 PM Galbraith, 1		1	Fwd: Prospect Capital Corp. Survivor's Option		Communication and agree to the state of the	1 1	
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845 Email 9/19/14 7 02 PM Lathen law			Re: Prospect Capital Corp. Survivor's Option		L	1	
845 Email 9/19/14 7.02 PM Lathen, Jay	Galbraith, Kevin		Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
846 Email 9/19/14 9 54 PM Galbraith		1	Re: Prospect Capital Corp. Survivor's Option		la	1	
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849 Email 9/22/14 8 34 AM Lathen law			RE: Prospect Capital Corp. Survivor's Option			i	İ
849 Email 9/22/14 8:34 AM Lathen, Jay	Galbraith, Kevin		Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
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851 Email 9/22/14 8:42 AM Lathen, Jay	Galbraith, Kevin		Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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852 Attachment(s) 9/22/14 12:56 PM Galbraith,	in Lathen, Jay		Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
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853 Email 9/22/14 1:17 PM Lathen, Jay	Galbratth, Kevin		Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
854 Email 9/23/14 2:31 PM Lathen, Jay	Galbraith, Kevin		RE: Follow-Up		Communication requesting legal advice of counsel.		
855 Email 9/23/14 2:35 PM Galbraith,	rin Lathen, Jay		RE: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	ļ
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856 Email 9/24/14 11:52 AM Galbraith,	rin Lathen, Jay		Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1 1 1 -			RE: Prospect Capital Corp. Survivor's Option				
857 Email 9/24/14 12:27 PM Lathen, Jay	Galbraith, Kevin	<u> </u>	Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.		
			RE: Prospect Capital Corp. Survivor's Option				
858 Email 9/24/14 12:29 PM Galbraith.	rin Lathen, Jay		Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u> </u>	
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859 Email 9/24/14 12:30 PM Galbraith,	rin Lathen, Jay	1	Submissions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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860 Email 9/24/14 12:57 PM Lathen, Jay	Galbraith, Kevin	1	Submissions	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
861 Email 9/29/14 4.01 PM Lathen, Jay	Montgomery, Michael H.	<del>                                     </del>	RE: Staples Case	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	1
862 Email 9/29/14 4:09 PM Galbraith,	rin Lathen, Jay		FINRA Follow-Up Call	Attorney Client Privilees	Communication reflecting legal advice of counsel.		<del>                                     </del>
863 Email 9/29/14 4:23 PM Lathen, Jay	Galbraith, Kevin		RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	
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867 Email 9/30/14 11:03 AM Galbraith,	rin Lathen, Jay	Robinson, Michael D.	RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	ļ
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868 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.	_	<u> </u>
869 Email 9/30/14 12:09 PM Galbraith,	rin Lathen, Jay		RE: FWD: Eden Arc Capital - GE Capital Internotes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	·	
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870 Attachment(s) 9/30/14 12:26 PM Galbraith,	rin Lathen, Jay	Robinson, Michael D.	RE: FINRA Follow-Up Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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878 Email 10/1/14 12:58 PM Galbraith,	rin Lathen, Jay	Robinson, Michael D.	FWD: RE: Prospect Capital v. Lathen et al Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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Entry Number Record Type	Date From	70	Gr	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
895 Email	10/3/14 11:50 AM Kane, Darren	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.	il di Arte	
Email with							1 1	
896 Attachment(s)	10/3/14 12:55 PM Lathen, Jay	Xane, 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,		
Email with		l				la	1 1	
898 Attachment(s)	10/3/14 1:53 PM Galbraith, Kevin 10/3/14 2:13 PM Lathen, Jay	Lathen, Jay Kane, Darren	Hartman, David	Call with Prospect Pushed Back to Monday RE: SEC Info Request	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
899 Email 900 Email	10/3/14 2:13 PM (Lathen, Jay 10/3/14 2:17 PM Kane, Darren	Lathen, Jay		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		Communication reflecting legal advice of counsel.	<del></del>	
902 Email	10/6/14 6:16 PM Lathen, Jay	Hartman, David	<del></del>	RE: call tomorrow		Communication requesting legal advice of counsel.		
903 Email	10/8/14 2:20 PM Galbraith, Kevin	Lathen, Jay	<del> </del>	Status Update		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 requesting 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.		
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909 Attachment(s)	10/9/14 2:37 PM Lathen, Jay	Kane, Darren		Line of Credit Agreement RE: Line of Credit Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.		
910 Email	10/9/14 3:27 PM Kane, Darren 10/9/14 4:43 PM Lathen, Jay	Lathen, Jay Kane, Darren		RE: Line of Credit Agreement		Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
911 Email	10/9/14 4:43 PM Lathen, Jay 10/9/14 6:46 PM Lathen, Jay	Kane, Darren		SEC Stuff	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	
912 Email 913 Email	10/9/14 7:27 PM Kane, Datren	Lathen, Jay		RE: SEC Stuff	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
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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.	1	1
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915 Attachment(s)	10/10/14 1 44 PM Lathen, Jay	Kane, Darren	l	RE: SEC Stuff	Attorney Client Privilege	Communication requesting legal advice of counsel.	<u> </u>	
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916 Attachment(s)	10/10/14 2 05 PM Lathen, Jay	Kane, Darren		Utigation Summary	Attorney Client Privilege	Communication requesting legal advice of counsel.	<u> </u>	
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917 Attachment(s)	10/10/14 2:21 PM Kane, Darren	Lathen, Jay		Partfolia Holdings	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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918 Attachment(s)	10/10/14 4:45 PM Kane, Darren	Lathen, Jay	<del></del>	IXE: Litigation Summary	Attorney Chent Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
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920 Attachment(s)	10/10/14 4:52 PM Lathen, Jay	Kane, Darren	J	Letter to US Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	. 1
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921 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.	11	
Email with								
922 Attachment(s)	10/10/14 5:16 PM Kane, Darren	Lathen, Jay	L	Redacted Investor Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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923 Attachment(s)	10/10/14 5:23 PM Galbraith, Kevin	Lathen, Jay	ļ	[FWD: Survivor's Option]	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
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924 Attachment(s)	10/10/14 6:01 PM Kane, Darren 10/14/14 11:07 AM Galbraith, Kevin	Lathen, Jay		Call Re: US Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del>                                     </del>	
925 Email 926 Email	10/14/14 11:21 AM (Galbratti, Kevin 10/14/14 11:21 AM (Lathen, Jay	Galbraith, Kevin		Re: Call Re: US Bank		Communication requesting legal advice of counsel.	<del> </del>	
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927 Attachment(s)	10/14/14 12:10 PM lathen, Jay	Kane, Darren	l	FW: FW: EndCare Brochure	Attorney Client Privilege	Communication requesting legal advice of counsel.	1 1	
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.	1	
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.		
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931 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.	<del> </del>	
933 Email	10/15/14 3:02 PM Lathen, Jay	Galbraith, Kevin	<del> </del>	Re: Call Re: US Bank	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	
934 Email	10/15/14 5:36 PM Robinson, Michael D.	Roper, Eric	Users Butt	FedEx SEC Conference Call		Communication requesting legal advice of counsel.		
935 Email	10/16/14 10:14 AM Lathen, Jay 10/16/14 1:04 PM Kane, Darren	Kane, Darren	Hartman, David Hartman, David	RE: SEC Conference Call		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	+	
936 Email 937 Email	10/16/14 1:04 PM Lathen, Darren 10/16/14 1:47 PM Lathen, Day	Lathen, Jay Kane, Darren	Hartman, David	Re: SEC Conference Call	Attorney Client Privilera	Communication requesting legal advice of counsel.	<del>                                     </del>	
938 Email	10/16/14 1:48 PM Kane, Darren	Lathen, Jay		RE: SEC Conference Call	Attorney Client Privilese	Communication reflecting legal advice of counsel.	1	
939 Email	10/16/14 7:43 PM Kane, Darren	Lathen, Jay	<del>                                     </del>	do you have a seç? 212-229-2229	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
940 Email	10/17/14 10:50 AM Galbraith, Kevin	Lathen, Jay		GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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941 Attachment(s)	10/17/14 12:17 PM Lathen, Jay	Xane, 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	ļ	RE: SEC Additional Info Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>                                     </del>	
945 Email	10/17/14 4:47 PM Lathen, Jay	Kane, Darren	<del></del>	Re: SEC Additional Info Request RE: SEC Additional Info Request	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del> </del>	
946 Email 947 Email	10/17/14 6:12 PM Kane, Darren 10/19/14 12:01 PM Kane, Darren	Lathen, Jay Lathen, Jay		Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
947 Email	10/19/14 12:01 PM kane, Darren 10/19/14 12:11 PM Lathen, Jay	Kane, Darren		Re: Inquiry		Communication requesting legal advice of counsel.	+	
949 Email	10/19/14 12:11 PM (athen, lay 10/19/14 1:27 PM Kane, Darren	Lathen, Jay	<del> </del>	RE: Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
950 Email	10/20/14 12:40 PM Galbraith, Kevin	Lathen, Jay	<del>                                     </del>	Status Update and Wednesday Call		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.	<del> </del>	
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.	<del>                                     </del>	
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953 Attachment(s)	10/20/14 6:25 PM Kane, Darren	Lathen, Jay		Revised EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.	J l	
954 Email	10/21/14 8:35 AM Galbraith, Kevin	tathen, Jay		GE Capital Quastion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
955 Email	10/22/14 9:27 AM Lathen, Jay	Galbraith, Kevin		Re: GE Capital Question		Communication requesting legal advice of counsel.		
956 Email	10/21/14 9:43 AM Galbraith, Keyin	Lathen, Jay		RE: GE Capital Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b>ا</b> لــــــــــــــــــــــــــــــــــــ	
957[Email	10/21/14 9:48 AM Lathen, Jay	Galbraith, Kevin		Re: GE Capital Question	JATTOrney Client Privilege	Communication requesting legal advice of counsel.	i1	

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958 Attachment(s)	10/21/14 5:12 PM L	athen Isu	Kane, Darren		SBI Acont Conses Manne	Attace or Chart Drivilage	Communication converting legal advanced annual		
959 Email	10/21/14 6:45 PM X		lathen, Jay		FBI Agent Grosse Memo RE: FBI Agent Grosse Memo	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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960 Attachment(s)	10/22/14 2:58 PM R	Robinson, Michael D.	Galbraith, Kevin	tathen, Jay	GECC at First SouthWest	Attorney Client Privilege	Communication requesting legal advice of counsel.		
961 Email	10/22/14 3:30 PM G	Gatbraith, Kevin	Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
962 Email	10/22/14 4:24 PM C	Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel.		
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963 Attachment(s)	10/22/14 4 40 PM C	Galbraith, Kevin	Lathen, Jay		RE: Language for SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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964 Attachment(s)	10/22/14 10:19 PM	Kane, Darren	Lathen, Jay		Definition of "Documents"	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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965 Email	10/23/14 9.21 AM L 10/23/14 10:35 AM K		Kane, Darren Lathen, Jay		EndCare Application Form	Attorney Client Privilege	Communication requesting legal advice of counsel.		
967 Email	10/23/14 1.03 PM L		Xane, Darren		RE: EndCare Application Form SEC email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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968 Attachment(s)	10/22/14 1:40 044	Robinson, Michael D.	Kane, Darren	Lathen, Jay	EndCare Brochure	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
969 Email	10/23/14 3:03 PM		Robinson, Michael D.	Letiten, Jay			Communication reflecting legal advice of counsel.	-	
970 Email	10/23/14 4:57 PM	Kane Darren	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
971 Email	10/23/14 6:27 PM L		Galbraith, Kevin			Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
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972 Attachment(s)	10/23/14 8:04 PM I	Kane Darren	Lathen, Jay	1	RE: EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
973 Email	10/24/14 10:28 AM L		Galbraith, Kevin				Communication requesting legal advice of counsel.	<del>                                     </del>	
974 Email	10/24/14 10:28 AM		Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
975 Email	10/24/14 11:42 AM		Lathen, Jay				Communication reflecting legal advice of counsel.	1	
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976 Attachment(s)	10/24/14 7:51 PM	Lathen, Jay	Kane, Darren	l	Investor Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.	<u> </u>	L
977 Email	10/24/14 8:02 PM	Kane, Darren	Lathen, Jay		RE: Investor Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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 L		Galbraith, Kevin				Communication requesting legal advice of counsel.	I	
980 Email	10/27/14 9:55 AM		Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		L
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981 Attachment(s)	10/27/14 2:06 PM L	lathen, Jay	Galbraith, Kevin		US Bank Securities	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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982 Attachment(s)	10/27/14 2:36 PM 1		Galbraith, Kevin		FW: US Bank Securities	Attorney Client Privilege	Communication requesting legal advice of counsel.		
983 Email	10/27/14 3:13 PM/L		Galbraith, Kevin				Communication requesting legal advice of counsel.		
984 Email	10/27/14 3:30 PM C		Lathen, Jay				Communication reflecting legal advice of counsel.		
985 Email	10/27/14 4:58 PM C		Lathen, Jay				Communication reflecting legal advice of counsel.		
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1028		11/5/14 3:40 PM		Xane, Darren		RE: Invoices From Mission Critical Services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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1029	Attachment(s)	11/5/14 4:45 PM	Hartman, David	Lathen, Jay		ADV 28 draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1030		11/5/14 7:12 PM		Hartman, David				Communication requesting legal advice of counsel.		
	Email with									
	Attachment(s)	11/5/14 7:28 PM	Lathen, Jav	Hartman, David		RE: ADV 2B draft for your review	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
1032		11/6/14 11 08 AM		Robinson, Michael D.	Lathen, Jay	RE: New SEC Folder	Attorney Client Privilege	Communication reflecting legal advice of counsel.	_	
	Email with									
	Attachment(s)	11/6/14 11:31 AM	Hartman David	Lathen, Jay	Kane, Darren	RE: ADV 28 draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
1034		11/6/14 11:36 AM	Fana Davies			RE: New SEC Folder	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
	Email with	11/0/14 11.30 AM	Kane, Danen	Cathen, 189	I STATE OF THE PARTY OF THE PAR	NE. NEW JCC FOIDE	Attorney Chent Privilege	technication resecting legal source of courses.	+	
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	Attachment(s)	11/6/14 11:42 AM		Lathen, Jay	Hartman, David	RE: ADV 2B draft for your review	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
	Email	11/6/14 11:48 AM		Hartman, David	Kane, Darren	RE: ADV 2B draft for your review		Communication requesting legal advice of counsel.	+	
1037	<u>tmail</u>	11/6/14 11:48 AM	Latnen, Jay	Kane, Darren	Robinson, Michael D.; Hartman, David	RE: New SEC Folder	Accorney Client Privilege	Communication requesting legal advice of counsel	<del></del>	
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	Attachment(s)	11/6/14 11:49 AM		Kane, Darren	Robinson, Michael D.; Hartman, David	RE: New SEC Folder	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
1039		11/6/14 1:23 PM		Galbraith, Kevin				Communication requesting legal advice of counsel.		
1040		11/6/14 2:58 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		L
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	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.	J	
1042	Email	11/7/14 9:32 AM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	11/11/14 8:59 AM	Galbraith, Kevin	Lathen, Jay	l	FW: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	11/11/14 2:00 PM	Lathen, Jav	Galbraith, Kevin	1	RE: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
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	Attachment(s)	11/11/14 2:23 PM	Galhraith Kevin	Lathen, Jay		Re: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
1046		11/11/14 10:39 PM		Galbraith, Kevin		Fwd: Eden Arc - CONFIDENTIAL	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1047		11/12/14 7:06 AM	Galbraith Kevin	Lathen, Jay		Re: Eden Arc - CONFIDENTIAL		Communication reflecting legal advice of counsel.		
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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.		
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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.	Ĭ	
1080 Email	11/20/14 2 04 PM		Galbraith, Kevin				Communication requesting legal advice of counsel.	1	
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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		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				Communication requesting legal advice of counsel.		
1085 Email	11/25/14 5 04 PM		Lathen, Jay			Attorney Client Privilege			
1087 Email	11/26/14 1:38 PM 11/26/14 4 47 PM		Lathen, Jay		RE: Tonight	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1088 Email	11/27/14 9:14 AM		Lathen, Jay				Communication reflecting legal advice of counsel.  [Communication reflecting legal advice of counsel.	+	
1089 Email	12/2/14 11:27 AM	tathen lav	Hartman, David			Attorney Client Privilege		<del></del>	
1090 Email	12/2/14 11:39 AM		Lathen, Jay		RE: SEC Conference Call Request Tomorrow 1PM		Communication reflecting legal advice of counsel.	+	
1091 Email	12/2/14 11:40 AM		Hartman, David			Attorney Client Privilege		<del> </del>	<del></del>
1092 Email	12/2/14 1:52 PM		Hartman, David			Attorney Client Privilege	Communication requesting legal advice of counsel.		
1093 Email		Hartman, David	Lathen, Jay		RE: SEC Conference Call Request Tomorrow 1PM		Communication reflecting legal advice of counsel.	1	
1094 Email	12/2/14 4 02 PM	Lathen, Jay	Hartman, David		RE: SEC Conference Call Request Tomorrow 1PM		Communication requesting legal advice of counsel.		
,					[BULK] RE: SEC Conference Call Request Tomorrow				
1095 Email		Hartman, David	Lathen, Jay	Kane, Darren	1PM	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1096 Email		Galbraith, Kevin	Lathen, Jay		Message		Communication reflecting legal advice of counsel.		<b></b> _
1097 Email	12/3/14 5:20 PM		Galbraith, Kevin		You still on with Muccia?		Communication requesting legal advice of counsel.		
1098 Email	12/4/14 10:59 AM		Galbraith, Kevin	ļ <u></u>	RE: 10 am call running long - I'll call around 11:15	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	<del> </del>
1099 Email	12/4/14 10:59 AM		Lathen, Jay		10 am call running long I'll call around 11:15	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del> </del>
1100 Email Email with	12/4/14 1:11 PM	Lauren, Jay	Galbraith, Kevin		RE: 10 am call running long I'll call around 11:15	ALLOTHEY LIVERT PRIVILEGE	Communication requesting legal advice of counsel.	+	<del> </del>
1101 Attachment(s)	12/4/14 1-28 044	Galbraith, Kevin	Eathen, Jay		Re: 10 am call running long (1) call around 11:15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1102 Attachment(s)	12/4/14 2:20 PM	Galbraith, Kevin	Lathen, Jay		Re: 10 am call running long (1) call around 11:15	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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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.		
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1104 Attachment(s)	12/4/14 8.43 PM	Lathen, Jay	Galbraith, Kevin		RE: 10 am call running long - I'll call around 11:15	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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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.		
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1106 Attachment(s) Email with	12/8/14 10:51 AM	Galbraith, Kevin	Lathen, Jay	<b></b>	Re: New Participant Agreement and Chris Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del>                                      </del>
1107 Attachment(s)	12/8/14 12:08 PM	lather In	Galbraith, Kevin	1	RE: New Participant Agreement and Chris Robertson	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
Email with	12/0/14 12 00 FW	Lattien, Jay	Gailliatti, Keviti		NE NEW Participant Agreement and Chris Robertson	Attorney Chent Frienche	Communication requesting regal source of counsel.		<del> </del>
1108 Attachment(s)	12/8/14 12:17 PM	Galbraith, Kevin	Lathen, Jay	1	Re: New Participant Agreement and Chris Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	į.
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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		RE: SEC Request 5	Attorney Client Privilege	Communication reflecting legal advice of counsel.		I
1111 Email	12/9/14 12:05 PM		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	<u></u>	RE: SEC Request 5	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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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.		
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1115 Email		Galbraith, Kevin	Lathen, Jay Lathen, Jay		Re: New Participant Agreement U.S. Bank		Communication reflecting legal advice of counsel.		+
1116 Email	12/10/14 6 55 PM	Uathen Isu	Galbraith, Kevin		RE: U.S. Bank		Communication requesting legal advice of counsel.		<del></del>
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1117 Attachment(s)	12/11/14 10:42 AM	Galbraith, Kevin	Lathen, Jay	1	Re: U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	L
1118 Email	12/11/14 5:21 PM	Galbraith, Kevin	Lathen, Jay		GE Capital		Communication reflecting legal advice of counsel.		
1119 Email	12/11/14 5:29 PM		Galbraith, Kevin		RE: GE Capital		Communication requesting legal advice of counsel.		
1120 Email	12/11/14 5:55 PM		Galbraith, Kevin		RE: U.S. Bank		Communication requesting legal advice of counsel.		
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1121 Attachment(s)		Galbraith, Kevin	Lathen, Jay	1	Re: U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<b></b>
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.	<del></del>	<del> </del>
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1123 Attachment(s)	12/11/14 8:19 PM	i Galbraith, Kevin	Lathen, Jay		Re: U.S. Bank		Communication reflecting legal advice of counsel.		<del> </del>
1124 Email	12/12/14 8:54 AM	Galberich Karda	Galbraith, Kevin	<del></del>	RE: U.S. Bank		Communication requesting legal advice of counsel.	<del></del>	+
1125 Email	12/12/14 12:12 PM 12/12/14 12:18 PM		Lathen, Jay Galbraith, Kevin	· · · · · · · · · · · · · · · · · · ·	Re: U.S. Bank Re: U.S. Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	+	<del> </del>
1126 Email 1127 Email	12/15/14 3:04 PM		Lathen, Jay		Suing Indenture Trustee for Damages		Communication requesting legal advice of counsel.		<del>                                     </del>
1128 Email	12/15/14 3 48 PM		Galbraith, Kevin	<del> </del>	RE: Suing Indenture Trustee for Damages		Communication requesting legal advice of counsel.	<del>                                     </del>	
1129 Email	12/17/14 3:38 PM		Galbraith, Kevin	<u> </u>		Attorney Client Privilege	Communication requesting legal advice of counsel.		
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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.		
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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.		<b></b>
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1132 Attachment(s)	12/17/14 5:13 PM	Galbraith, Kevin	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del> </del>
1132 Attachment(s)			1	1	FW: NYSCEF Notification: New York - Tort -	I	1		1
1134 Attachment(s)				I .	<stipulation> 156375/2014(PROSPECT CAPITAL</stipulation>	1	i	1	1
		V	h	)	CORDONATION DOMAIN LATURAL IN "				
1133 Email	12/18/14 9:46 AM	Galbraith, Kevin	Lathen, Jay		CORPORATION - v DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del> </del>
1133 Email Email with					· · · · · · · · · · · · · · · · · · ·	1		<del> </del>	
1133 Email Email with 1134 Attachment(s)	12/18/14 1:52 PM	Lathen, Jay	Galbraith, Kevin		Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1133 Email Email with	12/18/14 1:52 PM				· · · · · · · · · · · · · · · · · · ·	Attorney Client Privilege			

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	Email with	Date	From	10		Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
	7 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.	1 1	1
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	S Attachment(s)	12/19/14 2:20 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.	] ]	i
	9 Email	12/19/14 3:26 PM		Galbraith, Kevin				Communication requesting legal advice of counsel.		
	Email with									
1140	O Attachment(s)	12/19/14 3:40 PM		Lathen, Jay		FW: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.	L	i
1141	1 Email	12/19/14 5:34 PM	Galbraith, Kevin	Lathen, Jay		Fee Proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with					1				
1142	2 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.	1 1	i
	3 Email	12/24/14 3:03 PM	Lathen, Jay	Galbraith, Kevin				Communication requesting legal advice of counsel.		
1144	4 Email	12/24/14 3:28 PM	Lathen, Jay	Galbraith, Kevin				Communication requesting legal advice of counsel.		
	Email with									
1145	S Attachment(s)	12/24/14 3 52 PM	Galbraith, Kevin	Lathen, Jay		Re: Fee Proposal	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i
						Re: Eden Arc Capital Partners - November 2014				
1146	6 Email	12/24/14 5:33 PM	Roper, Eric	Lathen, Jay		Performance Summary	Attorney Client Privilege	Communication reflecting legal advice of counsel.		l
1147	17 Email	12/28/14 9 07 PM	Kane, Darren	Lathen, Jay		Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1148	8 Email	12/28/14 11:24 PM	Lathen, Jay	Kane, Darren		Re: Inquiry	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1149	9 Email	12/29/14 6:27 AM	Kane, Darren	Lathen, Jay		RE: Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1150	O 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.	1 1	i
	1 Email	12/30/14 10:55 AM		Galbraith, Kevin		Re: Prospect Capital etc.	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1152	Email		Galbraith, Kevin	tathen, Jay		Updates: Prospect and GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		$\overline{}$
1153	3 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.		$\overline{}$
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1154	4 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.	1 1	i
	Email with									
1155	S Attachment(s)		Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i
1156	6 Email	1/7/15 2:13 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option (Question from GE counsel)		Communication reflecting legal advice of counsel.		
	7 Email	1/7/15 2:33 PM		Galbraith, Kevin			Attorney Client Privilege	Communication requesting legal advice of counsel.		$\overline{}$
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1158	8 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.		ı
1159	ig Email	1/7/15 2:38 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: GECC Rejection Letter CUSIP 35966TGY2 (Vonone)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ŀ	ı
	Email with									
	O Attachment(s)	1/7/15 S-25 PM	Galbraith, Kevin	Lathen, Jay		Bill for Fees through 1-7-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		ı
	Email with									
	1 Attachment(s)	1/9/15 3:52 PM	Galbraith, Kevin	Lathen, Jay		FW: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i
	2 Email	1/9/15 4:06 PM		Galbraith, Kevin		RE: Prospect Capital		Communication requesting legal advice of counsel.		
	Email with									
1163	3 Attachment(s)	1/9/15 4:13 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	(
1164	4 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.		
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1165	S 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.	1 1	i
	Email with									
1166	6 Attachment(s)	1/11/15 2:19 PM	Hartman, David	Lathen, Jay		Draft Risk Assessment	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i
1167	7 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	i8 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.		
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1169			1	1					<del></del>	·
	9 Attachment(s)	1/13/15 3:29 PM	Kane, Darren	Lathen, Jay		FW: Involces From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1170		1/13/15 3:29 PM 1/14/15 10:26 AM	Kane, Darren Lathen, Jay		Kane, Darren	PW: Involves From Mission Critical Services SEC Examination - Exit Interview	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
	9 Attachment(s)	1/13/15 3:29 PM 1/14/15 10:26 AM 1/14/15 11:06 AM	Lathen, Jay		Kane, Darren Kane, Darren	SEC Examination - Exit Interview RE: SEC Examination - Exit Interview	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1171	9 Attachment(s) 70 Email	1/14/15 10:26 AM	Lathen, Jay Hartman, David	Hartman, David		SEC Examination - Exit Interview RE: SEC Examination - Exit Interview	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.		
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4 Email	1/21/15 12:10 PM Kane, Darren	Lathen, Jay		RE: Invoices From Mission Critical Services		Communication reflecting legal advice of counsel.	
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6 Email		Lathen, Jay		RE: Compliance Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	
7 Email	1/21/15 1:05 PM Lathen, Jay	Hartman, David		Re: Compliance Call	Attorney Client Privilege	Communication requesting legal advice of counsel.	
B Email	1/21/15 5-27 PM Galbraith, Kevin	Lathen, Jay		FW: Prospect Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.	
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2 Email	1/22/15 2:16 PM Lathen, Jay	Galbraith, Kevin		SettlementCommunications	Attorney Client Privilege	Communication requesting legal advice of counsel.	
3 Email	1/23/15 11:29 AM Lathen, Jay	Hartman, David		Our call	Attorney Client Privilege	Communication requesting legal advice of counsel.	
4 Email	1/23/15 2:57 PM Hartman, David	Lathen, Jay		RE: Our call	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	
5 Email	1/23/15 4 21 PM Lathen, Jay	Hartman, David		Re: Our call	Attorney Client Privilege	Communication requesting legal advice of counsel.	
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6 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.	
7 Email	1/26/15 3:58 PM Hartman, David	Lathen, Jay		SEC letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.	
8 Email	1/26/15 4:23 PM Lathen, Jay	Hartman, David		Re: SEC letter	Attorney Client Privilege	Communication requesting legal advice of counsel.	
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9 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.	
0 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.	-
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1 Attachment(s)	1/28/15 10:12 AM Robertson, Christophe		Lathen, Jay	Re: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	
2 Email	1/28/15 10:14 AM Robertson, Christophe	Lathen, Jay		Automatic reply: Confirming 10 am call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	
3 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.	
4 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.	
5 Email	1/28/15 10:24 AM Robertson, Christophe			RE: Confirming 10 am call		Communication reflecting legal advice of counsel.	
6 Email	1/28/15 10:26 AM Galbraith, Kevin	Robertson, Christopher; Lathen, Jay		Re: Confirming 10 am call		Communication reflecting legal advice of counsel.	
7 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 countel	
8 Email	1/28/15 10:47 AM Galbraith, Kevin		Robertson, Christopher	Re: Confirming 10 am call	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	
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1298   Communication reflecting legal advice of counsel.     1299   Communication requesting legal advice of counsel.     1300   Comail   2/23/15 10:25 AM   Cahen, Darren   Lathen, Jay   Kane, Darren   Lathen, Jay   Kane, Darren   Lathen, Jay   Kane, Darren   Lathen, Jay   Kane, Darren	1297 Email					Re: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel	<del>                                     </del>	
1399 [mail 2/23/15 952 AM [Lathen, Jay Kene, Darren RE: SEC Docs Attorney Client Privilege Communication requesting legal advice of counsel.  1301 [mail 2/23/15 10256 AM Lathen, Jay Kane, Darren RE: SEC Docs Attorney Client Privilege Communication requesting legal advice of counsel.  1302 [mail 2/23/15 1036 AM Lathen, Jay Kane, Darren RE: SEC Docs Attorney Client Privilege Communication requesting legal advice of counsel.  1303 [mail 2/23/15 1130 AM Kane, Darren Lathen, Jay Kane, Darren RE: SEC Docs Attorney Client Privilege Communication requesting legal advice of counsel.  1304 [mail 2/23/15 1130 AM Lathen, Jay Cuhane, Stephen Re: SEC Docs Attorney Client Privilege Communication requesting legal advice of counsel.  1305 [mail 2/23/15 1130 AM Lathen, Jay Cuhane, Stephen RE: Sec Docs Attorney Client Privilege Communication reflecting legal advice of counsel.  1306 [mail 2/23/15 1130 AM Lathen, Jay Cuhane, Stephen RE: Sec Docs Attorney Client Privilege Communication reflecting legal advice of counsel.  1306 [mail 2/23/15 1130 AM Lathen, Jay Cuhane, Stephen RE: Vertical Capital Complaint Attorney Client Privilege Communication requesting legal advice of counsel.  1307 [mail 2/23/15 1132 AM Lathen, Jay Green, Jonathan; Cuhane, Stephen RE: Vertical Capital Complaint Attorney Client Privilege Communication requesting legal advice of counsel.  1308 [mail 2/23/15 1135 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Kaye Scholer UP Attorney Client Privilege Communication requesting legal advice of counsel.  1300 [mail 2/23/15 1135 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Vertical Capital Complaint Attorney Client Privilege Communication requesting legal advice of counsel.  1310 [mail 2/23/15 1135 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Vertical Capital Complaint Attorney Client Privilege Communication requesting legal advice of counsel.  1310 [mail 2/23/15 1135 AM] Culhane, Stephen Lathen, Jay Green, Jonathan; Culhane, Stephen Galbraith, Kevin Lathen, Jay Green, Jonathan; Culhane, Stephen							Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>                                     </del>	
1300 [mail   2/23/15 10:25 AM [Lahen, Jay   Kane, Darren   Lahen, Jay   Kane, Darren   RE: SEC Docs   Attorney Client Privilege   Communication requesting legal advice of counsel.		2/23/15 9:52 AM	Lathen, Jay				Attorney Client Privilege	Communication requesting legal advice of counsel.		
1302 [mail 2731/5 10:26 AM[Lathen, Jay Kane, Darren RE: SEC Docs Attorney (lent Privilege Communication requesting legal advice of counsel.  1303 [mail 2731/5 110:2 AM (Lathen, Jay Cane) (Lathen, Jay Can	1300 Email	2/23/15 10:25 AM	Kane, Darren			RE: SEC Dacs	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1302   Imail   2/23/15 10:54 AM   Lathen, Jay   Kane, Darren   RE: SEC Docs   Attorncy Client Privilege   Communication requesting legal advice of counsel.		2/23/15 10:26 AM	Lathen, Jay	Kane, Darren		RE: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1304 [mail 2/23/15 11:15 AM (Lathen, Jay Culhane, Stephen) Green, Jonathan PW: Expre Scholer LIP Attorney Client Privilege Communication requesting legal advice of counsel.  1305 [mail 2/23/15 11:13 AM] Lathen, Jay Zen, Darren RE: Expre Scholer LIP Attorney Client Privilege Communication requesting legal advice of counsel.  1307 [mail 2/23/15 11:23 AM] Lathen, Jay Green, Jonathan Stephen RE: Kaye Scholer LIP Attorney Client Privilege Communication requesting legal advice of counsel.  1308 [mail 2/23/15 11:24 AM] Culhane, Stephen Lathen, Jay Green, Jonathan; Culhane, Stephen RE: Kaye Scholer LIP Attorney Client Privilege Communication requesting legal advice of counsel.  1309 [mail 2/23/15 11:34 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Kaye Scholer LIP Attorney Client Privilege Communication reflecting legal advice of counsel.  1309 [mail 2/23/15 11:32 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Kaye Scholer LIP Attorney Client Privilege Communication reflecting legal advice of counsel.  1310 [mail 2/23/15 11:32 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Vertical Copital Complaint Attorney Client Privilege Communication reflecting legal advice of counsel.  1311 [mail 2/23/15 11:32 AM] Culhane, Stephen Lathen, Jay Galbraith, Kevin Letter to US Bank Counsel dated 11/5/14 Attorney Client Privilege Communication requesting legal advice of counsel.  [mail with Jaye Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [mail with Jayer Client Privilege Communication requesting legal advice of counsel.  [mail 2/23/15 7:18 PM] Culhane, Stephen Lathen, Jay Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [mail with Jayer Client Privilege Communication requesting legal advice of counsel.]  [mail with Jayer Client Privilege Communication requesting legal advice of counsel.]		2/23/15 10:54 AM	Lathen, Jay			RE: SEC Docs	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1305 [mail 2/23/15 11:28 AM Green, Jonathan Lathen, Jay Culhane, Stephen RE: Kaye Scholer LIP Attorney Client Privilege Communication reflecting legal advice of counsel.  1307 [mail 2/23/15 11:23 AM Lathen, Jay Green, Jonathan, Culhane, Stephen RE: Kaye Scholer LIP Attorney Client Privilege Communication requesting legal advice of counsel.  1308 [mail 2/23/15 11:23 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Kaye Scholer LIP Attorney Client Privilege Communication requesting legal advice of counsel.  1309 [mail 2/23/15 11:25 AM] Culhane, Stephen Lathen, Jay Green, Jonathan RE: Kaye Scholer LIP Attorney Client Privilege Communication reflecting legal advice of counsel.  1310 [mail 2/23/15 11:29 AM] Culhane, Stephen Lathen, Jay Responsible Lathen, Jay Respo							Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1305 [Smail 2733/15 1123 AM [Lathen, Jay Kane, Darren RE: Vertical Capital Complaint Attorney Clint Privilege Communication requesting legal advice of counsel.  1307 [Smail 2733/15 1123 AM Culhane, Stephen Lathen, Jay Green, Jonathan; Culhane, Stephen Lathen, Jay Green, Jonathan RE: Kaye Scholer LIP Attorney Client Privilege Communication reflecting legal advice of counsel.  1308 [Smail 2733/15 1123 AM Culhane, Stephen Lathen, Jay Green, Jonathan RE: Kaye Scholer LIP Attorney Client Privilege Communication reflecting legal advice of counsel.  1310 [Smail 2733/15 1123 PM Culhane, Stephen Lathen, Jay RE: Vertical Capital Complaint Attorney Client Privilege Communication reflecting legal advice of counsel.  1310 [Smail 2723/15 1123 PM Lathen, Jay Galbraith, Kevin RE: Vertical Capital Complaint Attorney Client Privilege Communication requesting legal advice of counsel.  1311 [Smail 2723/15 123 PM Lathen, Jay Galbraith, Kevin Lathen, Jay Galbraith, Kevin Lathen, Jay Green, Jonathan; Culhane, Stephen Galbraith, Kevin Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  1314 [Smail 2723/15 723 PM Lathen, Jay Green, Jonathan; Culhane, Stephen Lathen, Jay Green, Jonathan; Culhane, Stephen Lathen, Jay Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [Smail 2723/15 723 PM Culhane, Stephen Lathen, Jay; Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.		2/23/15 11:05 AM	Lainen, Jay						$\Box$	
1307 [Final 2723/15 1123 AM [Lathen, Jay Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan (Uhane, Stephen Litter, Jay; Green, Jonathan; Cullane, Jay; Glabraith, Kevin (Uhane, Stephen Litter, Jay; Galbraith, Kevin (Uhane, Stephen Litter, Jay; Galbraith, Kevin (Uhane, Stephen Litter, Jay; Green, Jonathan; Cullane, Stephen Litter, Jay; Green, Jonathan; Cullane, Stephen Litter, Jay; Green, Jonathan Galbraith, Kevin (Uhane, Stephen Litter, Jay; Green, Jonath		2/23/15 11:18 AM	lather law						<b>├</b>	
1308 [Email 2/23/15 1125 AM Culhane, Stephen Lathen, Jay; Green, Jonathan RE: Kaye Scholer LLP Attorney Client Rivillage Communication reflecting legal advice of counsel.  1309 [Email 2/23/15 112:24 PM] Culhane, Stephen Lathen, Jay Green, Jonathan Set. Kaye Scholer LLP Attorney Client Rivillage Communication reflecting legal advice of counsel.  1310 [Email 2/23/15 12:23 PM] Lathen, Jay Galbraith, Kevin RE: Vertical Capital Complaint Attorney Client Rivillage Communication reflecting legal advice of counsel.  1311 [Email 2/23/15 12:23 PM] Lathen, Jay Galbraith, Kevin RV: Kaye Scholer LLP Attorney Client Rivillage Communication requesting legal advice of counsel.  1312 [Email 2/23/15 70:28 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 70:28 PM] Lathen, Jay Green, Jonathan; Culhane, Stephen Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [Email 2/23/15 72:58 PM] Culhane, Stephen Lathen, Jay; Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [Email 2/23/15 72:58 PM] Culhane, Stephen Lathen, Jay; Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication reflecting legal advice of counsel.									<del>                                     </del>	
1309 [Email 2/23/15 12:32 MAI Culhane, Stephen Lathen, Jay [Eden Arr / IS Call Attorney Client Privilege Communication reflecting legal advice of counsel.  1310 [Email 2/23/15 12:23 MAI Lathen, Jay Galbraith, Kevin Resident Companies of Communication reflecting legal advice of counsel.  1311 [Email 2/23/15 12:39 PM Lathen, Jay Galbraith, Kevin PW: Kaye Scholer LLP Attorney Client Privilege Communication requesting legal advice of counsel.  1312 [Email 2/23/15 7:20 PM Lathen, Jay Galbraith, Kevin Letter to US Bank Counsel dated 11/5/14 Attorney Client Privilege Communication requesting legal advice of counsel.  [Email With July 13/15 7:18 PM Lathen, Jay Green, Jonathan; Culhane, Stephen Galbraith, Kevin Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [Email 2/23/15 7:25 PM Culhane, Stephen Lathen, Jay Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [Email 2/23/15 7:25 PM Culhane, Stephen Lathen, Jay; Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [Email 2/23/15 7:25 PM Culhane, Stephen Lathen, Jay; Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.						RE: Kave Scholer LLP	Attorney Client Privilege	Communication reflecting legal advice of countel.	<del></del>	
1310 [mail 2/23/15 12:39 PM [asten, Davren Lathen, Jay Barren Lathen, Jay Barren Lathen, Jay Barren							Attorney Client Privilege	Communication reflecting legal advice of country	<del></del>	
1311 [mail 2/23/15 12-39 PM [asthen, Jay Galbraith, Kevin FPV: Kaye Scholer LP Attorney Client Privilege Communication requesting legal advice of counsel.  1312 [mail 2/23/15 7.02 PM Lathen, Jay Galbraith, Kevin Letter to US and Counsel dated 11/5/14 Attorney Client Privilege Communication requesting legal advice of counsel.  1313 [mail 2/23/15 7.18 PM Lathen, Jay Green, Jonathan; Culhane, Stephen Galbraith, Kevin Eden Art Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [mail vith Lathen, Jay Green, Jonathan Galbraith, Kevin RE: Eden Art Follow-up Attorney Client Privilege Communication requesting legal advice of counsel.  [mail vith Communication requesting legal advice of counsel.]							Attorney Client Privilege	Communication reflecting legal advice of countel.	<del>                                     </del>	
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.  [Small with 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.  [Small with Lathen, Jay: Green, Jonathan Galbraith, Kevin AE: Eden Arc Follow-up Attorney Client Privilege Communication reflecting legal advice of counsel.	1311 Email					FW: Kaye Scholer UP	Attorney Client Privilege	[Communication requesting legal advice of counsel.	-	
Email with  1313 Attachment(s)  2/23/15 7:18 PM Luthen, 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.  [Email with]  [Email with]	1312 Email			Galbraith, Kevin		Letter to US Bank Counsel dated 11/5/14	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.					l			·		
1314 Email 2/23/15 7:25 PM Culhane, Stephen Lathen, Jay; Green, Jonathan Galbraith, Kevin RE: Eden Arc Follow-up Attorney Clent Privilege Communication reflecting legal advice of counsel.							Attorney Client Privilege	Communication requesting legal advice of counsel.		
		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.		
1.515)Arta-comment(s)   2/23/13-9/34 PAN(Dastoratin, Keyno   Lathen, lay			l		l			L		
	1515 [Attachment]s]	1 4/23/15 9:54 PM	ijuaidraith, Kevin	Latneri, Jay	L	RE: LETTER TO US Bank Counsel dated 11/5/14	Attorney Client Privilege	Lummunication reflecting legal advice of counsel.	لـــــــــــــــــــــــــــــــــــــ	

Entry Number Record Type 1316 Email	Date	from	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
Email with	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 lav	Culhane, Stephen; Green, Jonathan	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal adular of coursel	1 1	
1318 Email		Green, Jonathan	Lathen, Jay	Culhane, Stephen; Galbraith, Kevin	Re: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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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.	1 1	
1320 Email	2/24/15 3:47 PM	Galbraith, Kevin	Lathen, Jay		Outreach to SEC		Communication reflecting legal advice of counsel.		
Email with									
1321 Attachment(s)	2/24/15 4:22 PM 2/24/15 4:27 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.		
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Email with	2/24/15 5:25 PM	litathen, 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	Tana Darren	Lathen, Jay		Enforcement Manual	Amazan Cilara Batalana	Same		
1325 Email	2/25/15 11:29 AM		Lathen, Jay		Update		Communication reflecting legal advice of counsel.		
1326 Email		Galbraith, Kevin	Lathen, Jay		Staples Update		Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del> </del>	
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1327 Attachment(s)	2/25/15 4:29 PM	A Lathen, Jay	Southwell, Alexander H.	Galbraith, Kevin	RE: Eden Arc Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel,	ŀ	i
1328 Email	2/25/15 7:09 PM		Southwell, Afexander H.	Galbraith, Kevin	RE: Eden Arc Follow-up		Communication requesting legal advice of counsel.		
1329 Email	2/25/15 8:52 PM	Protess, 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		Protess, Harlan	Galbraith, Kevin	Re: Eden Arc Follow-up		Communication requesting legal advice of counsel.		
1331 Email	2/26/15 3:27 AM		Lathen, Jay	1	FW: - Response to Subpoena	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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1332 Attachment(s)		Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.	i	
1333 Email	2/26/15 9:31 AN	1 Lathen, Jay	Protass, Harlan	Galbraith, Kevin	RE: Eden Arc Follow-up		Communication requesting legal advice of counsel.	I	
1334 Email	2/26/15 9:49 AM	Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up		Communication reflecting legal advice of counsel.		
1335 Email	2/26/15 11:43 AM		Galbraith, Kevin; Protass, Harlan		RE: Eden Arc follow-up		Communication requesting legal advice of counsel.		
1336 Email	2/26/15 11 43 AM		Protass, Harlan; Lathen, Jay	L	Re: Eden Arc Fallow-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	l Lathen, Jay	Southwell, Alexander H.		Follow-up		Communication requesting legal advice of counsel.		
1339 Email	2/26/15 6.41 PM	A Lathen, Jay	Southwell, Afexander H		Re: Follow-up		Communication requesting legal advice of counsel.		
1340 Email	2/26/15 6 43 PM	AlLathen, Jay	Southwell, Alexander H.		RE: Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
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1341 Attachment(s)	2/26/15 / 40 PM	Protess, Harlan	Eathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
1342 Attachment(s)	2/27/25 11:30 44	Galbraith, Kevin	Lunas III	1	De Care Am Salla		C		1
1343(Email		Protass, Harian	Lathen, Jay Lathen, Jay	Galbraith, Kevin	Re: Eden Arc Follow-up SEC Investigation	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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1344 Attachment(s)	3/1/15 10:52 AM	Hartman, David	Lathen, Jay	1	FW: Preparation for the ADV Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l.	ĺ
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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.		1
1345 Email		Galbraith, Kevin	Lathen, Jay		FW: Monday		Communication reflecting legal advice of counsel.	+	
1347 Email	3/1/15 9 56 PM		Protess, Harlan	Galbraith, Kevin	Re: Monday		Communication requesting legal advice of counsel.	1	
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1348 Attachment(s)		A Protass, Harlan	Lathen, Jay	Galbraith, Kevin	Re: Monday	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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.		
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1350 Email	3/2/15 11:32 AM	A Southwell, Alexander H.	Lathen, Jay		Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1351 Attachment(s)		Galbraith, Kevin	Protass, Harlan; Lathen, Jay	<del> </del>	Re: Monday		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.	<del>-</del>	
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1353 Attachment(s)	3/2/15 1:37 PM		Southwell, Alexander H.	<del></del>	RE: Checking In		Communication requesting legal advice of counsel.		
1354 Email 1355 Email		A Protass, Harlan A Robinson, Michael D.	Lathen, Jay; Galbraith, Kevin Galbraith, Kevin	<del> </del>	Fwd: Fwd: CIT Bank CD Redemption Refusals		Communication reflecting legal advice of counsel.	+	
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1356 Attachment(s)	3/2/15 5-27 04	Robinson, Michael D.	Galbraith, Kevin	1	Fwd: RE: Account Opening Documentation	Attorney Client Privilers	Communication requesting legal advice of counsel.	1	1
1357 Email		Galbraith, Kevin	Robinson, Michael D.	<del> </del>	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.	1	
1359 Email	3/2/15 6:32 PM	f Lathen, Jay f Galbraith, Kevin	Lathen, Jay		Re: Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1360 Email	3/2/15 10:31 PM	Southwell, Alexander H.	Lathen, Jay	1	Re: Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1361 Email	3/3/15 7:39 AM	A Lathen, Jay	Southwell, Alexander H.		Re: Checking in		Communication requesting legal advice of counsel.		
1362 Email	3/3/15 9:46 AM	AlGalbraith, Kevin	Lathen, Jay		Re: Gibson Dunne Scope of Work		Communication reflecting legal advice of counsel.		
1363 Email	3/3/15 5:07 PM	A 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	A 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.		ļ <u> </u>
1366 Email	3/3/15 6:01 PM	Allathen, Jay	Hartman, David		RE: Preparation for the ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		<u> </u>
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1367 Attachment(s)	3/3/15 6:33 PM	Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del></del>
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1368 Attachment(s)	3/3/15 6:37 PM	A Galbraith, Kevin	Lathen, Jay		PW: CIT Bank CD Redemption Refusals		Communication reflecting legal advice of counsel.		<del> </del>
1369 Email Email with	3/4/15 8:44 AM	ilramen, Jay	Galbraith, Kevin	<del>                                     </del>	RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del> </del>
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1370 Attachment(s)	3/4/15 10:37 AV	A Galbraith, Kevin	Lathen, Jay	<del>                                     </del>	FW: Prospect Capital - Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del> </del>
1371 Attachment(s)	3/4/15 11:55 44	Galbraith, Kevin	Lathen, Jay	}	PW: Survivor's Option Notes	ATTOCOMY Cilent Britishes	Communication reflecting legal advice of counsel.	J.	1
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1372 Email	3/4/15 12:47 014	Southwell, Alexander H.	Lathen, Jay	1	Re: Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
1373 Email	3/4/15 12:57 PM		Southwell, Alexander H.	<del> </del>	Re: Checking in	Attorney Client Privilege	Communication retrecting legal advice of counsel.		t
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1374 Email	3/4/15 2:48 PM	Southwell, Alexander H.	Lathen, Jay	i	Re: Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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Entry Number	Record Type Dat	10	From	To	Ce	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
	Email Da	3/4/15 2 49 PM		Southwell, Alexander H.			Attorney Client Privilege	Communication requesting legal advice of counsel.	REGERATED	Production bates
	Email	3/4/15 3:58 PM	Lathen, Jay	Southwell, Alexander H.				Communication requesting legal advice of counsel.		
1377	7 Email	3/5/15 2:28 PM	Kane, Darren	Lathen, Jay		Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with				I					<del>                                     </del>
1378	Attachment(s)	3/5/15 4:06 PM		Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	3/S/15 7:15 PM		Galbraith, Kevin		RE: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	3/6/15 9:26 AM		Lathen, Jay		Re: Survivor's Option Notes		Communication reflecting legal advice of counsel.		
	Email .	3/6/15 10:04 AM		Galbraith, Kevin		Re: Survivor's Option Notes	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	3/6/15 10:37 AM		Southwell, Alexander H.		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	8 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	~		a.n	l				ı	
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)	3/6/15 11:41 AM	Cathesith Faula	Lathen, Jay	i	Re: Survivor's Option Notes	Attorney Client Privilege	C		1
	Email with	3/0/13 11 41 AM	Gaiblaiti, Keyiii	tathen, say		Ne: 3014NOT 5 Option Notes	Attorney Chent Privilege	Communication reflecting legal advice of counsel.		
	Attachment(s)	3/6/15 3:40 PM	lathen lav	Hartman, David; Kane, Darren		SEC Formal Order	Attorney Client Privilege	Communication requesting legal advice of counsel.	ľ	1
	7 Email	3/6/15 3:51 PM		Lathen, Jay		Cell: 212-229-2229	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
	Email .	3/6/15 4:05 PM		Kane, Darren	<del></del>	RE: Cell: 212-229-2229		Communication requesting legal advice of counsel.		<del> </del>
	Email	3/6/15 4:09 PM		Xane, Darren		RE: Cell: 212-229-2229	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	3/6/15 4:09 PM		lathen, Jay		RE: Cell: 212-229-2229	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with									
1391	1 Attachment(s)	3/7/15 9:13 AM	Galbraith, Kevin	Lathen, Jay		Prospect: Amended Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l l	
1392	2 Email	3/7/15 10:42 AM	Lathen, Jay	Galbraith, Kevin		Re: Prospect: Amended Complaint	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1										
	3 Email		Southwell, Alexander H.	Lathen, Jay		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email .	3/7/15 11:52 AM		Southwell, Alexander H.		Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	5 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	6 Email	3/8/15 10:57 AM	Gainraith, Kevin	Lathen, Jay		Re: Prospect: Amended Complaint	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	7 Email		Southwell, Alexander H.	Lathen, Jay	<del> </del>	RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<b> </b>
1398	Email	3/8/15 4.26 PM	Lauren, Jay	Southwell, Alexander H.		Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Chent Privilege	Communication requesting legal advice of counsel.	+	
1200	Email 9	3/8/15 0-75 ===	Southwell, Alexander H.	Lathen, Jay	l	Re: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	Ī
	OlEmail	3/8/15 9:28 PM	Lathen law	Southwell, Alexander H.				Communication requesting legal advice of counsel.	<del></del>	<del></del>
	1 Email	3/9/15 10:04 AM		Lathen, Jay		SEC SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
	2 Email	3/9/15 10:07 AM		Galbraith, Kevin		RE: SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	3 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.	<del></del>	
1404	Email	3/9/15 11:02 AM	Lathen, Jay	Galbraith, Kevin		RE: CIT Bank CD Redemption Refusals		Communication requesting legal advice of counsel.		
	Email with									
1405	Attachment(s)	3/9/15 11:44 AM	Galbraith, Kevin	Lathen, Jay	İ	FW: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.	_	
	Email with									
	6 Attachment(s)		Robinson, Michael D.	Galbraith, Kevin		Fwd: CIT BANK DEATH PUT REJECTS 8-22-14	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1407	7 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.		
1	Email with 8 Attachment(s)		Robinson, Michael D.	Galbraith, Kevin		Re: CIT BANK DEATH PUT REJECTS 8-22-14			l l	
	9[Email	3/9/15 12:19 PM 3/9/15 12:20 PM		Robinson, Michael D.		RE: CIT BANK DEATH PUT REJECTS 8-22-14	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Olemail	3/9/15 12:22 PM	Lather In	Galbraith, Kevin		RE: Donald Lather	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
1410	Email with	3/9/13 12.22 FM	Latrien, 787	Galdraith, Kevin		Inc. Donaid Detrien	Attorney Chent Privilege	Communication requesting legal advice of counsel.		
1411	Attachmentisi	3/9/15 12:33 PM	Galbraith Kevin	Lathen, Jay		Re: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i
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1412	2 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.	1	}
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1413	3 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.	1 .	}
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1414	4 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				1					l
	5 Attachment(s)		Robinson, Michael D.	Hartman, David	Lathen, Jay	Re: FW: Preparation for the ADV Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1416	6 Email	3/9/15 2 57 PM	Lathen, Jay	Galbraith, Kevin		RE: Donald Lathen	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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	7 Attachment(s)		Galbraith, Kevin	Lathen, Jay		Re: Donald Lathen	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	<b></b>
	8 Email 9 Email	3/9/15 4 30 PM 3/9/15 4 32 PM	Galbraith, Kevin	Lathen, Jay Galbraith, Kevin		Re: CD Disclosure Statement Re: CD Disclosure Statement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1420	0 Attachment(s)	3/0/15 4 /4 014	Galbraith, Kevin	Lathen, Jav	1	FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of several	1 1	)
	1/Email		Robinson, Michael D.	Galbraith, Kevin		Quick Question		Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		<del>                                     </del>
	2 Email	3/10/15 10:43 AM		Robinson, Michael D.	t	Re: Quick Question		Communication reflecting legal advice of counsel.	<del> </del>	
	3 Email		Robinson, Michael D.	Galbraith, Kevin	1	Re: Quick Question	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
	4 Email	3/10/15 11:21 AM		Southwell, Alexander H.		RE: Eden Arc - Gibson Dunne Scope of Work	Attorney Client Privilege	Communication requesting legal advice of counsel.		
				Galbraith, Kevin		Counsel Decision	Attorney Client Privilege	Communication requesting legal advice of counsel.	_	
	5 Email	3/10/15 11:22 AM	Lathen, Jay			Re: Counsel Decision	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1425 1426	6 Email	3/10/15 11:22 AM 3/10/15 11:26 AM		Lathen, Jay						
1425 1426 1427	6 Email 7 Email	3/10/15 11:26 AM 3/10/15 11:30 AM	Galbraith, Kevin Lathen, Jay	Galbraith, Kevin			Attorney Client Privilege	Communication requesting legal advice of counsel.		I
1425 1426 1427 1428	6 Email 7 Email 8 Email	3/10/15 11:26 AM 3/10/15 11:30 AM 3/10/15 11:32 AM	Galbraith, Kevin Lathen, Jay Protass, Harlan	Galbraith, Kevin Lathen, Jay		RE: Counsel Decision	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1425 1426 1427 1428 1429	6 Email 7 Email 8 Email 9 Email	3/10/15 11:26 AM 3/10/15 11:30 AM 3/10/15 11:32 AM 3/10/15 11:38 AM	Galbraith, Kevin Lathen, Jay Protass, Harlan Lathen, Jay	Galbraith, Kevin		RE: Counsel Decision	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
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1437 Attachment(s)	3/10/15 3 16 PM	Galbraith, Kevin	Lathen, Jay		PW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i '
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1438 Attachment(s) 1439 Email	3/10/15 4:17 PM		Lathen, Jay		Bill through 3-10-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with	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 Attachment(s)	3/10/15 4:27 PM	Protass Harlan	Lathen, Jay		Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i
3441 Email	3/10/15 4:28 PM	Robinson, Michael D.	Hartman, David	Lathen, Jay_			Communication requesting legal advice of counsel.		
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1442 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.		i
Ernail with	1					Attorney Client			
1443 Attachment(s) Email with	3/10/15 4:37 PM	Lathen, Jay	Lathen, Kathy		FW: Eden Arc / SEC	Privilege/Work Product	Communication reflecting legal advice of Harlan Protass.		
1444 Attachment(s)	3/10/15 4:51 PM	lather to	Protass, Harlan		RE: Eden Arc / SEC		le		i
1445 Email	3/10/15 5 05 PM	Protass, Harlan	Lathen, Jay				Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1446 Email	3/10/15 5:18 PM		Protass, Harlan	Robinson, Michael D.		Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	
1447 Email	3/10/15 S:21 PM	Protass, Harlan	Lathen, Jay		Re: Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1448 Email	3/10/15 5:25 PM	Lathen, Jay	Protass, Harlan		RE: Eden Arc / SEC		Communication requesting legal advice of counsel.		
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1449 Attachment(s)	3/10/15 5:56 PM		Lathen, Jay		Re: Eden Arc / SEC	Privilege/Work Product	Communication reflecting legal advice of Harlan Protass.		
1430 211311	3/10/15 5:58 PM	Protass, Harian	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
1451 Email	3/10/15 6:00 PM	Lathen, Jav	Lathen, Kathy	1	RE: Eden Arc / SEC	Privilege/Work Product	Communication reflecting legal advice of Harlan Protass.		1
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1452 Attachment(s)	3/10/15 6 01 PM	Lathen, Jay	Protass, Harian	l	FW: Eden Arc / SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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1453 Attachment(s)	3/10/15 10 25 PM		Lathen, Jay		Re: Eden Arc / SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.	L	<b></b>
1454 Email 1455 Email		Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		Prospect Redemption Database	Attorney Client Privilege	Communication requesting legal advice of counsel.	<b> </b>	<del></del>
1933 Email	3/11/15 12 32 PM	Gaibraith, Kevin	Robinson, Michael D.; Lathen, Jay		Re: Prospect Redemption Database	Attorney Client Privilege	Communication reflecting legal advice of counsel.	-	<del></del>
1456 Email	3/11/15 12·33 PM	Robinson, Michael D.	Hartman, David		Fwd: Dropbox Falder for Compliance Review Memo	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
1457 Email		Robinson, Michael D.	Galbraith, Kevin				Communication requesting legal advice of counsel.	1	
1458 Email	3/11/15 12 47 PM	Galbraith, Kevin	Robinson, Michael D.		Re: Prospect Redemption Database		Communication reflecting legal advice of counsel.		
1459 Email	3/11/15 12 57 PM	Robinson, Michael D.	Galbraith, Kevin		Re: Prospect Redemption Database		Communication requesting legal advice of counsel.		
1460 Email		1						t	i
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1461 Attachment(s)	3/11/15 2 09 PM	tathen lav	Protass, Harlan		RE: Eden Arc / SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.	ł	ı
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1462 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.	l	
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1463 Attachment(s)	3/11/15 2.59 PM		Lathen, Jay		FW: CIT Bank CD Redemption Refusals		Communication reflecting legal advice of counsel.		<del></del>
1464 Email	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.		<del> </del>
1465 Attachment(s)	3/11/15 8 40 PM	tathen lav	Protass, Harian	i	Jungbauer executed retainer	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	l
1466 Email	3/11/15 8 42 PM		Southwell, Alexander H.			Attorney Client Privilege	Communication requesting legal advice of counsel.	· · · · · · · · · · · · · · · · · · ·	
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1467 Attachment(s)	3/12/15 6:39 AM	Protass, Harlan	Lathen, Jay		Ra: Jungbauer executed retainer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1468 Email	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.		<del></del>
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1470 Email	3/12/15 7:59 AM 3/12/15 10:12 AM	Galbraith Kevin	Hartman, David Lathen, Jay		Re: CIT Bank CD Redemption Refusals		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1471 Email	3/12/15 10:24 AM		Galbraith, Kevin				Communication requesting legal advice of counsel.		
1472 Email	3/12/15 10:48 AM		Lathen, Jay				Communication reflecting legal advice of counsel.	1	
1473 Email .	3/12/15 10:50 AM		Lathen, Jay		SEC Document Production		Communication reflecting legal advice of counsel.	L	
1474 Email	3/12/15 12:56 PM		Protass, Harlan			Attorney Client Privilege	Communication requesting legal advice of counsel.		
1475 Email	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.		<b></b>
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1476 Attachment(s)	3/12/15 1:31 PM	rrotess, rurian	Lathen, Jay	Robinson, Michael D.	Re: SEC Document Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del></del>
1477 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.	1	1
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1478 Attachment(s)	3/12/15 2:21 PM	Hartman, David	Lathen, Jay		example	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
					Re: Michael Robinson wants to share "Prospect Project-				
1479 Email	3/12/15 4:18 PM	Galbraith, Kevin	Robinson, Michael D.		KG" with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
1480 Email 1481 Email	3/12/15 4:36 PM 3/12/15 4:38 PM		Protass, Harlan Lathen, Jay		Retainer Re: Retainer	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
1401 Email	3/14/13 4:38 PM	riotess, narian	Cornen, 184	<del>                                     </del>	Re: Michael Robinson wants to share "Prospect Project-	According Chent Privilege	Communication reflecting legal advice of counsel.		<del></del>
1482 Email	3/12/15 4.43 PM	Robinson, Michael D.	Galbraith, Kevin	1	KG* with you	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
					Re: Michael Robinson wants to share "Prospect Project-			1	
1483 Email	3/12/15 4:51 PM	Galbraith, Kevin	Robinson, Michael D.		XG" with you		Communication reflecting legal advice of counsel.		
1484 Email	3/12/15 5:20 PM	Robinson, Michael D.	Khambata, Leah		Document Process		Communication requesting legal advice of counsel.	1	
Email with	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Calbarine W. S	h						
1485 Attachment(s) 1486 Email	3/12/15 5:26 PM 3/13/15 12:23 PM		Roblesco Michael D	lather lau	FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del> </del>
1487 Email		Robinson, Michael D.	Robinson, Michael D. Hartman, David	Lathen, Jay	Re: IARD		Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del> </del>	<del></del>
1488 Email	3/13/15 3:02 PM		Lathen, Jay		Quick Question		Communication reflecting legal advice of counsel.	<del>                                     </del>	
			1		Also, can you send me the letter you first received from			1	T
1489 Email	3/13/15 3:05 PM	Protass, Harlan	Lathen, Jay		the SECExamination staff?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<u> </u>
Email with					L				1
1490 Attachment(s)	3/13/15 3 17 PM	Lathen, Jay	Protass, Harlan		RE: Quick Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		

Entry Number	Record Type	Date	From	То	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
	Email with			<u> </u>		RE: Also, can you send me the letter you first received		J. S. Allyton		- Areas Interior
	1 Attachment(s)	3/13/15 3:22 PM	Lathen, Jay	Protass, Harlan	<u> </u>	from theSEC Examination staff?	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	l .
						Re: Also, can you send me the letter you first received	1			
1492	2 Email	3/13/15 3:28 PM	Protass, Harlan	Lathen, Jay		from the SECExamination staff?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	3 Email	3/13/15 3:28 PM	Protess, Harlan	Lathen, Jay		Re: Quick Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1494	4 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.	T	
	5 Email	3/16/15 1:29 PM	Protass, Harlan	Robinson, Michael D.		Re: DropBox Folder Invitations	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1495	5 Email		Robinson, Michael D.	Protass, Harlan		Re: DropBox Folder Invitations	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	7 Email		Protass, Harlan	Robinson, Michael D.		Re: DropBox Folder Invitations	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1498	1 Email	3/17/15 1:56 PM	Galbraith, Kevin	Lathen, Jay	L	Out of the office through 3/24	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u> </u>	L
	Email with			1			1			
	9 Attachment(s)		Galbraith, Kevin	Lathen, Jay		FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	0 Email	3/18/15 3:10 PM		Galbraith, Kevin				Communication requesting legal advice of counsel.		<del></del>
	1 Email	3/18/15 3:39 PM	A Protass, Harlan	Robinson, Michael D.	Lathen, Jay	Documents for Production to SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	2 Email		Robinson, Michael D.	Protass, Harlan		RE: Documents for Production to SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		<u></u>
	3 Email	3/18/15 4:19 PM	Protass, Harlan	Robinson, Michael D.				Communication reflecting legal advice of counsel.	<del> </del>	
	4 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.	<del> </del>	<del></del>
	S Email	3/18/15 4:2/ PN	Protess, Harlan Galbraith, Kevin	Robinson, Michael D.		Re: Documents for Production to SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	6 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.		
	7 Email		Robinson, Michael D.	Protass, Harian	Lathen, Jay			Communication requesting legal advice of counsel.		
	8 Email		Protess, Harlan	Robinson, Michael D.		Re: Documents for Production to SEC	Attaces Clicat Privilege	Communication reflecting legal advice of counsel.	+	<del> </del>
	9 Email		Robinson, Michael D.	Protass, Harlan		Re: Documents for Production to SEC	Attorney Clicat Privilege	Communication requesting legal advice of counsel.		<del> </del>
	1 Email	3/19/15 6:28 PM 3/20/15 10:59 AM	f Protass, Harlan	Lathen, Jay; Robinson, Michael D. Galbraith, Kevin		SEC Document Production Update Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	<del></del>
								Communication requesting legal advice of counsel.	<del> </del>	
	2 Email		Protass, Harlan	lathen, Jay; Robinson, Michael D.				Communication reflecting legal advice of counsel.	<del> </del>	<del> </del>
1513	3 Email		A Robinson, Michael D.	Protass, Harlan	Robinson, Michael D.		Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	<del> </del>
	4 Email	3/21/15 3:05 AN	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes IARD Fee for ADV filing	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	S Email		Hartman, David	Robinson, Michael D.	Lathen, Jay		Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del></del>
	6 Email		Robinson, Michael D.	Hartman, David			Attorney Client Privilege	Communication requesting legal advice of counsel.	+	<del></del>
	7 Email Email with	3/23/15 11:17 AM	nivene, varieti	Lathen, Jay	<del></del>	Inquiry	Personney Crient Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del> </del>
	Email with  B Attachment(s)	3/32/15 11:33 44	Robinson, Michael D.	Hartman, David	Lathen, Jay	Re: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal address of course	1	i
		3/23/15 11:22 AM	Noomson, Michael D.			RE: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	9 Email			Robinson, Michael D. Hartman, David		Re: IARD Fee for ADV filing	Attorney Client Printlese	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del></del>	<del></del>
	0 Email 1 Email		A Robinson, Michael D.	Kane, Darren					<del></del>	<del> </del>
1521	1 Emeil	3/23/15 11:42 AM	ILIBANEN, MAY	kane, parren		ine. Inquity	Attorney Chent Privilege	Communication requesting legal advice of counsel.	<del></del>	<del></del>
	2 Ernail	3/23/15 12:02 PM	D	Lathen, Jay	accounting@missioncriticalservices.com	RE: Inquiry	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	Į.
	3 Email	3/23/15 12:02 PM			accounting@massionicativesservices.com	Did you go to the Hoover Dam yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	4 Email	3/23/15 12:16 PM		Robinson, Michael D.	Lathen, Jay	Re: SEC Production Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
	5 Email	2/22/15 12:27 01	Robinson, Michael D.	Protass, Harian	Lathen, Jay	Re: SEC Production Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del> </del>
	6 Email	3/23/15 12:50 PM		Protass, Harlan		Re: Did you go to the Hoover Dam yet?	Attorney Client Privilege	Communication requesting legal advice of coursel.		
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	7 Attachment(s)	2/22/15 2:45 04	Robinson, Michael D.	Hartman, David	Lathen, Jay	Re: IARD Fee for ADV filing	Attorney Client Privilege	Communication requesting legal advice of counsel.	[	ſ
1527	8 Email	3/23/15 3:55 PL	Robinson, Michael D.	Protass, Harlan		Re: SEC Production Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
	9 Email		A Protass, Harlan	Robinson, Michael D.		Re: SEC Production Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
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	0 Attachment(s)	3/23/15 A-3A PL	A Protass, Harlan	Robinson, Michael D.		Pages 398-403	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
	1 Email	3/23/15 5:59 PM	A Robinson, Michael D.	Protass, Harian	<del></del>	Re: Pages 398-408	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with									
	2 Attachment(s)	3/23/15 6:01 PM	A Protass, Harlan	Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.	j l	
	Email with	1/44/12222								
	3 Attachment(s)	3/24/15 11:59 AM	A Robinson, Michael D.	Protass, Harlan		Jay Lathen Memorandum_6-19-12	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
	4 Email	3/24/15 4:43 PM	A Robinson, Michael D.	Hartman, David	Lathen, Jay			Communication requesting legal advice of counsel.	<del></del>	
	S Email		A Galbraith, Kevin	Robinson, Michael D.	T		Attorney Client Privilege	Communication reflecting legal advice of counsel.	T	
	5 Email	3/25/15 11:19 AN	A Robinson, Michael D.	Galbraith, Kevin				Communication requesting legal advice of counsel.		
	Email with	1	1	1					<del></del>	
	7 Attachment(s)	3/25/15 5:05 PM	A Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 ,	1
	Email with	1	1		1		T			
	8 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.	1 /	1
	9 Email	3/26/15 11:55 AM					Attorney Client Privilege	Communication requesting legal advice of counsel.		
	0 Email	3/26/15 1:50 PA	A Protass, Harlan	Lathen, Jay; Robinson, Michael D.		SEC Document Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with									
	1 Attachment(s)	3/29/15 3:41 PN	A Hartman, David	Lathen, Jay	F	ADV 2A and	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
	2 Email	3/30/15 4:30 PA		Hartman, David		RE: ADV 2A and	Attorney Client Privilege	Communication requesting legal advice of counsel.	$\overline{}$	
	3 Email		A Hartman, David	Lathen, Jay		RE: ADV 2A and	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
	4 Email	3/30/15 6:21 PA		Hartman, David				Communication requesting legal advice of counsel.		
	S Email		A Hartman, David	Lathen, Jay				Communication reflecting legal advice of counsel.		
	Email with	1								
1546	6 Attachment(s)	3/31/15 11:10 AM	Hartman, David	Lathen, Jay	<u></u>	ADV for Filing Approval	Attorney Client Privilege	Communication reflecting legal advice of counsel.	.)	
1547	7 Email	3/31/15 1:07 PM		Hartman, David		RE: ADV for Filing Approval	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
	Email with									
	8 Attachment(s)	3/31/15 1:29 PM	Martman, David	Lathen, Jay	Xane, Darren	ADV Filed	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 1	I
		1					1			
1548	Email with		alaciere de la	Lathen, Jay	1	FW: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	I
1548	9 Attachment(s)	4/1/15 9:24 AA						Communication reflecting legal advice of counsel.	<del></del>	
1548	9 Attachment(s)					Politow-Op_				
1548 1549 1550 1551	9 Attachment(s) 0 Email 1 Email	4/1/15 5:37 PA 4/2/15 7:37 PA	A Protass, Harlan A Lathen, Jay	Lathen, Jay; Robinson, Michael D. Protass, Harlan, Robinson, Michael D.		RE: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
1548 1549 1550 1551	9 Attachment(s) 0 Email	4/1/15 5:37 PA 4/2/15 7:37 PA	A Protass, Harlan A Lathen, Jay	Lathen, Jay; Robinson, Michael D. Protass, Harlan; Robinson, Michael D.		RE: Follow-Up	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1548 1549 1550 1551 1552	9 Attachment(s) 0 Email 1 Email	4/1/15 5:37 PA 4/2/15 7:37 PA 4/3/15 3:22 PA	A Protass, Hartan A Lathen, Jay A Kane, Darren	tathen, Jay; Robinson, Michael D. Protass, Harlan; Robinson, Michael D. Lathen, Jay		RE: Follow-Up Your Availability	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1548 1549 1550 1551 1552 1553	9 Attachment(s) 0 Email 1 Email 2 Email	4/1/15 5:37 PA 4/2/15 7:37 PA 4/3/15 3:22 PA 4/3/15 3:56 PA	A Protass, Harlan A Lathen, Jay A Kane, Darren A Lathen, Jay	Lathen, Jay; Robinson, Michael D. Protass, Harlan; Robinson, Michael D. Lathen, Jay Kane, Darren	Hartman, David	RE: Follow-Up Your Availability Re: Your Availability	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
1548 1549 1550 1551 1552 1553 1554	9 Attachment(s) 0 Email 1 Email 2 Email 3 Email	4/1/15 5:37 PM 4/2/15 7:37 PM 4/3/15 3:22 PM 4/3/15 3:56 PM 4/3/15 4:19 PM	A Protass, Hartan A Lathen, Jay A Kane, Darren	tathen, Jay; Robinson, Michael D. Protass, Harlan; Robinson, Michael D. Lathen, Jay		RE: Follow-Up Your Availability RE: Your Availability RE: Your Availability	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1548 1549 1550 1551 1552 1553 1554	9 Attachment(s) 0 Email 1 Email 2 Email 3 Email 4 Email	4/1/15 5:37 PM 4/2/15 7:37 PM 4/3/15 3:22 PM 4/3/15 3:56 PM 4/3/15 4:19 PM	A Protass, Harian A Lathen, Jay A Kane, Darren A Lathen, Jay A Kane, Darren A Galbraith, Kevin	Lathen, Jay; Robinson, Michael D. Protass, Harlan; Robinson, Michael D. Lathen, Jay Kane, Darren Lathen, Jay		RE: Follow-Up Your Availability RE: Your Availability RE: Your Availability	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		

Entry Number	Description of									_
	Email with	Date	From	10	cc	Emall Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
1552	Attachment(s)	4/0/15 5:/0 444	Hartman, David	Lathen, Jay		0	Assessed Citizen Salutions	Communication selfonding (cost od des of cost oct		
	Email with	4/3/13 3.40 AM	i David	Latrieri, Jay		Questions on annual review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Attachment(s)	4/9/15 8-55 444	Protass, Harlan	Lathen, Jay	Robinson, Michael D.	Re: Follow-Up	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i
	Email with	4/ 5/ 25 0.55 1.10.	1.01033, 1.01.011	(Streen, 36)	Nothison, water 6.	ne. ronow-op	Attorney Chent Friends	Communication resecting legal advice of courses.		
	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.	1	1
	Email	4/9/15 9:34 AM	Lathen, lav	Protess, Harlan			Attorney Client Privilege	Communication requesting legal advice of counsel.	i	
1561		4/9/15 9:39 AM	Protass, Harlan	Lathen, Jay				Communication reflecting legal advice of counsel.	<del></del>	
1562		4/9/15 10:12 AM		Protass, Harlan	Robinson, Michael D.			Communication requesting legal advice of counsel.		
1563		4/9/15 10:14 AM	Protass Harlan	Lathen, Jay				Communication reflecting legal advice of counsel.	<del> </del>	
1564			Hartman, David	Lathen, Jay; Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>                                     </del>	
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1565	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.	1	ĺ
	Email with	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, , , , , , , , , , , , , , , , , , , ,						<b>—</b>	
1566	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.	l .	ı
	Email		Galbraith, Kevin	Lathen, Jay	nanc, outres			Communication reflecting legal advice of counsel.	<del></del>	
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1568	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.	}	1
1569	Email	4/13/15 9:25 AM		Protass, Harlan				Communication requesting legal advice of counsel.		
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1570	Email	4/13/15 2:20 PM	Lathen, Jav	Hartman, David	Kane. Darren	RE: Draft Documents for the SEC Response Due Monday	Attorney Client Privilege	Communication requesting legal advice of counsel.	l	1
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	Attachment(s)	4/13/15 3 OS 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	I	1
	Email	4/13/15 3-32 PM	Protess, Harlan	Lathen, Jay				Communication reflecting legal advice of counsel.	<del>                                     </del>	T
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	Attachment(s)	4/13/15 4-37 PM	Hartman, David	Lathen, Jay		updated annual review	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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	Attachment(s)	4/13/15 4:40 PM	Hartman David	Lathen, Jay		Blue Sand Broker Check 1 9 2014	Attorney Flient Privilege	Communication reflecting legal advice of counsel	1	
	Email		Hartman, David	Lathen, Jay		OFAC list link	Attorney Client Driviles-	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del>                                     </del>	<del> </del>
	Email with	4/ 13/ 13 4:44 PM	Transcolori, Cavio	Latiters, ray		OFFICE HALL	merorine & Cheur Luanelle	Communication reflecting legal advice of courses.	<del> </del>	<del></del>
	Attachment(s)	4/13/15 5:05 014	Hartman, David	Lathen, Jay	Kane, Darren	Privacy Bolicy	Attorney Client Bridle	Communication reflecting least advice of councel	Ł	
	Email Email	4/13/15 5:06 PM		Protass, Harlan	neve, parien	Privacy Policy RE: WSJ	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del> </del>	<del></del>
1577	Email		Protass, Harlan	Lathen, Jay		Re: WSJ	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>†                                      </del>	<del></del>
	Email with	4/13/13 3.10 FW	PIOLESS, POLISH	Latinen, Jay		Ne. Wa	Attorney Chest Privilege	Communication renecting regar source of courses.	<del>                                     </del>	<del> </del>
	Attachment(s)	4/13/15 6:09 PM	Harban Isu	Hartman, David		Revised LPA with New Valuation Language	Attorney Client Privilege	Communication requesting legal advice of counsel.	i	1
	Email	4/13/13 0 03 PM	Robinson, Michael D	Protass, Harian	Lathen, Jay			Communication requesting legal advice of counsel.	<del> </del>	<del></del>
	Email	4/14/15 2:38 PM		Galbraith, Kevin	Cathen, 207			Communication requesting legal advice of counsel.	<del>                                     </del>	<del> </del>
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1582	Attachment(s)	4/14/15 2 41 PM	Galbraith, Kevin	Lathen, Jay		Re: Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l .	l .
	Email with	-7,-7,1,7,-7,1,1	Concretely, Result	Latitett, Jay		ne. opostes	Attorney Chem Hiracke	Teaming leading regarded or course.	1	†···
	Attachment(s)	4/14/15 6:12 PM	Galbraith, Kevin	Lathen, Jay		Re: Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.	i	
	Email	4/14/15 6:15 PM	lathen lav	Galbraith, Kevin		RE: Updates		Communication requesting legal advice of counsel.	·	<b>——</b>
	Email	4/14/15 6:17 PM	Galbraith, Kevin	Lathen, Jay		Re: Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	Attachment(s)	4/15/15 0:35 AM	Galbraith, Kevin	Lathen, Jay		Current Bill	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with	7/25/25 7:35		Cottlett, 704		Content out	Actorney circuit riverings	Communication refreeing regar sources or course.	<del> </del>	t
	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.		l .
	Email with	-,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	The state of the s	110,000		L-Man Deto	Attorney Coleman Colombia	Commonwealth requesting regardance or course.	<del> </del>	<u> </u>
	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.	1	1
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	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.	1	
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	Attachmentist	4/16/15 3 70 PM	Galbraith, Kevin	Lathen, Jay	1	Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
	Email	4/16/15 3 43 PM		Galbraith, Kevin		RE: Draft Motion to Dismiss		Communication requesting legal advice of counsel.	<del> </del>	<del></del>
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	Attachment(s)	4/16/16 3:24 01/	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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	Attachment(s)	4/20/15 12:15 DM	Galbraith, Kevin	Lathen, Jay		Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
	Email	4/20/15 1:13 PM		Galbraith, Kevin		Re: Draft Motion to Dismiss		Communication requesting legal advice of counsel	<del> </del>	
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	Attachment(s)	4/20/15 1-26 PM	Galbraith, Kevin	Lathen, Jay	l	FW: Eden Arc Capital Partners Audit Confirm	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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	Attachment(s)	4/20/15 6 08 PM	Lathen lav	Robinson, Michael D.	I	FW; Draft Motion to Dismiss	Privilege/Work Product	Communication reflecting legal advice of Kevin Galbraith	.1	1
	Email		Hartman, David	Lathen, Jay		Quick Books		Communication reflecting legal advice of counsel.	<del>`</del>	+
	Email		Robinson, Michael D.	Protess Harlan	Sampoli, Sara	Updated SEC Information — E-mails		Communication requesting legal advice of counsel.	<del>                                     </del>	+
	Email		Robinson, Michael D.	Sampoli, Sara	30	Fwd: Updated SEC Information — E-mails		Communication requesting legal advice of counsel.	-	<del>                                     </del>
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	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.	1	
	Email	4/21/15 4:43 PM		Galbraith, Kevin		RE: Eden Arc Capital Partners Audit Confirm	Attorney Client Privileen	Communication requesting legal advice of counsel.	1	
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	Email	4/22/15 10:52 AM	Galbraith, Kevin	Lathen, Jay	Control 107, MUSCATHETA, MALLIEW	Re: Draft Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	†
	Email	4/22/15 1:21 PM	lathen by	Galbraith, Kevin		RE: Draft Motion to Dismiss		Communication requesting legal advice of counsel.	<del>                                     </del>	<del> </del>
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1610	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.	ļ	
	Email with Attachment(s)	4/24/15 10:34 AM	Lathen, Jav	Galbraith, Kevin		Prospect MOD	Attorney Client Privilege	Communication requesting legal advice of counsel.		i 1
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	Attachment(s)	4/24/15 10:35 AM	Galbraith, Kevin	Lathen, Jay Galbraith, Kevin		FW: CIT Bank CD Redemption Refusals	Attorney Client Privilege	Communication reflecting legal advice of counsel.		j
1613 1614		4/24/15 11:00 AM 4/24/15 11:27 AM		Lathen, Jay		RE: CIT Bank CD Redemption Refusals Re: Prospect MOD		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<b></b>	
1615	Email	4/24/15 11:31 AM	Lathen, Jay	Galbraith, Kevin		RE: Prospect MOD	Attorney Client Privilege	Communication requesting legal advice of counsel.		
i						FW: NYSCEF Notification: New York - Tort - < NOTICE OF MOTION>156375/2014 (PROSPECT CAPITAL				
1616	Fmail	4/24/15 1:16 PM	Galbraith, Kevin	Lathen, Jay		CORPORATION - v DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i 1
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1617	Email	4/24/15 1:17 PM	Lathen, Jay	Galbraith, Kevin		CORPORATION - v DONALD LATHEN JR. et al)  RE: NYSCEF Notification: New York - Tort - < NOTICE OF	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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1618	Attachment(s)	4/24/15 1:29 PM	Galbraith, Kevin	Lathen, Jay		CORPORATION - v DONALD LATHEN IR. et all	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<u> </u>
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1610	Email with Attachment(s)	4/24/15 1:41 PM	Galbraith, Kevin	Lathen, Jay		MOTION>156375/2014 (PROSPECT CAPITAL CORPORATION - v DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i l
1013	Attacament(s)	4/24/13 1.41 FW	Galutator, Kevin	Lattiere, lay		RE: NYSCEF Notification: New York - Tort - < NOTICE OF	Attorney Chent Privilege	Communication renecting legal advice of courses.		
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1620	Attachment(s)	4/24/15 2:10 PM	Lathen, Jay	Galbraith, Kevin		CORPORATION - v DONALD LATHEN JR. et al)  Re: NYSCEF Notification: New York - Tort - < NOTICE OF	Attorney Client Privilege	Communication requesting legal advice of counsel.	ļ	
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1621	Attachment(s)	4/24/15 2:13 PM	Galbraith, Kevin	Lathen, Jay		CORPORATION - v DONALD LATHEN JR. et al)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u>                                      </u>	
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	Attachment(s)	4/24/15 3:23 PM		Protass, Harlan	Galbraith, Kevin Galbraith, Kevin	Prospect Case		Communication requesting legal advice of counsel.		
	Email Email	4/24/15 3:55 PM 4/26/15 11:24 AM	Protess Harlan	Lathen, Jay Lathen, Jay	Galbraith, Kevin	Re: Prospect Case Re: Prospect Case		Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del> </del>	
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	Attachment(s)		Galbraith, Kevin	Lathen, Jay		Flat Fee for Prospect MTD	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email Email with	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.	-	
	Attachment(s)	4/27/15 S:08 PM	Galbraith, Kevin	Lathen, Jay		Re: Flat Fee for Prospect MTD	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 1	: }
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.		
	Email		Robinson, Michael D.	Galbraith, Kevin		CIT - Related Participant Agreements		Communication requesting legal advice of counsel.	L	
	Email Email	4/28/15 2:38 PM	Galbraith, Kevin Galbraith, Kevin	Robinson, Michael D. Lathen, Jay		Re: CIT - Related Participant Agreements	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
	Email	4/28/15 4:55 PM	Lathen, Jay	Galbraith, Kevin		RE: CIT	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	/
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.		
	Email	4/29/15 12:48 PM	Galbratth, Kevin	Galbraith Kerdin		Draft Response to CIT Re: CIT - Related Participant Agreements	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		, <u></u>
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	Email Email		Galbraith, Kevin	Robinson, Michael D. Robinson, Michael D.	Sampoli, Sara	Re: CIT - Related Participant Agreements Re: Updated SEC information E-mails		Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del> </del>	
	Email	4/30/15 10:48 AM		Galbraith, Kevin	Sampon, Sere	RE: Draft Response to CIT		Communication requesting legal advice of counsel.	<del>                                     </del>	
1641	Email	4/30/15 11:21 AM	t Lathen, Jay	Galbraith, Kevin		FW: Lawsuit from Prospect	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	4/30/15 12:36 PM	Galbraith, Kevin	Lathen, Jay		Re: Lawsuit from Prospect		Communication reflecting legal advice of counsel.	ļ	
	Email Email	4/30/15 12:42 PM 4/30/15 12:45 PM		Galbraith, Kevin Lathen, Jay		Re: Lawsuit from Prospect Re: Lawsuit from Prospect		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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1645	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.		
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	Attachment(s) Email	4/30/15 4:09 PM	Nathen, Jay Protass, Harlan	Galbraith, Kevin Lathen, Jay		CitIbank CD Disclosure Statement - New Version Xathy's Documents	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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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.		
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1649	Attachment(s) Email with	4/30/15 5:01 PM	Lamen, Jay	Gaioratte, Kevin	· · · · · · · · · · · · · · · · · · ·	RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
1650	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 countel.		
1651	Email Email with	4/30/15 5:07 PM	Flathen, Jay	Galbraith, Kevin		RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
1652	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.		
144.	Email with Attachment(s)	5/4/15 11/45 41	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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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.	l	
1656	Email	5/5/15 2:27 PM	filathen, Jay	Lathen, Kathy		SEC Matter		Communication containing privileged work product.		
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1659	Email	5/5/15 5:39 PM	A Lathen, Jay	Galbraith, Kevin	L	RE: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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1660	Attachment(s)	S/5/15 S:44 PM	Galbraith, Kevin	Lathen, Jay		Re: Citibank CD Disclosure Statement - New Version	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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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.		
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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.		
1,443	Email with Attachment(s)	5/6/15 1:37 PM				_				
1003	Email with	5/6/15 1:37 PM	Latnen, Jay	Protass, Harlan		Tax returns	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1664	Attachment(s)	S/6/15 1:40 PM	lathen lav	Protass, Harian		FW: Fw:	Attornou Client Brigilano	Communication requesting legal advice of counsel.		
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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.		
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1667	Email	5/6/15 1:40 PM	Lathen, Jay	Protass, Harian		FW: Welcome to Web Hosting Hub - Your Account Info	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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1000	Email	5/6/15 1:40 PM	Latnen, 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 lav	Protass, Harlan		FW: Receipt for Your Payment to GoDaddy.com, Inc.	Attorney Client Privilege	Communication converting least action of covered		
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1672	Email	5/6/15 1:41 PM	lathen, Jay	Protass, Harlan		PW:		Communication requesting legal advice of counsel.		
1673	Ēmail	S/6/15 1:41 PM	Lathen, Jay	Protass, Harlan		FW: Order receipt from Google Apps (\$10.00)		Communication requesting legal advice of counsel.		
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1674	Email	S/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.	<u> </u>	
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1676	Email	5/6/15 1:50 PM	Lathen, Jav	Protass, Harlan		RE: FW: Receipt for Your Payment to GoDaddy.com, Inc.	Attorney Client Brivilen-	Communication requesting least advice of councel	1	
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	Email		Galbraith, Kevin	Lathen, Jav		CIT and U.S. Bank Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	S/11/15 12:07 PM		Lathen, Jay; Robinson, Michael D.		E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	S/11/15 12:20 PM	Robinson, Michael D.	Protass, Harlan; Lathen, Jay		Re: E-Mail Production		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	Email with Attachment(s)	5/11/15 1:02 014	Galbraith, Kevin	Lathen, Jay		Re: CIT and U.S. Bank Updates	Assessed City of Delaiters	Communication reflecting legal advice of counsel.		
1683	Email	5/11/15 4:09 PM		Protass, Harlan; Robinson, Michael D.		RE: E-Mail Production		Communication requesting legal advice of counsel.		
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1684	Attachment(s)	S/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.	l	
	Émail	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.		
	Email	5/12/15 11:44 AM	Robinson, Michael D.	Protass, Harian	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1687	Email Email with	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		ļ
1600	Attachment(s)	5/12/15 12:08 PM	laman In	Galbraith, Kevin		Eden Arc LPA	Anna anna Cinna Bakailana	Communication assuration land advanced countril	1	ł
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	Email	5/12/15 12:36 PM	Galbraith, Keyin	Lathen, Jay		Re: Eden Arc LPA		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.		
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	Attachment(s)	5/13/15 3:53 PM 5/13/15 3:54 PM		Lathen, Jay Galbraith, Kevin		FW: Survivor's Option Notes RE: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		<del> </del>
	Email		Protass, Harlan		Lathen, Jay: Sampoli, Sara	Re: E-Mail Production		Communication reflecting legal advice of counsel.	<u> </u>	<u> </u>
	Email	5/15/15 2:42 PM	Lathen, Jay		Sampoli, Sara	RE: E-Mail Production		Communication requesting legal advice of counsel.	<del>                                     </del>	
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1698	Attachment(s)		Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes		Communication reflecting legal advice of counsel.		ļ
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1701	Email with	2/16/15 1:06 AM	I michael U.	January City, 3414		rwo. c-widii Froquetion	ALLOTHEY CHEST PRIVILEGE	Communication requesting legal advice of counsel.		<del> </del>
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.		
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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.	l	L
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	Attachment(s)		Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u> </u>	
1705	Email Email with	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	ļ	<del> </del>
1204	Email with Attachment(s)	\$/18/15 12:02 AM	Protess Harles	Robinson, Michael D.	Lathen, Jay; Sampoli, Sara	Re: E-Mail Production	Attoeney Client Brisita	Communication reflecting legal advice of counsel.	1	1
	Email with	- 4 10/13 12.02 AM	rowani, rigridii	mountain o.	cernen, sey, sempun, sera	ne. Chien Production	Introviney CHENT MINNESS	Commission renecting regal advice of counsel.		<del></del>
	Attachment(s)	S/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.		1.
1708	Email	5/18/15 10:05 AM	Galbralth, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	T	
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.		
	Email	5/18/15 10:13 AM	Gaibraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<u> </u>
	Email		Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Re: E-Mail Production	Attorney Client Privilege	Communication requesting legal advice of counsel.	<b> </b>	<del> </del>
	Email Email	5/18/15 12:34 PM 5/18/15 12:41 PM		Galbraith, Kevin Lathen, Jay		Re: Survivor's Option Notes		Communication requesting legal advice of counsel.	<del> </del>	f
	Email	5/18/15 1 20 PM	Protass, Harlan		Sampoli, Sara	Re: Survivor's Option Notes Question		Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	<del>                                     </del>
	Email		Robinson, Michael D.		Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	†
	Email	5/18/15 3:12 PM	Protass, Harlan	Robinson, Michael D.		Re: Question		Communication reflecting legal advice of counsel.	T	

	Date	From	Yo .	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
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1717 Attachment(s) 1718 Email	S/18/15 3:37 PM	Robinson, Michael D.	Lathen, Jay Protass, Harlan	Sampoli, Sara	FW: Survivor's Option Notes Re: Ouestion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with	3/18/13 3:39 PM	Roomson, Michael U.	Protess, rectan	Sampon, Sara	Re: Coestion	Attorney Cilent Privilege	Communication requesting legal advice of counsel.	-	
1719 Attachment(s)	5/18/15 3:44 PM	Protess Harlan	Robinson, Michael D.	Samooli, Sara	Re: Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.	(	Í
1720 Email		Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	77.5		Communication requesting legal advice of counsel.		
1721 Email	5/19/15 10:17 AM	Protass, Harlan	Robinson, Michael D.	Sampoli, Sara		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1722 Email		Robinson, Michael D.	Protass, Harian	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			Communication reflecting legal advice of counsel.		
1724 Email		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, Harian	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1726 Email	5/19/15 11:53 AM		Robinson, Michael D.	Sampoli, Sara	Re: Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1727 Email	5/19/15 1:29 PM		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		Lathen, Jay				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	F 170/16 4.55 014	Robinson, Michael D.	Protass, Harlan	l	Re: What is now available for me to give to the SEC?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1730 Email	3/19/13 4 33 PM	Modinson, Michael U.	Protess, righten		Fwd: ATTENTION: BRETT [Case #00853096]	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1731 Email	5/10/15 A 57 DLA	Robinson, Michael D.	Protass, Harlan		ref:_000301Fg:H50013oG1bM:ref }	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
[Email with	3/13/13 4 31 7 40	NOOMINGON, MINCHEST O.	Trioless, Harrish	<del></del>	res. dobsorrgate soursed towarer)	Attorney CHERT PRIVILEGE	Contamination requesting regar advice or courses.	<del></del>	
1732 Attachment(s)	S/19/15 S:02 PM	Galbraith, Kevin	Lathen, Jay	[	PW: Survivar's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i
	5/15/15 5/51				The state of the s		tanananasian reneding regar dovce or course.		
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.	1	
1734 Email	5/19/15 8:18 PM		Lathen, Jay		Judy		Communication reflecting legal advice of counsel.	1	
		T							
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		Robinson, Michael D.	Protass, Harlan	Sampoli, Sara; Lathen, Jay	Re: What is now available for me to give to the SEC?		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.	ļ	
		l							
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 5/20/15 4:15 PM	Robinson, Michael D.	Protass, Harian Protass, Harian		Re: What is now available for me to give to the SEC?  Dave Jungbauer - SEC testimony on June 15th	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.		
1/41 Email	3/20/15 4:15 PM	Lathen, Jay	Process, Harran	Robinson, Michael D.; Sayeem,	Dave Jongoader - Sec restimony on Jone 15th	Attorney Chent Privilege	Communication requesting legal advice of counsel.		
1742 Email	S/20/15 S:38 PM	Protess Harlan	Dean, Dave	Mohammad; Beck, Rafael	Re: Broker statements requested for Eden Arc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i
1743 Email	5/20/15 5:39 PM		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	***			Communication requesting legal advice of counsel.		
1745 Email	5/20/15 5:41 PM	Protass, Harlan	Lathen, Jay	i			Communication reflecting legal advice of counsel.		
				Sayeem, Mohammad; Beck, Rafael;					
1746 Email	5/20/15 5:52 PM		Dean, Dave	Robinson, Michael D.	Re: Broker statements requested for Eden Arc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1747 Email		Robinson, Michael D.	Protass, Harlan; Sampoli, Sara				Communication requesting legal advice of counsel.		
1748 Email	5/21/15 9:20 AM		Lathen, Jay				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.	lacksquare	
		L	L	Ī	Harlan Protass wants to share "SEC Eden Arc Email				
1750 Email	5/21/15 1:24 PM	Protass, Harlan	Robinson, Michael D.		Production* with you	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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					FW: NYSCEF Notification: New York - Tort - <proposed cause="" order="" show="" to=""> 156375/2014 (PROSPECT</proposed>				1
1751 Email	5/21/15 2:20 PM	Galbraith Kaula	Lathen, Jay		CAPITAL CORPORATION - v DONALD LATHEN IR. et al)	Attorney Client Brigilage	Communication reflecting legal advice of counsel.		
Email with	3(21) 13 2:20 PM	Gaidraith, kevin	Catheri, 1ay		CAPITAL COMPONENTION - V BONNELD DATRICK IN. EL BIJ	Attorney Chent Privilege	Communication resecting regar advice or counser.		
1752 Attachment(s)	5/21/15 3:19 PM	Galbraith Kevin	Lathen, Jay	ł	FW: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1753 Attachment(s)	5/21/15 5:09 PM	Lathen, Jay	Protass, Harlan	I	Email exchange we discussed	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1754 Email	5/21/15 7:12 PM		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.	L	
1757 Email	5/22/15 1:48 PM	Protass, Harian	Sayeem, Mohammad	Lathen, Jay	Re: Eden arc Broker Statements you requested.	Attorney Work Product	Communication containing privileged work product.		
1758 Email		Sayeem, Mohammad	Lathen, Jay	Protass, Harlan		Attorney Work Product	Communication containing privileged work product.		
1759 Email	5/22/15 1:51 PM	Protass, Harlan	Lathen, Jay	Sayeem, Mohammad		Attorney Work Product	Communication containing privileged work product.		
1760 Email	_5/22/15 1:51 PM	Sayeem, Mohammad	Protass, Harian	Lathen, Jay		Attorney Work Product	Communication containing privileged work product.		
1761 Email	5/22/15 1:51 PM		Lathen, Jay		Call		Communication reflecting legal advice of counsel.		
1762 Email	5/22/15 1:52 PM		Sayeem, Mohammad	Lathen, Jay		Attorney Work Product	Communication containing privileged work product.		
1763 Email	5/26/15 2:55 PM		Robinson, Michael D.	Lathen, Jay; Sampoli, Sara			Communication reflecting legal advice of counsel.		
1764 Email	5/26/15 4:23 PM	Protass, Harlan	Lathen, Jay	<del> </del>	Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1765 Email	\$170.00 4.30 4		lather Forb	1	Bat: Testimony Dates	Attacam Clicas Balaila-	Communication coffeeting least a data of the day of	]	
1765 Email	5/26/15 4:35 PM	Robinson, Michael D.	Lathen, Kathy Protass, Harian	Lathen, Jay: Sampoli, Sara	FW: Testimony Dates Re: Email Production		Communication reflecting legal advice of Harlan Protass.  Communication requesting legal advice of counsel.		
1765[Email	5/26/15 4:41 PM			Sampoli, Sara	RE: Email Production	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1707 Email	712913 4.34 PM		mountain, micrae: U., Frotess, narian	January January	The same of the sa		countries requesting regar advice or counter.	<b></b>	
1768 Email	5/26/15 5:04 PM	Lathen, Jav	Lathen, Kathy	1	RE: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
	7			<u> </u>			g age vortes or remail Frotess.	<del> </del>	
1769 Email	5/26/15 5:16 PM	Lathen, Jay	Lathen, Kathy	1	RE: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass	i I	
1770 Email	5/26/15 5:23 PM	Lathen, Jay	Protass, Harlan				Communication requesting legal advice of counsel.		
Email with		1							
1771 Attachment(s)	5/27/15 1:12 PM	Galbraith, Kevin	Lathen, Jay	L	Re: Survivor's Option Notes		Communication reflecting legal advice of counsel.		
1772 Email	5/27/15 1:42 PM	Lathen, Jay	Galbraith, Kevin				Communication requesting legal advice of counsel.		
Email with									
1773 Attachment(s)		Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1774 Email	S/27/15 4:37 PM	Protass, Harlan	Lathen, Jay		Re: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

	Date	From	To	Ce	Email Subject or File Name	Privilege Type	Privilege Description	Redacted 1	Production Bates
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1775 Email	5/27/15 5:16 PM	Lathen, Jay	Lathen, Kathy		FW: Testimony Dates	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protess.		
Email with									
1776 Attachment(s)	5/28/15 12:42 PM	Galbraith, Kevin	Lathen, Jay		Re: Survivor's Option Notes	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with									
1777 Attachment(s)	S/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.		
Email with 1778 Attachment(s)	F /28/15 0 22 04				L.,		L		
1779 Email	5/28/15 9.27 PM 5/29/15 12:13 PM		Lathen, Jay		FW: Outstanding Invoices From Mission Critical Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1780 Email	6/2/15 10:33 AM		Lathen, Jay Lathen, Jay				Communication reflecting legal advice of counsel.		
	U/ 2/ 23 20.33 AM	Process, narran	Cathen, Jay		Are we confirmed for Kathy's testimony on July 15?	Attorney Chent Privilege	Communication reflecting legal advice of counsel.		
1781 Email	6/2/1S 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 Harlan Protass.		
1782 Email	6/2/15 11:18 AM	Lathen, Kathy	Lathen, Jay		Re: Are we confirmed for Kathy's testimony on July 157	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		
1783 Email	6/2/15 11:22 AM		Protass, Harian		RE: Are we confirmed for Kathy's testimony on July 15?	Attorney Client Privilege	Communication requesting legal advice of counsel.	l l	
1784 Email	6/2/15 1:31 PM	Protass, Hartan	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				Communication reflecting legal advice of counsel.		
1786 Email	6/2/15 3 02 PM	Lathen, Jay	Protass, Harlan	Robinson, Michael D.	RE: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
Email with			f				1.	1	
1787 Attachment(s) 1788 Email		Robinson, Michael D.	Lathen, Jay; Protass, Harlan		Re: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.		
Email with	6/2/15 8 12 PM	Protass, Harlan	Robinson, Michael D.	Lathen, Jay	Re: David Jungbauer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1789 Attachment(s)	6/2/15 0 57 414	Robinson, Michael D.	Protass, Harlan	Lathan Jan	Par David huashanas	Assessment Clier-1 B-1 11-	Communication convention to the date of the con-		
1790 Email	6/3/15 11:18 AM		Robinson, Michael O.	Lathen, Jay Lathen, Jay	Re: David Jungbauer Re: David Jungbauer	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1791 Email	6/3/15 12:15 PM		Protass, Harlan	Robinson, Michael D.	Re: David Jungbauer		Communication requesting legal advice of counsel.		
1792 Email	6/3/15 12:16 PM		Lathen, Jay		Re: David Jungbauer	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1793 Email	6/3/15 12:29 PM		Protass, Harlan		Re: David Jungbauer		Communication requesting legal advice of counsel.		
1794 Email	6/4/15 11:54 AM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara; Lathen, Jay	Smarsh Archive Update		Communication requesting legal advice of counsel.		
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1	1	1	1	'	Fwd: Smarsh Import Case 00862225 and 00858349 are		1		
1795 Email	6/4/15 11:55 AM	Robinson, Michael D.	Protass, Harlan	Sampoli, Sara	Complete [ref:_000301FgxHS0013ogv81:ref]	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1796 Email		Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1797 Email	6/4/15 3 05 PM		Protass, Harlan		Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1798 Email	6/4/15 3:40 PM	Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
ſ	1	İ	1		Do you have a resume or CV with your work and		1	1	
4700	4		L		education background? Or can you just shoot me an		<u> </u>		
1799 Email 1800 Email		Protass, Harlan	Lathen, Jay		email with that info?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1801 Email	6/5/15 5:32 PM	Protess, Harlan	Lathen, Jay				Communication reflecting legal advice of counsel.		
1802 Email	6/7/15 9:58 AM		Protass, Harian				Communication requesting legal advice of counsel.		
1803 Email	6/7/15 3:58 AM	Protess, Harlan	Galbraith, Kevin Lathen, Jay	<del></del>	RE: Status Update (Prospect, CIT and Fee) Re: Eden Arc Capital estimate		Communication requesting legal advice of counsel.		
1804 Email		Galbraith, Kevin	Lathen, Jay		Re: Status Update (Prospect, CiT and Fee)		Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1805 Email		Protass, Harlan	Robinson, Michael D.				Communication reflecting legal advice of counsel.		
1806 Email			Protest Harlan		RF- Erlen Arr Canital estimate	Attorney Client Privilege	Communication requesting legal advice of counsel		
1806 Email 1807 Email	6/9/15 6:24 PM	Lathen, Jay	Protass, Harlan Lathen, Jay		RE: Eden Arc Capital estimate Re: Eden Arc Capital estimate		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1806 Email 1807 Email 1808 Email	6/9/15 6:24 PM	Lathen, Jay Protass, Harlan	Protess, Harlan Lathen, Jay Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1807 Email	6/9/15 6:24 PM 6/9/15 6:26 PM	Lathen, Jay Protass, Harlan Protass, Harlan	Lathen, Jay		Re: Eden Arc Capital estimate Separate Counsel for Michael	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1807 Email 1808 Émail	6/9/15 6:24 PM 6/9/15 6:26 PM 6/10/15 2:50 PM	Lathen, Jay Protass, Harlan Protass, Harlan Protass, Harlan	Lathen, Jay Lathen, Jay		Re: Eden Arc Capital estimate	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1807 Email 1808 Email 1809 Email 1800 Email 1810 Email	6/9/15 6:24 PM 6/9/15 6:26 PM 6/10/15 2:50 PM 6/10/15 9:39 PM 6/10/15 10:12 PM 6/11/15 7:20 AM	Lathen, Jay Protass, Harlan Protass, Harlan Protass, Harlan Protass, Harlan Itathen, Jay	Lathen, Jay Lathen, Jay Lathen, Jay		Re: Eden Arc Capital estimate Separate Counsel for Michael Follow-Up Cuestion Re: Question	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
1807 Email 1808 Email 1809 Email 1810 Email 1811 Email 1812 Email	6/9/15 6:24 PM 6/9/15 6:26 PM 6/10/15 2:50 PM 6/10/15 9:39 PM 6/10/15 10:12 PM 6/11/15 7:20 AM 6/11/15 10:58 AM	Lathen, Jay Protass, Harlan Protass, Harlan Protass, Harlan Protass, Harlan Itathen, Jay Itathen, Jay	Lathen, Jay Lathen, Jay Lathen, Jay Lathen, Jay Lathen, Jay Protass, Harlan Protass, Harlan		Re: Eden Arc Capital estimate Separate Counsel for Michael Follow-Up Ouestion Re: Question RF: Follow-Up	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel, Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication requesting legal advice of counsel.		
1807 Email 1808 Email 1809 Email 1810 Email 1810 Email 1811 Email 1813 Email	6/9/15 6:24 PM 6/9/15 6:26 PM 6/10/15 2:50 PM 6/10/15 9:39 PM 6/10/15 10:12 PM 6/11/15 7:20 AM 6/11/15 10:58 AM 6/11/15 11:20 AM	Lathen, Jay Protass, Harlan Protass, Harlan Protass, Harlan Protass, Harlan Lathen, Jay Lathen, Jay Protass, Harlan	Lathen, Jay Lathen, Jay Lathen, Jay Lathen, Jay Protass, Harfan Protass, Harfan Lathen, Jay		Re: Eden Arc Capital estimate Separate Counsel for Michael Follow-Up Question RE: Cabestion RE: Follow-Up RE: Follow-Up	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel. Communication requesting legal advice of counsel. Communication requesting legal advice of counsel. Communication reflecting legal advice of counsel.		
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1			44me		In the Matter of Eden Art Capital Management, LLC (NY- 9197)				
1838 Email		Protass, Harlan	Grace, Adam S.	Weinstock, Judith			Communication reflecting legal advice of counsel.		
1839 Email		Protass, Harlan	Lathen, Jay	<del></del>			Communication reflecting legal advice of counsel.		
1840 Email	6/12/15 5:56 PM 6/13/15 2:04 AM	Dentace Maria	Protass, Harlan Lathen, Jay		Re: Communications with the SEC Re: Communications with the SEC	Attorney Clean Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	
1841 Email		Galbraith, Kevin	Lathen, Jay		Voicemail	Attorney Client Privilege	Communication reflecting legal advice of counter.		
			Galbraith, Kevin				Communication reflecting legal advice of counsel.	<del> </del>	
1843 Email	6/15/15 11:44 AM		Lathen, Jay		Re: Voicemail		Communication requesting legal advice of counsel.	<del></del>	
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1845 Email	6/15/16 1:16 Day	Protass, Harlan	Lathen, Jay		Update David Jungbauer and SEC Contacts with Investors	Attack State Scholler	Communication and antique to and a detail of account	1	ł
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1847 Attachment(s)	C/15/15 3:19 DA	Robinson, Michael D.	Protass, Harlan		This Week	Attorney Client Privilege	Communication properties lead added of counsel		i e
1848 Email		Protass, Harlan	Robinson, Michael D.			Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del> </del>	
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1850 Email	6/15/15 3:52 PM	lathen lav	Protass, Harlan		they'd been contacted by the SEC?	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
1851 [Email	6/15/15 5:25 PM	Robinson, Michael D.	Protass, Harlan	<del> </del>		Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
1BS2 Email	5/16/15 2:14 PM	Galbraith, Kevin	Lathen, Jay		Prospect Update			<del>-</del>	
1853 Email	6/16/15 3:05 PM		Galbraith, Kevin			Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del>                                     </del>	
1854 Email		Galbraith, Kevin	Lathen, Jay	<del> </del>	Re: Prospect Update	Attorney Client Priviles	Communication reflecting legal advice of counsel.	<del> </del>	
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1855 Attachment(s)	6/17/15 1:15 PM	Robinson, Michael D.	Protass, Harian	1		Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
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1856 Attachmentis)	6/17/15 5:51 02/	Robinson, Michael D.	Protass, Harlan	1	Robinsons' 2014 Tax Return	Attorney Client Privilege	Communication requesting legal advice of councel	İ	l l
1857 Email	6/18/15 1:53 PM		Protass, Harlan	<del> </del>		Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.	<del>                                     </del>	
1858 Email	6/18/15 3:10 DA	Protass, Harlan	Lathen, Jay	<del> </del>	Re: Eden Arc Capital Partners	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>                                     </del>	
1859 Email	6/18/15 3:70 PM	A Protect Harlan	Robinson, Michael D.	<del> </del>	Friday		Communication reflecting legal advice of counsel.	<del>                                     </del>	
1860 Email	6/18/15 3:36 PM	Robinson, Michael D.	Protass, Harlan				Communication requesting legal advice of counsel.	<del> </del>	
1851 Email	6/18/15 5:10 PM	Protass, Harlan	Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	_
1862 Email	6/19/15 10:16 AM		Lathen, Jay				Communication reflecting legal advice of counsel.	<del></del>	
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1864 Email	6/19/15 10:58 AM	flathen lav	Galbraith, Kevin	<del></del>		Attorney Client Privilege	Communication requesting legal advice of counsel.		
1865 Email		Protass, Harian	Lathen, Jay	Robinson, Michael D.			Communication reflecting legal advice of counsel.		
1866 Email		Protass, Harlan	Lathen, Jay	monitori, andrect o.	Report on Testimony		Communication reflecting legal advice of counsel.	<del> </del>	
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Email with 1859 Attachment(s) Email with 1870 Attachment(s) 1871 Email	6/21/15 6:51 AM 6/21/15 3:30 PM 6/21/15 3:32 PM 6/22/15 8:53 PM	Galbralth, Kevin Galbraith, Kevin Robinson, Michael D.	Lathen, Jay Lathen, Jay Galbraith, Kevin		Re: Report on Testimony Prospect: Opposition to Motion to Dismiss FW: CIT Bank CD Redemption Refusals (3 of 3) Fwd: CIT Bank CD Death Puts	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
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1901 Attachment(s)		Galbraith, Kevin	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1902 Email Email with	7/13/15 4-26 PM	Lathen, Jay	Galbraith, Kevin	<del>,</del>	RE: CIT Bank CO Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
1903 Attachment(s)	7/13/15 4.30 01/	Galbraith, Kevin	Lathen, Jay	· '	Re: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
1904 Email	7/13/15 5 23 PM	Lathen Kathu	Lathen, Jay				Communication reflecting regal advice of counsel.  Communication containing privileged work product.	_	
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1905 Attachment(s)	7/13/15 5:31 PM	Galbraith, Kevin	Lathen, Jay	ı	Re: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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1906 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.		
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1907 Attachment(s)	7/14/15 10:41 AM	Galbraith, Kevin	Lathen, Jay	<u> </u>	Re: CIT Bank CD Redemption Refusals (3 of 3)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1908 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		Galbraith, Kevin		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1910 Email		f Galbraith, Kevin	Robinson, Michael D.				Communication reflecting legal advice of counsel.		
1911 Email		Robinson, Michael D.	Galbraith, Kevin				Communication requesting legal advice of counsel.		
1912 Email	7/14/15 11:49 AM	Galbraith, Kevin	Robinson, Michael D.	L	Re: DTC interface with CIT	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1913 Attachment(s)		Galbraith, Kevin	Robinson, Michael D.		Re: DTC interface with CIT		Communication reflecting legal advice of counsel.		<u> </u>
1914 Email	7/14/15 4-08 PM	A Robinson, Michael D.	Galbraith, Kevin		Re: DTC interface with CIT	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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1915 Attachment(s)	7/15/15 9:50 AM	Galbraith, Kevin	Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	ļ
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1916 Email		Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Request(s)/Request for Additional Documentation		Communication requesting legal advice of counsel.		
1917 Email		A Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel.	4	
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.		
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1919 Attachment(s)	7/15/15 11:43 AM	A Galbraith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
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1920 Attachment(s)	7/15/15 11:57 AM	(Gaidráith, Kevin	Lathen, Jay		Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
Email with 1921 Attachment(s)	7/15/15 12 02 PM	de la company	Robinson, Michael D.	1	FW: Returned Death Redemption Request(s)/Request for Additional Documentation	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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1922 Attachment(s)	//15/15 3:25 PM	Galbraith, Kevin	Robinson, Michael D.	<del></del>		Attorney Client Privilege	Communication reflecting regal advice of counsel.		
1923 Email	744545 4.35 84	A Robinson, Michael D.	Galbraith, Kevin	1	Fwd: Fwd: FW: Returned Death Redemption Request(s)/Request for Additional Documentation	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
1923 2111311	7/13/13 4:23 PM	Modinson, Michael U.	Galbraith, kevin		Re: Returned Death Redemption Request(s)/Request	Attorney Chent Privilege	Consideration requesting regal abovice of coonser.	<del></del>	
1924 Email	7/16/16 4:31 01	Galbraith, Kevin	Robinson, Michael D.	ĺ		Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
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1925 Attachment(s)	7/15/15 7:29 PM	diama to	Galbraith, Kevin	1	RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.	i	
1926 Email	7/15/15 7:49 PM		Galbraith, Kevin		RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	<del> </del>
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1927 Attachment(s)	7/15/15 8:11 PM	fisthen tou	Galbraith, Kevin	1	RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.	İ	
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1928 Attachment(s)	7/16/15 9:22 AN	A Galbraith, Kevin	Lathen, Jay	1	Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l l	
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1929 Attachment(s)	7/16/15 10:48 AN	Galbraith, Kevin	Lathen, Jay	1	Re: Reply Brief & Affidavit	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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1930 Attachment(s)	7/16/15 11:16 AN	A Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	Notarized Page	Attorney Client Privilege	Communication requesting legal advice of counsel.		I .
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1951IAUAChment(s)	7/16/15 1:08 PM	Stathen, lav	Galbraith Kevin		RE: Reply Brief & Affidavit	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1931 Attachment(s)	7/16/15 1:08 PM 7/16/15 2:32 PM		Galbraith, Kevin Robinson, Michael D.		RE: Reply Brief & Affidavit  Re: Notarized Page	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1932 Email		A Lathen, Jay A Galbraith, Kevin	Galbraith, Kevin Robinson, Michael D.		Re: Notarized Page	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1932 Email Email with	7/16/15 2:32 PM	A Galbraith, Kevin	Robinson, Michael D.		Re: Notarized Page Reply Brief and Affidavit in Support of Motion to	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1932 Email	7/16/15 2:32 PM				Re: Notarized Page	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1932 Email Email with 1933 Attachment(s)	7/16/15 2:32 PM 7/16/15 3:11 PM	A Galbraith, Kevin	Robinson, Michael D.		Re: Notarized Page Reply Brief and Affidavit in Support of Motion to	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1932 Email Email with 1933 Attachment(s) Email with	7/16/15 2:32 PM 7/16/15 3:11 PM	A Galbraith, Kevin	Robinson, Michael D. Lathen, Jay		Re: Notarized Page Reply Brief and Affidavit in Support of Motion to Dismiss	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1932 Email Email with 1933 Attachment(s) Email with 1934 Attachment(s) 1935 Email	7/16/15 2:32 PM 7/16/15 3:11 PM	A Galbraith, Kevin A Galbraith, Kevin A Galbraith, Kevin	Robinson, Michael D. Lathen, Jay		Re: Notarized Page Reply Brief and Affidavit in Support of Motion to Dismiss Legal Fees RE: Reply Brief and Affidavit in Support of Motion to Ossmiss	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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Entry Number Record Type	Date	From	10	Le .	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
1951 Email	7/21/15 7:04 PM	Protess, Harlan	Lathen, Jay		Forgot to mention; no French cuffs, no fancy watches	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
			1		RE: Forgot to mention; no French cuffs, no fancy				
1952 Email	7/21/15 7:08 PM	Lathen, Jay	Protass, Harlan		watches	Attorney Client Privilege	Communication requesting legal advice of counsel.	<u> </u>	
1953 Email	7/21/15 B:12 D1/	Protass, Harlan	Lathen, Jay		Re: Forgot to mention; no french cuffs, no fancy watches	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
1954 Email	7/22/15 1:49 PM	Galbraith, Kevin	Lathen, Jay		Status Updates: Prospect and U.S. Bank		Communication reflecting legal advice of counsel.	<del></del>	
1955 Email	7/22/15 3:12 PM	Gosnell, Wayne	Robinson, Michael D.	Protass, Hartan; Knauer, Jorja	Document Production Request	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
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 1959 Email		Robinson, Michael D. Protass, Harlan	Protass, Harian Knauer, Joria	Gosnell, Wayne; Knauer, Jorja Robinson, Michael D.; Gosnell, Wayne	Re: Document Production Request Re: Document Production Request	Attorney Client Privilege	Communication requesting legal advice of counsel.	<u> </u>	
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1960 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.	i	ļ
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.		
Email with									
1962 Attachment(s) Email with	7/12/15 9.10 PM	Protass, Harlan	Lathen, Jay		Fwd: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
1963 Attachment(s)	7/22/15 9:11 PM	Protass, Harlan	Lathen, Jay		Fwd: Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	
1964 Email	7/23/15 11:30 AM		Robinson, Michael D.		Please copy me on anything you send to Jay	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
1965 Email		Robinson, Michael D.	Protess, 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.		
Email with	7/77/15 11.57	Robinson Michael D	Protass, Harian	1	Surf. Bar EndCare hearbure	Attorney Clicat Beloits	Communication converting to add and add and account		
1967 Attachment(s) 1968 Email		Robinson, Michael D.	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Fwd: Re: EndCare brochure	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		<del></del>
1969 Email		Robinson, Michael D.	Protass, Harlan	The state of the s	Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
Email with								<del>                                     </del>	
1970 Attachment(s)		Robinson, Michael D.	Protass, Harlan	Lathen, Jay: Gosnell, Wayne	Re:		Communication requesting legal advice of counsel.	L	
1971 Email		Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re:	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1972 Email		Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re:		Communication requesting legal advice of counsel.		
1973 Email 1974 Email		Robinson, Michael D. Protass, Harlan	Protass, Harlan Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne Lathen, Jay; Gosnell, Wayne	Re:		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1975 Email		Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re:	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1976 Email		Protess, Harlan	Lathen, Jay	Gosnell, Wayne	Transcript	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1977 Email	7/24/15 10:01 AM		Lathen, Jay	Ortiz, Clara	Outstanding Balance	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1978 Email	7/24/15 12:20 PM		Protass, Harlan	Gosnell, Wayne	RE: Transcript	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1979 Email 1980 Email	7/24/15 1:30 PM	Protass, Harlan	Protass, Harlan Lathen, Jay	Ortiz, Clara Ortiz, Clara	RE: Outstanding Balance Re: Outstanding Balance	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
1980 Email	7/24/15 1:34 PM		Protass, Harlan	Ortiz, Clara	RE: Outstanding Balance		Communication reflecting legal advice of counsel.	<del></del>	
1982 Email		Protass, Harlan	Lathen, Jay	Ortiz, Clara	Re: Outstanding Balance	Attorney Client Privilege	Communication reflecting legal advice of counsel.	· · · · · · · · · · · · · · · · · · ·	
1983 Email		Protass, Harian	Robinson, Michael D.		PPM		Communication reflecting legal advice of counsel.		
				1	Michael Robinson has shared a file with you using				
1984 Email Email with	7/27/15 10:19 AM	Robinson, Michael D.	Protass, Harlan		Dropbox	Attorney Client Privilege	Communication requesting legal advice of counsel.		
1985 Attachment(s)	7/27/15 10:21 AM	Robinson, Michael D.	Protass, Harlan		PPM 2011	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
1986 Email		Robinson, Michael D.	Protass, Harlan		Re: PPM		Communication requesting legal advice of counsel.	1	
1987 Email		A Robinson, Michael D.	Protass, Harlan		Ales		Communication requesting legal advice of counsel.		
1988 Email	7/27/15 11:01 AM		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	Protess, Harlan	Robinson, Michael D.		Re: Files	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
1990 Email	7/27/15 11:49 AM	Robinson, Michael D.	Protass, Harlan	1	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
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1991 Email	7/27/15 11:52 AM	A Protass, Harlan	Robinson, Michael D.	1	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
1992 Email	7/27/15 2:48 PM	A Robinson, Michael D.	Protass, Harlan		Re: Next Question - When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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1993 Email	1/21/15 2:59 PM	A Protass, Harlan	Robinson, Michael D.	<del> </del>	Re: Next Question When you get back to the office	Attorney Clent Privilege	Communication reflecting legal advice of counsel.	1	
1994 Email	7/27/15 3:08 PM	Robinson, Michael D.	Protass, Harlan	l	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.	(	ĺ
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1995 Email	7/27/15 3:16 PM	A Protass, Harlan	Robinson, Michael D.	ļ	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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1996 Attachment(s)	7/27/15 4:54 PM	Robinson, Michael D.	Protass, Harlan	<del> </del>	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
1997 Email	7/28/15 9:42 42	A Protess, Harlan	Robinson, Michael D.		Re: Next Question When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
1998 Email	7/28/15 9:52 AM	Galbraith, Kevin	Lathen, Jay		FW: Federal Farm Applications Update		Communication reflecting legal advice of counsel.		
1999 Email	7/28/15 11:01 AM	A Lathen, Jay	Galbraith, Kevin		Re: Federal Farm Applications Update		Communication requesting legal advice of counsel.		
l			L	J		L			
2000 Email	//28/15 1:40 PM	Robinson, Michael D.	Protass, Harian		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	A Protass, Harlan	Robinson, Michael D.		Re: Next Question When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2002 Email	7/28/15 3:57 PM	A Robinson, Michael D.	Protass, Harlan	1	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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2003 Email	7/28/15 8:49 PM	A Protass, Harlan	Robinson, Michael O.	<del> </del>	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2004 Email	7/28/15 0-07 01	A Robinson, Michael D.	Protass, Harian	1 .	Re: Next Question When you get back to the office	Attorney Client Privilege	Communication requesting least advice of course	1 1	
2005 Email		A Galbraith, Kevin	Lathen, Jay	<del> </del>	Re: Federal Farm Applications Update	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	
2006 Email	7/29/15 1:40 PA	A 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	A Protass, Harlan	Lathen, Jay		Tax Returns	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2009 Email	7/29/15 3:04 PM	AlLathen, Jay	Protass, Harlan	L	Re: Tax Returns	Attorney Client Privilege	Communication requesting legal advice of counsel.		

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2010 6	mail		Protess, Harlan	Lathen, Jay			Communication requesting legal advice of counsel.		
		7/30/15 1:23 PM Lathen, Jay	Robinson, Michael D.	Protess, Harlan			Communication requesting legal advice of counsel.		
2012		7/30/15 2:20 PM Robinson, Michael D.	Lathen, Jay	Protess, Harlan	Re: Brochure Research and E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2013 8			Lathen, Jay	Protass, Harian	Re: Brochure Research and E-mails	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2014 8		7/30/15 4:28 PM Protass, Harian	Robinson, Michael D.	Lathen, Jay			Communication reflecting legal advice of counsel.		
2015 8		7/30/15 4:56 PM Robinson, Michael D. 7/31/15 10:23 AM Galbraith, Kevin	Protass, Harlan	Lathen, Jay			Communication requesting legal advice of counsel.		
2016		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		7/31/15 10:27 AM Protass, Harlan	Lathen, Jay		Transcript of Your Testimony	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2018		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		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 6		7/31/15 12:29 PM Galbraith, Kevin	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2021		7/31/15 1:12 PM Lathen, Jay	Galbraith, Kevin		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2023		7/31/15 2:59 PM Protass, Harlan	Lathen, Jay		Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<b></b>
2024		7/31/15 4:29 PM Lathen, Jay	Protass, Harlan	***************************************			Communication requesting legal advice of counsel.		L
		8/1/15 9:55 AM Galbraith, Kevin	tathen, Jay		Re: Federal Farm Applications Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2025		8/3/15 9:49 AM Protass, Harlan	Lathen, Jay		Re: Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2026		8/3/15 12:44 PM Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin			Communication requesting legal advice of counsel.		<b></b>
2028		B/3/15 12 59 PM Lathen, Jay	Protass, Harlan		RE: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel		<b></b>
2029		8/3/15 1:16 PM Robinson, Michael D.	Galbraith, Kevin				Communication requesting legal advice of counsel		
		8/3/15 1:20 PM Galbraith, Kevin	Robinson, Michael D.		Re: CIT Puts	Attorney Client Privilege	Communication reflecting legal advice of counsel.	_	<b></b>
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	Attachment(s)	8/3/15 1:22 PM Robinson, Michael D.	Galbraith, Kevin			Attorney Client Privilege	Communication requesting legal advice of counsel.		
2031		8/3/15 1:23 PM Robinson, Michael D.	Galbraith, Kevin		Re: CIT Puts		Communication requesting legal advice of counsel.		
2012		8/3/15 3:33 PM Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel.		<b></b> i
2033 8		8/3/15 3 34 PM Lathen, Jay	Galbraith, Kevin		RE: Status Update	Attorney Client Privilege	Communication requesting legal advice of counsel.		<b></b>
2034 8	email	8/3/15 4:22 PM Protass, Harlan	Lathen, Jay				Communication reflecting legal advice of counsel.		ļ
2035		8/3/15 4:51 PM Lathen, Jay	Protass, Harlan		RE: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		<b>└</b> ───
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	Attachment(s)	B/3/15 4.53 PM Protass, Harlan	Lathen, Jay	Gosnell, Wayne	EndCare Brochures	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<b>└</b> ──
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	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.		
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2038	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.		L
2039	Email	8/3/15 S 24 PM Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1 1	ŧ	ţ			Did you get the transcript I dropped at your apt last				i
2040 E	Email	8/3/15 S 34 PM Protass, Harlan	Lathen, Jay		friday?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2041		8/3/15 6 55 PM Lathen, Jay	Protess, Harlan		Friday?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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2042	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		8/3/15 8:25 PM Lathen, Jay	Protass, Harian		RE: Question from Judy Weinstock	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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	Attachment(s)	8/4/15 12:10 PM Galbraith, Kevin	Lathen, Jay		Re: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2045	Attachment(s)	8/4/15 12:10 PM Galbraith, Kevin	Lathen, Jay		Re: Status Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		ļ
2046 E		8/5/15 12:27 PM Lathen, Jay	Protess, Harlan				Communication requesting legal advice of counsel.		
2047		B/5/15 12:33 PM Protass, Harlan	Lathen, Jay; Gosnell, Wayne				Communication reflecting legal advice of counsel.		
2048		8/5/15 12:36 PM Lathen, Jay	Protass, Harlan; Gosnell, Wayne		RE: Wednesday	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2049		8/6/15 8:49 AM Protass, Harian	Robinson, Michael D.	Gosnell, Wayne	Email Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		Ļ
2050		8/6/15 8:55 AM Robinson, Michael D.	Protass, Harian	Gosnell, Wayne	Re: Email Question		Communication requesting legal advice of counsel.		<u> </u>
2051		8/6/15 8:56 AM Robinson, Michael D.	Protass, Harian	Gosnell, Wayne			Communication requesting legal advice of counsel.		<del></del>
2052		8/6/15 8:59 AM Protass, Harlan	Robinson, Michael D.	Gosnell, Wayne	Re: Email Question		Communication reflecting legal advice of counsel.		
2053 E		8/6/15 3:30 PM Galbraith, Kevin	Lathen, Jay	Galbraith, Kevin		Attorney Client Privilege	(Communication reflecting legal advice of counsel.		
2054 E		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.		<del></del>
2055		B/6/15 B:34 PM Lathen, Jay	Robinson, Michael D.	Galbraith, Kevin			Communication requesting legal advice of counsel.		
2056		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.		<u> </u>
2057		8/7/15 12:54 PM Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay	Galbraith, Kevin	Re: death put for GE and Synchrony Bank	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2058		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.		<del> </del>
2059		B/9/15 4:59 PM Kane, Darren	Lathen, Jay	Hartman, David	Your Availability		Communication reflecting legal advice of counsel.		<b></b>
2060 8		8/11/15 11:45 AM Robinson, Michael D.	Protass, Harlan; Lathen, Jay	Gosnell, Wayne		Attorney Client Privilege	Communication requesting legal advice of counsel.		<b></b>
2061		B/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.		
	Email with							1	
	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.		ļ
2063 E		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.		
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2064	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.		<b></b>
			1		Fwd: Smarsh Import Case 00896567 [				
2065 E		8/11/15 5:42 PM Robinson, Michael D.	Protass, Harian	Lathen, Jay; Gosnell, Wayne	ref:_00D301FgxH50013pckYM:ref )	Attorney Client Privilege	Communication requesting legal advice of counsel.	_	
2066	Email	B/12/15 10:35 AM Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
					Re: Smarsh Import Case 00896567 [				
2067 E		B/12/15 11:26 AM Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	ref:_00D301FgsH50013pckYM:ref )	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2068	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.		<u> </u>
2069 E	[mail	8/12/15 12:22 PM Robinson, Michael D.	Protass, Harlan		Analyst Question	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2070 5		8/12/15 1:49 PM Galbraith, Kevin	Lathen, Jay	Galbraith, Kevin	DRAFT Email to Federal Farm Credit Counsel	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2071 8		8/12/15 2.19 PM Galbraith, Kevin	Robinson, Michael D.		Gilks Material	Attorney Client Privilege			
2072		8/12/15 3:18 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.		
2073	Email	8/12/15 3:21 PM Galbraith, Kevin	Lathen, Jay		Re: DRAFT Email to Federal Farm Credit Counsel		Communication reflecting legal advice of counsel.		
	Email with								1
	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.		
	Email with								1
2075	Attachment(s)	8/12/15 3:52 PM Galbraith, Kevin	Lathen, Jay	L	Fw: Lathen Survivar's Option Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		

	Date	From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
2076 Email	8/12/15 4:04 PM		Robinson, Michael D.		Re: Analyst Question	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2077 Email			Protass, Harlan		Re: Email Issue		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.		
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2079 Attachment(s)	8/13/15 3:25 PM		Lathen, Jay		Draft letter to Muccia		Communication reflecting legal advice of counsel.	<del></del>	
2080 Email	8/13/15 4:10 PM		Galbraith, Kevin		Re: Draft letter to Muccia		Communication requesting legal advice of counsel.		
2081 Email	8/13/15 4:11 PM		Lathen, Jay		Re: Draft letter to Muccia		Communication reflecting legal advice of counsel.		
2082 Email	8/13/15 4:36 PM		Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re: Email Issue		Communication reflecting legal advice of counsel.		
2083 Email	8/13/15 5:21 PM		Protass, Harlan		Re: Email Issue	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2084 Email		Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne	Re: Email Issue		Communication requesting legal advice of counsel.		
2085 Email	8/14/15 7:02 AM		Lathen, Jay; Lathen, Kathy			Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
2086 Email		Robinson, Michael D.	Protass, Harlan	Gosnell, Wayne; Lathen, Jay	E-mail Count		Communication requesting legal advice of counsel.	<u> </u>	
2087 Email		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.		
Email with		1							
2089 Attachment(s)	8/18/15 B:07 PM	Protass, Harlan	Lathen, Jay; Robinson, Michael D.		Draft Letter to the SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	
2090 Email	8/18/15 8:30 PM	Robinson, Michael D.	Protass, Harlan	Lathen, Jay	Re: Draft Letter to the SEC		Communication requesting legal advice of counsel.	1	
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2091 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		Lathen, Jay	Robinson, Michael D.	Re: Draft Letter to the SEC		Communication reflecting legal advice of counsel.		
2093 Email	8/19/15 12:12 PM		Protess, Harlan	Robinson, Michael D.	RE: Draft Letter to the SEC		Communication requesting legal advice of counsel.		
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2094 Attachment(s)	8/19/15 3:48 PM	Protass, Harlan	Lathen, Jay		Fwd: Telephone Message	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	1
2034 Misourenits)			1		Fwd: NACDL White Collar : Securities Fraud / Survivor		The state of the s	<del></del>	
2095 Email	8/19/15 4:03 PM	Protess Harlan	Lathen, Jay		loation	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	
2073 Email	0/ +3/ 13 4:U3 PM	review, menan	tornett, AEY		RE: NACDL White Collar : Securities Fraud / Survivor	CONTROL PRIVATES	Section of the sectio	<del> </del>	
300cle=-0	9/10/10 4 35		Protect Maria			Assessment Places And all .	Communication and analysis in the second sec	l	
2096 Email	8/19/15 4:20 PM	Lainen, Jay	Protass, Harian		loption	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
l		January 112 1	h	[	Re: NACOL White Collar : Securities Fraud / Survivor			ŀ	1
2097 Email	8/19/15 4:54 PM	Protass, Harlan	Lathen, Jay		option	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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2098 Attachment(s)	8/19/15 4:55 PM		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		Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: GE/Synchrony Bank		Communication reflecting legal advice of counsel.	1	
2101 Email		Robinson, Michael D.	Galbraith, Kevin	tathen, Jay	Re: GE/Synchrony Bank		Communication requesting legal advice of counsel.		
2102 Email		Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: GE/Synchrony Bank		Communication reflecting legal advice of counsel.		
2103 Email	8/19/15 5:48 PM	Lathen, Jay	Protass, Harlan		RE: Favorites		Communication requesting legal advice of counsel.		
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2104 Email	8/19/15 6:01 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.		RE: GE/Synchrony Bank	Attorney Client Provilege	Communication requesting legal advice of counsel.	l	
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2105 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.	L	
2106 Email	8/20/15 10:32 AM		Lathen, Jay		Re: Favorites		Communication reflecting legal advice of counsel.		
Email with		1	1					1	
2107 Attachment(s)	8/20/15 11:12 AM	Protass, Harlan	Lathen, Jay		SEC letter attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	!!!
Email with	7/55/10 00:00								
2108 Attachment(s)	8/20/15 11:41 AM	Protess Harlan	Lathen, Jay		Your Day 3 Testimony Attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i i
2 Tog Mitagintenitist	0) 10/13 11:13 AN	Triutess, rieriali	Latters, Adj		Fwd: Docket Update: United States Securities and	Actorney Chent Firewege	Communication residenting regar advice of countries.		
2109 Email	8/21/15 1:07 AM	Dratte Maria	Lathen, Jav		Exchange Commission v. Staples et al	Attorney Client Privilege	Communication reflecting legal advice of counsel.		l i
	8/21/15 1:U/ AM	Protess, Harian	tothen, say		Exchange Constitution of Staples et al	Attorney Chent Privilege	Continuite at the course of course.		
Email with 2110 Attachment(s)	8/21/15 9:45 AM	Daniel Hadaa	lathen, Jav	Gosnell, Wayne	Staples' Expert Witness	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i f
	8/21/15 9:45 AM	Protass, Marian	Latnen, Jay	Gosnesi, wayne	Staples Expert witness	Attorney Clent Privilege	Communication resecting regar advice of counses.		
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2111 Attachment(s)	8/21/15 10:40 AM	Protess, Harian	Lathen, Jay	Gosnell, Wayne	Response from the SEC		Communication reflecting legal advice of counsel.		
2112 Email	8/21/15 12:04 PM	Protass, Harlan	Lathen, Jay	<del></del>	CDs	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b>!</b>	
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2113 Attachment(s)	8/21/15 12:49 PM	Protass, Harian	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.		
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2115 Attachment(s)		Galbraith, Kevin	Lathen, Jay		Prospect Motion	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2116 Email	8/21/15 4:25 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Staples' Expert Witness	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
2117 Email	8/21/15 4:28 PM		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.		
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2119 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		Galbraith, Kevin	12.	Re: Prospect Motion	Attorney Client Privilege			
2121 Email	8/24/15 2:34 PM	Galbraith, Kevin	Lathen, Jay		Re: Prospect Motion	Attorney Client Privilege	Communication reflecting legal advice of counsel.	i	
2122 Email	8/24/15 2:40 PM		Galbraith, Kevin			Attorney Client Privilege		1	
2123 Email		Galbraith, Kevin	Lathen, Jay	<del></del>	Re: Prospect Motion	Attorney Client Privilege		<del>                                     </del>	
2124 Email	8/24/15 2:54 PM		Galbraith, Kevin		Re: Prospect Mation	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
2125 Email	8/24/15 2:34 PM	Protass, Harian			Just left you a vmall. Please call when you can.		Communication reflecting legal advice of counsel.		<b></b>
2125 Email	8/24/15 3:20 PM	Il athen lau	Lathen, Jay Galbraith, Kevin		RE: GE Capital Draft Email		Communication retrecting legal advice of counsel.	_	
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2127 Attachment(s)	0/24/15 3:48 PM	Galbraith, Kevin	Lathen, Jay	<del></del>	Re: GE Capital Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b></b>	
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2128 Attachment(s)		Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay	17284CD24		Communication requesting legal advice of counsel.	L	
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.		
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2130 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.		
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2131 Email	8/25/15 10:08 AM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: CIT BANK PUT CUSIP#17284A3N6 AND 17284CDZ4	Attorney Client Privilege	Communication reflecting legal advice of counsel.	] :	
Email with									
2132 Attachment(s)	B/25/15 12:06 PM	Galbraith, Kevin	Lathen, Jay	L	FW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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2133 Attachment(s)	8/25/15 12:18 PM	Galbraith, Kevin	Lathen, Jay	1	FW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.	i l	

			From	To	Cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bat
2134 Em		8/25/15 2 46 PM	Galbraith, Kevin	Lathen, Jay		Prospect: Procedural Route	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	ttachment(s)	8/25/15 3:10 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: CIT BANK PUT CUSIP#17284A3N6 AND 17284CDZ4	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2136 Em		8/26/15 4:15 PM	Galbraith, Kevin	lathen, Jay				Communication reflecting legal advice of counsel.		
2137 Em		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.		<u> </u>
	nail with			<b>!</b>						
	ttachment(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.		
	nail with									
2139 At	tachment(s)		Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin	SunTrust Rejection	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2140 Em	mail	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.		_
l_										
2141 Em		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
	nall with			L				l		
	ttachment(s)	B/27/15 1:44 PM		Robinson, Michael D.		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes	EA00033611
2143 En		B/27/15 3:08 PM		Protass, Harlan			Attorney Client Privilege			
2144 Em		B/27/15 3:15 PM		Lathen, Jay				Communication reflecting legal advice of counsel.		
2145 Err		8/27/15 3:31 PM		Lathen, Jay		Client Alert Anti-money Laundering Rule	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2146 En		8/27/15 3:31 PM		Robinson, Michael D.		Client Alert - Anti-money Laundering Rule	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2147 En	mail	8/27/15 3:39 PM	Lathen, Jay	Protess, Harlan		RE: White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel		
2148 Em	Than!	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 Em	mail	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
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2150 Em	mail	8/27/15 4:07 PM	Robinson, Michael D.	Lathen, Jay		Re: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	l <sub>Yes</sub>	EA00033659
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2151 En	mail	8/27/15 4:08 PM	Lathen, lav	Robinson, Michael D.		RE: SunTrust Rejection	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.	Yes !	EA00033663
2152 En			Robinson, Michael D.	Lathen, Jay	Galbraith, Kevin			Communication requesting legal advice of counsel.	<del>                                    </del>	
2153 Em		9/27/15 4:52 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay		Attorney Chent Privilege	Communication requesting legal advice of counsel.	-	<del></del>
	mail with	0/21/13 4:33 PM	Geruratin, Keyin	Indumsori, Michael U.	Corners, Jay	ne: pww/ner/13 Rejections	ALLUMEY CHERT PRIVILEGE	Communication reflecting legal advice of counsel.		<del></del>
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		8/27/15 6:28 PM	Hodinson, Michael D.	Lathen, Jay: Galbraith, Kevin		Re: Status Updates	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	mail with		L	1	L					ŀ
	ttachment(s)	8/28/15 11:37 AM		Lathen, Jay	Robinson, Michael D.	FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2156 En		8/28/15 12:01 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.			Communication requesting legal advice of counsel.		
2157 En		8/28/15 12:04 PM	Lathen, Jay	Galbraith, Kevin		RE: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.		L
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	ttachment(s)	8/28/15 12:28 PM		Lathen, Jay		Re: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2159 Em	mail	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 En	nail	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.		
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2161 At	ttachment(s)	8/29/15 6:37 PM	Protass, Harlan	Lathen, Jav	i	IMPORTANT Staples Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		l
2162 En			Robinson, Michael D.	Protass, Harlan	Lathen, Jay; Gosnell, Wayne		Attorney Client Privilege	Communication requesting legal advice of counsel.		
2163 Em			Protass, Harlan	Robinson, Michael D.	Lathen, Jay; Gosnell, Wayne	Re: Email Production	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2164 En		8/31/15 10:44 AM		Protass, Harlan; Robinson, Michael D.	Gosnell, Wayne		Attorney Client Privilege			
2165 Em		8/31/15 10:48 AM		Protass, Harian	domen, via jue		Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
2166 Em		8/31/15 11:05 AM		Lathen, Jay	Robinson, Michael D.; Gosnell, Wayne			Communication reflecting legal advice of counsel.		-
2167 En		8/31/15 11:05 AM			Gosnell, Wayne					<del></del>
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	ttachment(s)	8/31/15 1:56 PM	Galbraith, Kevin	Robinson, Michael D.		FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	ttachment(s)	8/31/15 4:20 PM	Galbraith, Kevin	Lathen, Jay		Draft Summary Judgment Papers	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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	ttachment(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.		
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	ttachment(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.		
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	ttachment(s)	9/1/15 5:14 PM	Robinson, Michael D.	Galbraith, Kevin	l	Re: FW: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.	I	
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	ttachment(s)	9/1/15 S:57 PM	Robinson, Michael D.	Galbraith, Kevin	1	RE: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	I
2174 Em		9/1/15 R-17 DAA	Protass, Harlan	Lathen, Jay; Robinson, Michael D.	<del> </del>	Call	Attorney Client Privilege		1	
		9/1/15 8:23 PM		Protass, Harlan		Re: Call	Attorney Client Privilege		<del> </del>	<del> </del>
			Robinson, Michael D.	Protass, Harlan	Lathen, Jay	Re: Call	Attorney Client Doubless	Communication requesting legal advice of counsel.	<del></del>	<del></del>
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2175 Em 2176 Em 2177 Em	mail		Galbraith, Kevin	Robinson, Michael D.		Re: Caterpillar Submission		Communication reflecting legal advice of counsel.		
2175 Em 2176 Em 2177 Em Em	nail nail with	9/2/15 8:55 AM	Galbraith, Kevin	Robinson, Michael D.		Re: Caterpillar Submission	Attorney Client Privilege			
2175 Em 2176 Em 2177 Em 2178 At	nail nail with ttachment(s)	9/2/15 8:55 AM 9/2/15 8:59 AM	Galbraith, Kevin Galbraith, Kevin	Robinson, Michael D. Lathen, Jay		Re: Caterpillar Submission FW: Caterpillar Submission	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2175 En 2176 En 2177 En 2178 At 2178 At	nail mail with stachment(s) mail	9/2/15 8:55 AM 9/2/15 8:59 AM 9/2/15 9:59 AM	Galbraith, Kevin Galbraith, Kevin Galbraith, Kevin	Robinson, Michael D. Lathen, Jay Robinson, Michael D.		Re: Caterpillar Submission  FW: Caterpillar Submission  Call Yesterday	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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2175 Em 2176 Em 2177 Em 2178 At 2178 At 2179 Em 2180 Em 2181 Em	nail mail with itachment(s) mail mail mail	9/2/15 8:55 AM 9/2/15 8:59 AM 9/2/15 9:59 AM 9/2/15 1:47 PM 9/2/15 11:03 PM	Galbraith, Kevin Galbraith, Kevin Galbraith, Kevin Protass, Harlan Galbraith, Kevin	Robinson, Michael D. Lathen, Jay Robinson, Michael D. Lathen, Jay Lathen, Jay		Re: Caterpillar Submission  FW: Caterpillar Submission  Call Yesterday  White Paper and Emails  Brief Revisions	Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel. Communication reflecting legal advice of counsel.		
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2190 Email	9/3/15 3.54 PM Lathen, Jay	Galbraith, Kevin	<del></del>	RE: Filed Versions	Attorney Client Privilege	Communication requesting legal advice of counsel.	·	<u> </u>
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2193 Email	9/4/15 10:17 AM Galbraith, Kevin	Lathen, Jay		Re: Filed Versions	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	<del></del>
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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.	1	i
2195 Email	9/5/15 10:51 AM Kane, Darren	Lathen, Jay		Draft SEC Letter		Communication reflecting legal advice of counsel.	+	
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2196 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.	ĺ	(
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2197 Attachment(s)	9/6/15 11:25 AM Kane, Darren	Lathen, Jay		RE: Draft White Paper		Communication reflecting legal advice of counsel.		
2198 Email	9/8/15 10:11 AM Lathen, Jay	Xane, Darren		RE: Draft White Paper		Communication requesting legal advice of counsel.	T	
2199 Email	9/8/15 10:18 AM Kane, Darren	Lathen, Jay		RE: Draft White Paper	Attorney Cilent 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 Xane, Darren	Lathen, Jay		RE: Draft White Paper		Communication reflecting legal advice of counsel.		<u> </u>
2202 Email	9/8/15 12:52 PM Lathen, Jay	Kane, Darren		RE: Draft White Paper		Communication requesting legal advice of counsel.		<u> </u>
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.	<del></del>	
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	<del></del>	RE: Draft White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2206 Email 2207 Email	9/8/15 1:49 PM Protass, Harian 9/8/15 2:18 PM Lathen, Jay	Lathen, Jay		Re: Draft White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
2207 Email 2208 Email		Xane, Darren Protass, Harian		RE: Draft White Paper RE: Draft White Paper		Communication requesting legal advice of counsel.	+	<del></del>
2209 Email	9/8/15 3:16 PM Lathen, Jay 9/8/15 3:25 PM Protass, Harian	Lathen, Jay		Re: Draft White Paper	Attames Client Privilege	Communication requesting legal advice of counsel.	+	<del></del>
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2210 Attachment(s)	9/8/15 5:35 PM Lathen, Jay	Protass, Harlan		RE: Draft White Paper	Attorney Cilent Privilege	Communication requesting legal advice of course	1	l
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2211 Attachment(s)	9/10/15 9:06 AM Galbraith, Kevin	Lathen, Jay	1	Prospect Reply Brief	Attorney Client Privilege	Communication reflecting least advice of courses	1	
2212 Email	9/10/15 9:45 AM Lathen, Jay	Galbraith, Kevin	<del></del>	RE: Prospect Reply Brief	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	+	<del></del>
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2213 Attachment(s)	9/10/15 9:50 AM Galbraith, Kevin	Lathen, Jay	1	Re: Prospect Reply Brief	Attorney Client Privilege	Communication reflecting legal advice of counsel.	j	j
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.	<del> </del>	
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2215 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.		1
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2216 Attachment(s)	9/10/15 11:23 AM Protass, Harian	Lathen, Jay	1	White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
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.		
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2218 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.		l
2219 Email	9/10/15 1:20 PM Protass, Harian	Lathen, Jay; Robinson, Michael D.		Where are we on the emails?	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting 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.		
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2221 Attachment(s)	9/10/15 2:02 PM Lathen, Jay	Protass, Harlan		RE: White Paper	Attorney Client Privilege	Communication requesting legal advice of counsel.	.i	
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2222 Attachment(s)	9/10/15 4:11 PM Protass, Harian	Lathen, Jay	<del></del>	Have a look at the attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
2223 Email	9/10/15 4:14 PM Protass, Harian	Lathen, Jay	<del></del>	Three Needed Exhibits	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b></b>	<b>└</b>
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2224 Attachment(s) 2225 Email	9/10/15 4:44 PM Lathen, Jay 9/10/15 4:53 PM Protass, Harlan	Protass, Harian Lathen, Jay		RE: Three Needed Exhibits Re: Three Needed Exhibits	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		<del></del>
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2226 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		Communication reflecting legal advice of counsel.	+	
2228 Email	9/10/15 5:59 PM Lathen, Jay	Protass, Harlan	<del></del>	RE: Have a look at the attached		Communication requesting legal advice of counsel.	+	
2229 Email	9/10/15 6:14 PM Lathen, Jay	Protass, Harian	1	RE: Have a look at the attached		Communication requesting legal advice of counsel.	1	
2230 Email	9/10/15 6:23 PM Protess, Harlan	Lathen, Jay	1	Re: Have a look at the attached		Communication reflecting legal advice of counsel.	<del>                                     </del>	
2231 Email	9/10/15 6:23 PM Lathen, Jay	Protess, Harlan		RE: Have a look at the attached		Communication requesting legal advice of counsel.	T	
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2232 Attachment(s)	9/10/15 6:32 PM Lathen, Jay	Kane, Darren	L	Close to final draft of SEC "White Paper"	Attorney Client Privilege	Communication requesting legal advice of counsel.	· I · · · · · ·	<u> </u>
2233 Email	9/10/15 6:35 PM Lathen, Jay	Protass, Harlan		Re: Have a look at the attached		Communication requesting legal advice of counsel.	. 1	
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2234 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.		L
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2235 Attachment(s)	9/11/15 5:46 AM Protass, Harlan	Lathen, Jay	L	White Paper	Attorney Client Privilege	Communication reflecting legal advice of counsel.		L
2236 Email	9/11/15 8:47 AM Kanz, 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	Xane, Darren	<del></del>	RE: Close to final draft of SEC "White Paper"	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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2238 Email	9/11/15 10:50 AM Protass, Harlan	Lathen, Jay		like 5:45 am?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<b></b>
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2239 Email Email with	9/11/15 10:52 AM Lathen, Jay	Protass, Harian	<del></del>	something like 5:45 am?	Attorney Client Privilege	Communication requesting legal advice of counsel.	4	<b></b>
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2240 Attachment(s)	9/11/15 11:38 AM Lathen, Jay	Protass, Harlan	<del> </del>	something like 5:45 am?	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
3345	001001001000000000000000000000000000000	h-s	1	Re: Did you get my draft early this morning			1	1
2241 Email	9/11/15 11:39 AM Protess, Harlan	Lathen, Jay	<del> </del>	something like 5:45 am?	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b>_</b>	
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2243 Email	9/11/15 12:25 8241-15-5 15::	Protess, Harlan	1	RE: Here it is. I'll drop a hard copy at your apartment	Attorney Flicas Beidla	Communication convection to add and add and a		í
2243[Zmail	9/11/15 12:25 PM tathen, Jay	Process, Marian	<del>                                     </del>	on the way home tonight.	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	<del></del>
2244 Email	9/11/15 12:28 PM Protass, Harlan	Lathen, Jay	1	Re: Here it is. I'll drop a hard copy at your apartment on the way home tonight.	Attorney Client Deluita	Communication reflecting to all advices of account		i .
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2245 Attachment(s)	9/11/15 5:36 PM Galbraith, Kevin	Lathen, Jay	1	U.S. Bank Response re: Gilks (Caterpillar)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
2246 Email	9/11/15 6:10 PM Lathen, Jay	Galbraith, Kevin	<del></del>	RE: U.S. Bank Response re: Gilks (Caterpillar)	Attorney Client Priviles-	Communication requesting legal advice of counsel.	+	
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2247	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.		
	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		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.	1	
	Email	9/14/15 5:19 PM	Latnen, Jay	Galbraith, Kevin		Re: U.S. Bank Response re: Gilks (Caterpillar)	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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	Attachment(s)	9/15/15 11:37 AM		Lathen, Jay		FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	9/15/15 12:36 PM		Galbraith, Kevin		RE: Caterpillar Submission	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	9/16/15 11:29 AM		Lathen, Jay; Robinson, Michael D.				Communication reflecting legal advice of counsel.		
2254	Email .	9/16/15 11:46 AM	Robinson, Michael D.	Galbraith, Kevin	Lathen, Jay			Communication requesting legal advice of counsel.		
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2255	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, Harian	Lathen, Jay; Gosnell, Wayne			Communication requesting legal advice of counsel.	1	
2257	Email	9/16/15 2:58 PM	lathen, Jay				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					Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
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2260	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.		
	Email	9/17/15 3:14 PM	Galbraith, Kevin	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>                                     </del>	
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	Attachment(s)	9/21/15 9:10 AM	Galbraith, Kevin	Lathen, Jay	1	RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal adules of course	1	l
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	Attachment(s)	9/21/15 10:30 AM	Galbeaith Fauin	Lathen, Jav	i '	FW: Prospect v. Lathen et al.: Oral Argument 10/7 9:30	Assessment Citizent Belgit	Communication and and addison of a second	1	l
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	Attachment(s)	9/21/15 10:41 AM	Lainen, Jay	Robinson, Michael D.		RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith	-	
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	Attachment(s)	9/21/15 1:12 PM	Robinson, Michael D.	Galbraith, Kevin	<u> </u>	Fwd: Documents	Attorney Client Privilege	Communication requesting legal advice of counsel.	ļ	
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2267	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.	Ļ	
	Email	9/21/15 1:27 PM	Robinson, Michael D.	Galbraith, Kevin		Osika	Attorney Client Privilege	Communication requesting legal advice of counsel.	ļ	
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	Attachment(s)	9/21/15 1·33 PM	Robinson, Michael D.	Galbraith, Kevin		Kerr	Attorney Client Privilege	Communication requesting legal advice of counsel.		
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2270	Attachment(s)	9/21/15 2:15 PM	Robinson, Michael D.	Galbraith, Kevin	l	Johnson Signature Pages	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	9/21/15 2:27 PM	A 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.		
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2273	Attachment(s)	9/21/15 3:17 PM	Robinson, Michael D.	Galbraith, Kevin	i		Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
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2274	Attachment(s)	9/21/15 3 23 PM	Robinson, Michael D.	Galbraith, Kevin	i	Caller-ID: 1-973-728-9664	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
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2275	Attachment(s)	9/21/15 3:24 PM	Robinson, Michael D.	Galbraith, Kevin	1	Caller-ID: 1-561-276-3229	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	i
2276	Email		Robinson, Michael D.	Galbraith, Kevin				Communication requesting legal advice of counsel.	· · · · · · · · · · · · · · · · · · ·	
2277	Email	9/21/15 3 37 PM	Galbraith, Kevin	Robinson, Michael D.				Communication reflecting legal advice of counsel.	1	
	Email	9/23/15 6:31 AM		Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2279	Email	9/23/15 11:42 AM	Alkane Darren	Lathen, Jay	i		Attorney Client Privilege	Communication reflecting legal advice of counsel.	ĺ	
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2280	Email	9/23/15 11:42 AM	Kane Darren	Robinson, Michael D.	1	Action	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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	Email	9/23/15 1:58 PM	1	Galbraith, Kevin		RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.		
	Email with	9/23/15 1:58 PM	Lathen, Jay	Galbraith, Kevin		RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY- RE: Pending Redemption Requests Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY-	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2283	Email with Attachment(s)	9/23/15 1:58 PM 9/23/15 2:08 PM	Lathen, Jay Galbraith, Kevin	Galbraith, Kevin Lathen, Jay		RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY - RE: Pending Redemption Requests	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
2283 2284	Email with Attachment(s) Email	9/23/15 1:58 PM 9/23/15 2:08 PM 9/23/15 2:12 PM	1 Lathen, Jay 1 Galbraith, Kevin 1 Galbraith, Kevin	Galbraith, Keyin Lathen, Jay Lathen, Jay		RE: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY- RE: Pending Redemption Requests Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY- RE: Pending Redemption Requests Re: CD Redemption Rejections	Attorney Client Privilege  Attorney Client Privilege  Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
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Entry Number Record Type 2299 Email	Date From 9/24/15 11:46 AM Protass, Harla	n (Lathen, Jay	Gosneli, Wayne	Re: Supplemental Letter?	Attorney Client Provides	Privilege Description  Communication reflecting legal advice of counsel.	Redacted P	Production Bates
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2300 Attachment(s)	9/24/15 11:49 AM Protass, Harla	n Lathen, Jay	Gosnell, Wayne	Re: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 1	
2301 Email	9/24/15 12:08 PM Protass, Haria	n 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, Key	in Robinson, Michael D.		Gliks Participant Agreement	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with								
2303 Attachment(s)	9/24/15 12:33 PM Robinson, Mi	hael D. Galbraith, Kevin		Re: Gliks Participant Agreement	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
2304 Email	9/24/15 12:35 PM Galbraith, Ker	in Robinson, Michael D.		Re: Gilks Participant Agreement		Communication reflecting legal advice of counsel.		
2305 Email	9/24/15 2:05 PM Lathen, Jay	Protass, Harlan		RE: Note re: Authority to Withdraw	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2306 Email	9/24/15 2:10 PM Lathen, Jay	Robinson, Michael D.		Fwd: Supplemental Letter?		Communication reflecting legal advice of Harlan Protass.		
2307{Email	9/24/15 2:19 PM Protass, Harla	n Lathen, Jay		Re: Note re: Authority to Withdraw	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2308 Email	9/24/15 5:27 PM Robinson, Mi	hael D. Lathen, Jay		Re: Fwd: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.		_
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2309 Email	9/24/15 5:41 PM Robinson, Mi	hael D. Caccimelio		Contact info	Attorney Client Privilege	Rosenberg U.P.	$\longrightarrow$	
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2310 Attachment(s)	9/24/15 5:45 PM Galbraith, Ke-			RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.	$\longrightarrow$	
2311 Email_	9/24/15 6:13 PM Robinson, Mi		Galbraith, Kevin	Fwd: FW: CUSIP 86789VMK0 / JTWROS	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
2312 Email	9/25/15 9:34 AM Protass, Haria	n Robinson, Michael D.		Can I call you this morning on your mobile?	Attorney Lient Privilege	Communication reflecting legal advice of counsel.	<del></del>	
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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 Harian Protass,	<del></del>	
2314 Email	9/25/15 12:38 PM Protass, Haria	n Lathen, Jay		Status	Accorded Client busilede	Communication reflecting legal advice of counsel.	<del></del>	
3335 52	0/25/25 12/50 04/1-12-1	Pahinena Mahasi B	l l	DE: Sud: Supplemental Lawrer?	Attorney Clicas Beliffe	Communication reflecting level adular of their a		
2315 Email	9/25/15 12:59 PM Lathen, Jay	Robinson, Michael D.	Robinson, Michael D.	RE: Fwd: Supplemental Letter?	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.	<del></del>	
2316 Email 2317 Email	9/25/15 2:35 PM Galbraith, Ke- 9/25/15 2:43 PM Lathen, Jay	rin Lathen, Jay Galbraith, Kevin	Robinson, Michael D.	GE Synchrony Discussion Re: GE Synchrony Discussion		Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del> </del>	
2317 Email 2318 Email	9/25/15 2:43 PM Latnen, Jay 9/25/15 2:47 PM Galbraith, Ke		Robinson, Michael D.	Re: GE Synchrony Discussion		Communication reflecting legal advice of counsel.	<del></del>	
2318/Email	9/25/15 5:41 PM Kane, Darren	Lathen, Jay	The state of the s	Form D Information		Communication reflecting legal advice of counsel.	<del></del>	
2320 Email	9/25/15 7:34 PM Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: GE Synchrony Discussion	Attorney Client Privilege		<del></del>	
2320 Email	9/25/15 7:43 PM Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	Re: GE Synchrony Discussion		Communication requesting legal advice of counsel.	<del></del>	
2322 Email	9/25/15 9:27 PM Galbraith, Ker		Robinson, Michael D.	Re: GE Synchrony Discussion	Attorney Client Privilere	Communication reflecting legal advice of coursel.	<del></del>	
2323 Email	9/26/15 6:54 AM Lathen, Jay	Galbraith, Kevin	The state of the s	Re: GE Synchrony Discussion	Attorney Clent Privilege	Communication requesting legal advice of counsel.	<del> </del>	_
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2324 Attachment(s)	9/28/15 3:14 PM Galbraith, Ke-	rin Lathen, Jay	1	CIT and Staples Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 1	
2325 Email	9/28/15 3:23 PM Lathen, Jay	Galbraith, Kevin		Re: CIT and Staples Updates		Communication requesting legal advice of counsel.		
2326 Email	9/28/15 3:26 PM Galbraith, Ke-			Re: CIT and Staples Updates	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with	7,0,17				Attorney Client			
2327 Attachment(s)	9/28/15 3:37 PM Lathen, Jay	Robinson, Michael D.		Fwd: CIT and Staples Updates	Privilege/Work Product	Communication reflecting legal advice of Kevin Galbraith.	1 1	
-	1,			l left a message for Judy at about 11:00. Will let you			1	
2328 Email	9/29/15 3:54 PM Protass, Harla	n Lathen, Jay		know when she calls back.	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
2329 Email	9/29/15 6:10 PM Protass, Harla			Fwd: got your message		Communication reflecting legal advice of counsel.		
2330 Email	9/29/15 6:20 PM Lathen, Jay	Protass, Harlan		RE: got your message		Communication requesting legal advice of counsel.		
2331 Email	9/30/15 6:21 AM Protass, Harla	n Lathen, Jay		Re: got your message	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2332 Email	9/30/15 6:22 AM Protass, Harla			Re: got your message		Communication reflecting legal advice of counsel.		
Email with	1							
2333 Attachment(s)	9/30/15 11:10 AM Hartman, Day	id Lathen, Jay	Kane, Darren	Form D Draft for additional information and review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2334 Email	9/30/15 1:54 PM Galbraith, Ke	rin Lathen, Jay		CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2335 Email	10/1/15 10:40 AM Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: CIT Update	Attorney Clent Privilege	Communication requesting legal advice of counsel.		
Email with	1				1		1 1	
2336 Attachment(s)	10/1/15 10:44 AM Galbraith, Ke	rin Lathen, Jay	Robinson, Michael D.	Re: CIT Update	Attorney Clent Privilege	Communication reflecting legal advice of counsel.		
2337 Email	10/1/15 10:54 AM Robinson, Mi	chael D. Galbraith, Kevin; Lathen, Jay		Re: CIT Update		Communication requesting legal advice of counsel.		
2338 Email	10/1/15 11:00 AM Galbraith, Ke	rin Robinson, Michael D.		Re: CIT Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with			ľ	L.,	l 4	L	1	
2339 Attachment(s)	10/1/15 12:46 PM Galbraith, Ke	rin Lathen, Jay		Bills for Legal Services	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with	I I.		1	l.,, a., .,, a., .,	L	L	1	
2340 Attachment(s)	10/1/15 4:29 PM Galbraith, Ke	rin Lathen, Jay		FW: Caterpillar Submission	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b>├</b>	
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2341 Attachment(s)	10/1/15 4:29 PM Galbraith, Ke			FW: Survivor's Option Redemption Requests	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 requesting legal advice of counsel.	<del></del>	
2343 Email	10/1/15 8:37 PM Protass, Harla	n Lathen, Jay	<del></del>	Re: got your message	Promey Cight Privilege	Communication reflecting legal advice of counsel.	<del></del>	
Email with	10/2/16 1,42 014 6-15-1	de la la la la la la la la la la la la la	Lather Inc	Notice Affidants (CITS	Attorney Clicas Small	Communication reflecting least a dutes of source?		
2344 Attachment(s)	10/2/15 1:17 PM Galbraith, Ke	rin Robinson, Michael D.	Lathen, Jay	Notary Affidavit (CIT)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	$\longrightarrow$	
Email with 2345 Attachment(s)	10/2/15 1:22 PM Galbraith, Ke	da landingan saintanas n	Lathen, Jay	Re: Notary Affidavit (CIT)	Attorney Client Privilege	Communication reflecting least advise of council	1 1	
2345 Email	10/2/15 1:22 PM Galbraith, Re 10/2/15 4:14 PM Robinson, Mi	rin Robinson, Michael D. chael D. Lathen, Jay	Galbraith, Kevin	Fwd: CUSIP 86789VMXD / JTWROS	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del></del>	
	10/2/15 4:18 PM Galbraith, Ke		Galbraith, Kevin	Re: CUSIP 85789VMKO / JTWROS		Communication reflecting legal advice of counsel.	<del></del>	
2347 Email Email with	10/2/13 % to TWI Galdraith, Re	in mountain, wacher o., cathen, My		The cost of strong strong	THE PROPERTY OF THE PERSON NAMED IN	Commence of the contract of th	<del></del>	
2348 Attachment(s)	10/2/15 5 09 PM Galbraith, Ke	rin Lathen, Jay	1	FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.	j 1	
2349 Email	10/2/15 \$ 44 PM Lathen, Jay	Robinson, Michael D.	Galbraith, Kevin	Re: CUSIP 86789VMKD / ITWROS		Communication requesting legal advice of counsel.	<del></del>	
2350 Email	10/2/15 6:55 PM Robinson, Ma		Lathen, Jay	Re: CUSIP 86789VMKD / JTWROS		Communication requesting legal advice of counsel.	<del></del>	
2351 Email	10/2/15 6:57 PM Robinson, Mi		Lathen, Jay	Re: Notary Affidavit (CIT)	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del></del>	
2352 Email	10/5/15 9:39 AM Protass, Harla	n Lathen, Jay		The state of the s	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	
Email with			<del></del>	<del></del>	1	The state of the state of		
2353 Attachment(s)	10/5/15 11:06 AM Robinson, M	chael D. Galbraith, Kevin	1	Re: Notary Affidavit (CIT)	Attorney Client Privilege	Communication requesting legal advice of counsel.	1 1	
2354 Email	10/5/15 11:07 AM Galbraith, Ke			Re: Notary Affidavit (CIT)		Communication reflecting legal advice of counsel.	<del></del>	
2355[Email	10/5/15 12:42 PM Galbraith, Ke		Robinson, Michael D.	BMO Harris			<del>  -</del>	
2356 Email	10/5/15 1:09 PM Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.	RE: BMO Harris		Communication requesting legal advice of counsel.	<del></del>	
Email with	20,3,2,3,2,0,3,1,1,1,1,1,1,1,1,1,1,1,1,1,1,1,1,1,1	- January Marin		-	1	The state of the s	<del> </del>	
	1	de leaster to	Robinson, Michael D.	Re: BMO Harris	Attorney Client Privilege	Communication reflecting legal advice of counsel,	1 1	
2357 Attachmentict	10/5/15 7:35 PM:Galbraith Pa							
2357 Attachment(s)	10/5/15 2:35 PM Galbraith, Ke	rin Lathen, Jay	Modernon, Migraer o.		Attorney Gient Friville	Commence of Countries.	<del></del>	
	10/5/15 2:35 PM Galbraith, Re 10/5/15 6:37 PM Robinson, Mi		Galbraith, Kevin	CIT Redemptions 10-5-15	Attorney Client Privilege	Communication requesting legal advice of counsel.		

Entry Number F	Pernel Type C	Pate	From	To		Email Subject or File Name	Baladh an Warra	Add a last	Redacted	Production Bates
2359			Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay		Privilege Type	Privilege Description Communication reflecting legal advice of counsel.	Redacted	Production Bates
2360 8		10/6/15 2:46 PM	Robinson, Michael D.	Galbraith, Kevin				Communication requesting legal advice of counsel.		
1111		20/0/131:40		Coronaliti, Markini		Oral Argument: 9:30 am, 111 Centre Street, Courtroom	Attorney Chent Privilege	Constitution requesting regal abvice of counsel.		
2361	mail	10/6/15 A·A2 PM	Galbraith, Kevin	Lathen, Jay		11278	Attornou Client Brivilane	Communication collection total action of council		i
2362			Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay		Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.		
2363			Robinson, Michael D.	Galbraith, Kevin		Re: CIT Redemptions 10-5-15				
2364			Galbraith, Kevin	Robinson, Michael D.	Lather, Jay	Re: CIT Redemptions 10-5-15		Communication requesting legal advice of counsel.		<del></del>
		10/0/13 3.03 FM	Gaioraini, Kevini	Robinson, Michael D.	Lathen, Jay	Re: CIT Redemptions 10-5-15	Attorney Chent Privilege	Communication reflecting legal advice of counsel.		
2365	mait	10/6/16 E-11 DLA	lather law	Calbantab Kanda		RE: Oral Argument: 9:30 am, 111 Centre Street,	**************************************		1	1
	mail with	10/6/15 5:11 PM	Latnen, Jay	Galbraith, Kevin		Courtroom 1127B	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Attachment(s)	10/2/12 5:13 014	Galbraith, Kevin	1-1k /		Re: Oral Argument: 9:30 am, 111 Centre Street,		la	ĺ	1
2300	-tracione into	10/6/15 3:12 PM	Galdraith, Kevin	Lathen, Jay		Courtroom 11278	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
2367		10/6/15 7:40 PM	J	C-12	i	Re: Oral Argument: 9:30 am, 111 Centre Street,		[	ſ	1
2307	.11484)	10/6/13 7:40 PM	Latrien, Jay	Galbraith, Kevin		Courtroom 11278	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
2368 5			l- u			Re: Oral Argument: 9:30 am, 111 Centre Street,		L	1	1
			Galbraith, Kevin	Lathen, Jay		Courtroom 11278	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2369		10/8/15 1:43 PM	Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2370		10/8/15 2:46 PM	Lathen, Jay	Galbraith, Kevin		RE: Bills for Legal Services	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	mail with			1					1	
2371	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.		
1	ſ		l .	1	ĺ	i		l .	1	1
				l .		FYI - I emailed Judy and Adam after our meeting about				ŧ
2372		10/9/15 4:21 PM	Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2373		10/10/15 9:52 AM	Protass, Harlan	Lathen, Jay				Communication reflecting legal advice of counsel.	L	
2374		10/13/15 12:03 PM		Protass, Harlan		RE: Just set the call with Judy for Thursday at 11:00	Attorney Client Privilege	Communication requesting legal advice of counsel.	I	
2375		10/13/15 12:06 PM		Lathen, Jay		Re: Just set the call with Judy for Thursday at 11:00	Attorney Client Privilege	Communication reflecting legal advice of counsel.	T	
2376		10/13/15 4:22 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.			Communication reflecting legal advice of counsel.	T	
2377		10/13/15 4:46 PM	Lathen, Jay	Galbraith, Kevin	Robinson, Michael D.			Communication requesting legal advice of counsel.	1	
2378		10/14/15 2 45 PM		Lathen, Jay			Attorney Client Privilege	Communication reflecting legal advice of counsel.	i	
2379		10/14/15 3·18 PM	Lathen, Jay	Protass, Harlan	<del> </del>		Attorney Client Privilege	Communication requesting legal advice of counsel.		
2380 8		10/14/15 3:42 PM		Lathen, Jay	Gosnell, Wayne			Communication reflecting legal advice of counsel.	<del>                                     </del>	<del></del>
2381 2		10/14/15 3:44 PM		Protass, Harlan	i i i i i i i i i i i i i i i i i i i			Communication reflecting legal advice of counsel.	<del> </del>	<del></del>
23821		10/14/15 6:28 PM	Itathen Inc		<del>                                     </del>				<del> </del>	
23821		10/14/15 5:28 PM	Destant Harter	Protass, Harlan				Communication requesting legal advice of counsel.	1	
2383 2		10/14/15 7:30 PM	irrotass, Marlan	Lathen, Jay	<del></del>			Communication reflecting legal advice of counsel.	ļ	<del> </del>
		10/14/15 7:50 PM		Protass, Harlan			Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
2385		10/16/15 9:17 AM		Lathen, Jay	Gosnell, Wayne			Communication reflecting legal advice of counsel.		ļ. <u></u>
2386		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		10/16/15 12:50 PM		Lathen, Jay	Robinson, Michael D.		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2388 6		10/16/15 2:39 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Fwd: Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	<u> </u>
7389	mail	10/16/15 2:41 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2390	mail	10/16/15 5:19 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	mail with									
2391	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.		
	mail with									
2392	Attachment(s)	10/16/15 6:01 PM	Galbraith, Kevin	Lathen, Jav		Re: BMO Harris Undate	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	i
2393 8	mail	10/16/15 6:56 PM		Galbraith, Kevin		RE: 8MO Harris Update		Communication requesting legal advice of counsel.		
1	mail with		1							
	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.	1	
2395 (		10/16/15 9:40 PM	lathen lav	Galbraith, Kevin				Communication requesting legal advice of counsel.		
	mail with	20/10/15/3:40 111		data talli, ne tri		I como remis oposte	Accounty Chemy France	Communication requesting regar advice or counter.	<del>                                     </del>	<del></del>
	Attachment(s)	10/16/15 10:16 PM	Galbraith Kerin	Lathen, Jay		FW: Eden Arc Capital CD Redemptions	Arternas Clast Brisilana	Communication reflecting legal advice of counsel.		
2397		10/19/15 9:26 AM	Protect Hadan				Attorney Clean Privilege	Communication reflecting legal advice of counsel.	+	<del> </del>
2398		10/19/15 10:37 AM	Listher to:	Protass, Harlan		Got a draft ready yet?  RE: Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del> </del>	
	mail with	10/ 13/ 13 10.37 AM	TLAUTEN, 789	Protess, Harran		RE. Got a Grant ready yet?	Attorney Chent Privilege	Communication requesting regar advice of counses.	<del>                                     </del>	
	Attachment(s)	10/19/15 10:53 AM	Dentara Marian	1	I	lan. car a 400 and	Attorney Client Privilege	Communication anthonium based action ad account	1	1
		70/ 13/ 12 10:23 AW	rrocess, Marian	Lathen, Jay	<del></del>	Re: Got a draft ready yet?	Attorney Lilent Privilege	Communication reflecting legal advice of counsel.		<del> </del>
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	Attachment(s)	10/19/15 12:52 PM	Galoraith, Kevin	Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del> </del>
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2401	Attachment(s)	10/19/15 1:16 PM	Lathen, Jay	Robinson, Michael D.	<u> </u>	FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith	·}	<del> </del>
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	Attachment(s)	10/19/15 8:55 PM		Protass, Harlan		RE: Got a draft ready yet?		Communication requesting legal advice of counsel.	<u> </u>	<del></del>
2403		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.		
	mail with		1	1	1	1	l		1	i
	Attachment(s)	10/20/15 12:15 PM		Lathen, Jay	Gosnell, Wayne	Re: Got a draft ready yet?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		L
2405		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.		
	mail with									
	Attachment(s)	10/20/15 1:07 PM	Protass, Harlan	Lathen, Jay	l	Fwd: WestlawNext - Fischedick v Heitmann	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	L
2407	mail	10/20/15 1:22 PM		Protass, Harlan		RE: WestlawNext - Fischedick v Heitmann		Communication requesting legal advice of counsel.		
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	Attachment(s)	10/20/15 1:25 PM	Protess, Harlan	Lathen, Jay	1	Fwd: WestlawNext - Matter of Grancaric	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
2409		10/20/15 1:25 PM		lathen, Jay	<u> </u>	Re: WestlawNext - Fischedick v Heitmann		Communication reflecting legal advice of counsel.	1	T
2410		10/20/15 1:29 PM		Protass, Harlan	····	RE: WestlawNext - Fischedick v Heitmann		Communication requesting legal advice of counsel.		
2411		10/20/15 1:30 PM	Protess Harten	Lathen, Jay	<del> </del>	Re: WestlawNext - Fischedick v Heitmann	Attorney Client Detallers	Communication reflecting legal advice of counsel.	<b>†</b>	<del> </del>
	mail with	10/20/13 1.30 PM	riviess, namen	parriers, say		INC. TYGSING TEAL . FISCHEURLE Y FICHGRAIN	HILLOWICK CHEMICAL STANISTS	recommended resecting regar advice or counser.	+	<del> </del>
	Attachment(s)	10/20/15 4:26 PM	Carrier Valla	h-n	ĺ	Day Edward and Garden Land Day of the College		Communication and contract adular advanced	I	i
		10/20/15 4:26 PM	Galoratth, Kevin	Lathen, Jay		Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	<del> </del>
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	Attachment(s)	10/20/15 5:57 PM	Lathen, Jay	Protass, Harian	Gosnell, Wayne	RE: Got a draft ready yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	<del> </del>
2414		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.	<u> </u>	<del> </del>
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	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.		ļ
	mail with					**			1	
2416	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.	L	<u> </u>

	Record Type Email with	Date	From	10	cc	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
2417	Attachment(s)	10/21/15 9:40 AM	Galbraith, Kevin	Lathen, Jay		PW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	[mail with Attachment[s]	10/21/15 11:55 AM	Lathen, Jav	Protass, Harlan	Gosneti, Wayne	RE: Got a draft ready yet?	Attorney Client Privilege	Communication requesting legal advice of counsel.	}	į l
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	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	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 Email with	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	Attachment(s)	10/21/15 3:57 PM	Protass, Harlan	Lathen, Jay	Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2423	Fmad	10/21/15 4:46 PM	Protass Harian	Lathen, Jay		I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication reflecting legal advice of counsel.	İ	i
						RE: I'm waiting on a couple sentences from you. Was				
2424	Email Email with	10/21/15 4:48 PM	Lathen, Jay	Protass, Harian		there a miscommunication?  RE: I'm waiting on a couple sentences from you. Was	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Attachment(s)	10/21/15 5:38 PM	Lathen, Jay	Protass, Harian		there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2426	Fmail	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.	1	i
						RE: I'm waiting on a couple sentences from you. Was				
2427	Email	10/21/15 5:43 PM	Lathen, Jay	Protass, Harlan		Re: I'm waiting on a couple sentences from you. Was	Attorney Client Privilege	Communication requesting legal advice of counsel.		<del></del>
2428	Email	10/21/15 5:50 PM	Protass, Harlan	Lathen, Jay		there a miscommunication?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2429	Email	10/21/15 5:54 PM	lathen lav	Protess, Harlan	1	RE: I'm waiting on a couple sentences from you. Was there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.	1 1	i
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2430	Email	10/21/15 6:26 PM	Protass, Harlan	Lathen, Jay		there a miscommunication? RE: I'm waiting on a couple sentences from you. Was	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
2431	Email	10/21/15 6:53 PM	Lathen, Jay	Protass, Harlan		there a miscommunication?	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with Attachment(s)	10/22/15 6:59 AM	Description Works	Lathen, Jay	Gosnell, Wayne; Protass, Harlan	Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
	Email with	10/22/13 6:39 AM	Process, Harran	1	COSTER, Wayne, Process, February		1		i	
	Attachment(s) Email with	10/22/15 12:08 PM	Lathen, Jay	Protass, Harlan	Gosnell, Wayne	RE: Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Attachment(s)	10/22/15 2:02 PM		Lathen, Jay	Gosnell, Wayne	Final Letter		Communication reflecting legal advice of counsel.		j
2435 2436	Email Email	10/22/15 2:17 PM 10/22/15 2:18 PM		Protass, Harlan Lathen, Jay	Gosnell, Wayne			Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
	Email with	10/22/15 2:16 PM	Process, namen	Comen, My		In the Matter of Eden Arc Capital Management, LLC (NY-		Commenceron renecting regar source or counter.		
2437	Attachment(s)	10/22/15 3:38 PM	Protass, Harian	Weinstock, Judith; Grace, Adam S.	Gosneti, Wayne	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.		L
2439	P.m.a.il	10/22/15 8:29 PM	Yana Dawan	Lathen, Jay	Hartman, David	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i
1417	Linen									
2440	Email with	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.		
	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.	L	
2442	£il	10/23/15 12:25 PM	lather lav	Hartman, David	Kane, Darren	RE: Form D Draft for additional information and review	Attorney Client Privilege	Communication requesting legal advice of counsel.	<b>i</b>	i
	Email with			Martinest, Device	and the second					
2443	Attachment(s)	10/23/15 12:35 PM	Hartman, David	Lathen, Jay	Kane, Darren	RE: Form D Draft for additional information and review CYBERSECURITY SEC RISK ALERTS AND GUIDANCE ON	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2444	Email	10/23/15 1:06 PM	Hartman, David	Lathen, Jay	Kane, Darren	CYBERSECURITY	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with	10/23/25 1-14 014	Market Brid	Lathen, Jay		Cybersecurity	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	j
2445	Attachment(s) Email with	10/23/15 1:14 PM	Hartman, David	Latinen, My				Commonwealth renegate reparatives of Course.		
	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.	<u> </u>	i
	Email with Attachment(s)	10/24/15 7:45 AM	Galbraith, Kevin	Lathen, Jay		PW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<u> </u>
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.		
	Email Email with	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	Attachment(s)	10/24/15 11:18 AM		Robinson, Michael D.		Fwd: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of Kevin Galbraith.		
	Email Email	10/24/15 11:20 AM 10/24/15 11:54 AM		Galbraith, Kevin Lathen, Jav		Re: Eden Arc Capital CD Redemptions Re: Eden Arc Capital CD Redemptions		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
	Email with					FW: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY -				
2453	Attachment(s)	10/26/15 10:32 AM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email	10/26/15 11:01 AM		Hartman, David	Kane, Darren	RE: Form D Draft for additional information and review		Communication requesting legal advice of counsel.		<del></del>
	Email Email with	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	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.		
	Email with Attachment(s)	10/26/15 2:22 014	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	FW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel,		i
	Email	10/26/15 2:59 PM		Galbraith, Kevin	Robinson, Michael D.			Communication requesting legal advice of counsel.		
2450	Email with Attachment(s)	10/26/15 3:09 PM	Galbraith Paulo	tathen, Jay	Robinson, Michael D.	Re: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		i -
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	Attachment(s)	10/26/15 5 03 PM	Galbraith, Keyin	Lathen, Jay		PW: Eden Arc Capital CD Redemptions	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	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.		<u>.                                    </u>

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2462 Attachment(s)	10/27/15 4:10 PM	Galbraith, Kevin	Lathen, Jay	Robinson, Michael D.	RE: Pending Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email with					Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY .				
2463 Attachment(s)	10/27/15 4:32 PM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay		RE: Pending Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
ŀ					Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY -				
2464 Email	10/27/15 4:33 PM	Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay		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			Attorney Client Privilege	Communication requesting legal advice of counsel.		
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2456 Attachment(s)		Galbraith, Kevin	Lathen, Jay		Re: Message from Christopher Robertson	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1.
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.		
			Lathen, Jay; Robertson, Christopher;						
2468 Email	10/27/15 11:16 PM		Protass, Harlan		Conference Call 11:15 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
2469 Email	10/28/15 7:15 PM		Lathen, Jay	Kane, Darren; Hartman, David		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2470 Email	10/29/15 10:59 AM		Lathen, Jay; Protass, Harlan		FW: Can we move call to 11:457	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2471 Email	10/29/15 11:00 AM		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		Galbraith, Kevin	Lathen, Jay	Re: FW: Can we move call to 11:457	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2473 Email	10/29/15 11:03 AM	Galbraith, Kevin	Protass, Harian	Lathen, Jay	Re: Can we move call to 11:45?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2474 Attachment(s)	10/29/15 11:04 AM	Galbraith, Kevin	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.		
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2476 Attachment(s)	10/29/15 11:17 AM	Robertson, Christopher	Galbraith, Kevin	Lathen, Jay; Protass, Harlan	Re: Conference Call 11:45 am Thursday		Communication reflecting legal advice of counsel.		
2477 Email	10/29/15 11:32 AM	Lathen, Jay	Hartman, David	Kane, Darren	RE: Fund ID		Communication requesting legal advice of counsel.		
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2478 Attachment(s)		Robertson, Christopher	Galbraith, Kevin	Lathen, Jay: Protass, Harlan	Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		L
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.		
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2480 Email	10/29/15 11:43 AM	Lathen, Jay		Galbraith, Kevin	RE: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	<u> </u>
2481 Email	10/29/15 11:47 AM	Robertson, Christopher	Lathen, Jay	Protass, Harlan; Galbraith, Kevin	Re: Conference Call 11:45 am Thursday		Communication reflecting legal advice of counsel.		
2482 Email	10/29/15 12:40 PM	Robertson, Christopher	Lathen, Jay; Protass, Harlan	Galbraith, Keyln	RE: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2483 Email	10/29/15 12:41 PM	Galbraith, Kevin	Protass, Harlan		Re: Conference Call 11:45 am Thursday	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	<b></b>
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2484 Email	10/29/15 12:42 PM		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		Lathen, Jay		SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2486 Email	10/29/15 3:21 PM		Protess, Harlan		RE: SEC		Communication requesting legal advice of counsel.	<u> </u>	L
2487 Email	10/29/15 3:24 PM	Protass, Harlan	Lathen, Jay		Re: SEC	Attorney Client Privilege	Communication reflecting legal advice of counsel.	J	
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2488 Attachment(s)	10/29/15 4:34 PM		Protass, Harlan		RE: SEC	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2489 Email	10/29/15 5:20 PM		Lathen, Jay		Re: SEC		Communication reflecting legal advice of counsel.		
2490 Email	11/2/15 8:00 AM		Lathen, Jay		Form D Submission		Communication reflecting legal advice of counsel.	<del> </del>	
2491 Email	11/2/15 4 01 PM	Protass, Harlan	Lathen, Jay		No News		Communication reflecting legal advice of counsel.	ļ	
2492 Email	11/2/15 4:10 PM	Lathen, Jay	Protass, Harlan		RE: No News	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	ļ
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2493 Attachment(s)		Galbraith, Kevin	Lathen, Jay		Bill through 11/2/15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<u> </u>
2494 Email	11/5/15 6:23 PM		Galbraith, Kevin		GE Capital		Communication requesting legal advice of counsel.	<del> </del>	
2495 Email	11/5/15 10:59 PM	Galbraith, Kevin	Lathen, Jay		Re: GE Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.	4	
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2496 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.		
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2497 Attachment(s)		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		Lathen, Jay		Invoice		Communication reflecting legal advice of counsel.		
2499 Email	11/6/15 3:33 PM		Lathen, Jay		Please give me a call.		Communication reflecting legal advice of counsel.		
2500 Email	11/6/15 4:06 PM		Protess, Harlan		Follow-up		Communication requesting legal advice of counsel.	4	<b></b>
2501 Email		Protass, Harlan	Lathen, Jay	Gosnell, Wayne	Re: Follow-up		Communication reflecting legal advice of counsel.	.	<b></b>
2502 Email	11/6/15 4:09 PM		Protass, Harlan	Gosnell, Wayne	RE: Fallow-up		Communication requesting legal advice of counsel.	4	<del></del>
2503 Email	11/6/15 4:30 PM	Kane, Darren	Lathen, Jay		Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u> </u>	ļ
2504 Email	11/6/15 4:35 PM	Protass, Harlan	Lathen, Jay		Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	<b></b>
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2SOS Attachment(s)		Protass, Harlan	Lathen, Jay	Galbraith, Kevin; Gosnell, Wayne	Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b></b>	<b></b>
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.	J	<b></b>
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2507 Attachment(s)	11/6/15 5:00 PM	Lathen, Jay	Kane, Darren		FW: Memo of Call		Communication requesting legal advice of counsel.	<b></b>	
		Lathen, Jay	Protass, Harlan	Galbraith, Kevin; Gosnell, Wayne	RE: Memo of Call		Communication requesting legal advice of counsel.		<b></b>
2508 Email	11/6/15 5:14 PM			Galbraith, Kevin; Gosnell, Wayne	Re: Memo of Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2509 Email	11/6/15 5:24 PM	Protass, Harlan	Lathen, Jay						1
2509 Email 2510 Email	11/6/15 5:24 PM 11/6/15 5:42 PM	Protass, Harlan	Protass, Harlan	Galbraith, Kevin; Gosnell, Wayne	RE: Memo of Call	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2509 Email 2510 Email Email with	11/6/15 5:24 PM 11/6/15 5:42 PM	Protass, Harlan Lathen, Jay	Protass, Harian			Attorney Client			
2509 Email 2510 Email	11/6/15 5:24 PM	Protass, Harlan Lathen, Jay			RE: Memo of Call FW: Memo of Call	Attorney Client Privilege Attorney Client Privilege/Work Product	Communication requesting legal advice of counsel.  Communication reflecting legal advice of Harlan Protass		
2509 Email 2510 Email Email with 2511 Attachment(s)	11/6/15 5:24 PN 11/6/15 5:42 PN 11/6/15 5:52 PN	Protass, Harlan Lathen, Jay Lathen, Jay	Protass, Harlan Robinson, Michael D.		FW: Memo of Call	Attorney Client Privilege/Work Product	Communication reflecting legal advice of Harlan Protass		
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ntry Number Record Type	Date From	To Lathen, Jay	Galbraith, Kevin; Gosnell, Wayne	Email Subject or File Name	Privilege Type	Privilege Description	Redacted	Production Bates
2522 Email Email with	11/10/15 10:51 AM Protess, Harlan	Latinen, Jay	Galoraith, Kewn; Goshell, Wayne	NE; Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del> </del>
2523 Attachment(s)	11/10/15 1:18 PM Protess, Harlan	Lathen, Jay	1	See attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
2524 Email	11/10/15 1:16 PM Lathen, Jay	Protass, Harlan	<del> </del>			Communication requesting legal advice of counsel.	<del></del>	-
2525 Email	11/10/15 2:10 PM Protass, Harlan	Lathen, Jay	Gosnell, Wayne		Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>  •</del>	<del> </del>
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2526 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.		
	11/10/15 3:38 PM Lathen, Jay	Galbraith, Kevin				Communication requesting legal advice of counsel.	+	<del> </del>
2527 Email Email with	11/10/15 3:38 PM Cattlett, 189	Galdraidi, Kevin		NE. Opinion Cetter	Attorney Chent Privilege	Communication requesting legal sovice of courses.		<del></del>
	11/10/15 3:53 PM Galbraith, Kevin	tathan tau	1	Re: Opinion Letter	Attorney Client Privilege	Communication reflecting least adules of countril		
2528 Attachment(s) 2529 Email	11/10/15 4:37 PM Lathen, Jay	Kane, Darren			Attorney Client Provident	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	+	<del>                                     </del>
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2530 Attachment(s)	11/10/15 5 47 PM Galbraith, Kevin	Lathen, Jay; Robinson, Michael D.	1	FW: Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
2531/Email	11/10/15 6:26 PM Cane, Darren	Lathen, Jay	<del></del>			Communication reflecting legal advice of counsel.	<del></del>	
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2532 Attachment(s)	11/10/15 7:52 PM Auslander, Jay 5.	Grundstein, Robert	Lathen, Jay	Re: Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ì	i
2533 Email	11/10/15 10:31 PM Kane, Darren	Lathen, Jay		RE: Memo of Call		Communication reflecting legal advice of counsel.	1	<b>†</b>
2534 Email	11/11/15 11:11 AM Lathen, Jay	Auslander, Jay S.		RE: Introduction		Communication requesting legal advice of counsel.	<del> </del>	<del> </del>
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	<del>}</del>	Firms + Attorneys		Communication reflecting legal advice of counsel.		·
1330 1	13,17,13,1.0-1.0			Fwd: In re Eden Arc Capital Management, LLC, File No.			<del>                                     </del>	<del> </del>
2537 Email	11/11/15 1:55 PM Protass, Harlan	Lathen, Jay	1	NY-9197	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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2538 Attachment(s)	11/11/15 2:21 PM Lathen, Jay	Auslander, Jay S.	1	RE: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
2539 Email	11/11/15 2:26 PM Lathen, Jay	Galbraith, Kevin	<del> </del>			Communication requesting legal advice of counsel.	<del>                                     </del>	<del> </del>
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2540 Email	11/11/15 2:34 PM Southwell, Alexander H.	Lathen, Jay	1	RE: Eden Arc - SEC Matter	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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2541 Email	11/11/15 2:45 PM Lathen, Jay	Galbraith, Kevin	1	NY-9197	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
2542 Email	11/11/15 2:47 PM Lathen, Jay	Southwell, Alexander H.	<u> </u>	Re: Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	<del> </del>
		1	<del>                                     </del>	Re: In re Eden Arc Capital Management, LLC, File No. NY			1	i
2543 Email	11/11/15 2:48 PM Galbraith, Kevin	tathen, Jay		9197	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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2544 Email	11/11/15 2:59 PM Lathen, Jay	Protass, Harlan		9197	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
2545 Email	11/11/15 3 04 PM Galbraith, Kevin	Lathen, Jay		Re: Firms + Attorneys		Communication reflecting legal advice of counsel.		
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2546 Email	11/11/15 3:15 PM Protass, Harlan	Lathen, Jay		9197	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	ſ
2547 Email	11/11/15 4:50 PM Galbraith, Kevin	Lathen, Jay		DRAFT Message to Prospective Firms		Communication reflecting legal advice of counsel.	1	ì
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2548 Attachment(s)	11/11/15 S:17 PM Lathen, Jay	Galbraith, Kevin	1	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		Communication requesting legal advice of counsel.		
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2550 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.		1
2551 Email	11/11/15 5:49 PM Galbraith, Kevin 11/11/15 10:33 PM Auslander, Jay S.	Lathen, Jay		Re: Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
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2552 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.	1	1
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2554 Attachment(s)	11/12/15 10:31 AM Galbraith, Keyin	Lathen, Jay	1	Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		į.
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2555 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.	1	1
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.		1
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2557 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.	<u> </u>	L
2558 Email	11/12/15 10:44 AM lathen, Jay	Galbraith, Kevin				Communication requesting legal advice of counsel.		
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2559 Attachment(s)	11/12/15 11:32 AM Galbraith, Kevin	Lathen, Jay	<u> </u>	Re: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.	L	L
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2560 Attachment(s)	11/12/15 11:33 AM Galbraith, Kevin	tathen, Jay		Ra: Meeting with Prospective Client?	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
2561 Email	11/12/15 12:02 PM Lathen, Jay	Galbraith, Kevin		RE: Meeting with Prospective Client?		Communication requesting legal advice of counsel.		
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2562 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.	1	
2563 Email	11/12/15 2:12 PM Galbraith, Kevin	Lathen, Jay				Communication reflecting legal advice of counsel.		
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2579 Email 2580 Email	11/13/15 4 01 PM Lathen, Jay	Protass, Harlan		RE: Cozen O'Conner		Communication requesting legal advice of counsel.	<del>                                     </del>	
2581 Email	11/13/15 4:10 PM Protass, Harlan 11/13/15 4:17 PM Protass, Harlan	Lathen, Jay		Re: Cozen O'Conner	Attorney Chent Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
2582 Email	11/13/15 4:31 PM Lathen, Jay	Lathen, Jay Protass, Harlan		How'd it go with Stanley Arkin?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2583 Email	11/13/15 7:36 PM Lathen, Jay	Protass, Harian				Communication requesting legal advice of counsel.	<del>                                     </del>	
2584 Email	11/13/15 8:12 PM Protass, Harlan	Lathen, Jay			Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	
2585 Email	11/16/15 10:30 AM Galbraith, Kevin	Lathen, Jay		Re: How'd it go with Stanley Arkin? SEC Items	Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del>  </del>	
2586 Emari	11/16/15 12 00 PM Lathen, Jay	Galbraith, Kevin					<del>                                     </del>	
	11/10/15 12 00 FM Lather, 13y	Galoratti, Keviii			Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
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 reflection forms advise of country	1 1	
2588 Email	11/16/15 1:17 PM Lathen, Jay	Protass, Harlan; Gosnell, Wayne			Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	+	
2589 Email	11/16/15 3:26 PM Protess, Harlan	Lathen, Jay	Gosnell, Wayne	Follow-Up		Communication reflecting legal advice of counsel.	+	
2590 Email	11/16/15 4:33 PM Protass, Harlan	Lathen, Jay	Journey, Wayne	Chris LaVigne		Communication reflecting legal advice of counsel.	+ +	
2591 Email	11/16/15 5 38 PM Lathen, Jay	Protass, Harlan		RE: Chris LaVigne		Communication requesting legal advice of counsel.	<del>                                     </del>	
2592 Email	11/16/15 5 40 PM Protass, Harlan	Lathen, Jay		Re: Chris LaVigne	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
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2593 Email	11/17/15 8:42 AM Southwell, Alexander H	Lathen, Jay	1	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	<del>                                     </del>	Re: Sorry missed connected	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	
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2595 Attachment(s)	11/17/15 12:23 PM Lathen, Jay	Hunter, Fraser; Platt, Charles C.	Galbraith, Kevin	Eden Arc follows un	Assessment Client Privilege	Communication requesting legal advice of counted	1	
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2596 Attachment(s)	11/17/15 1:26 PM Lathen, Jay	Southwell Alexander M		BE. Saray mirrad connected	Attacany Client Brigilana	Communication requesting legal advice of councel		
2597 Email	11/17/15 1:20 PM Lathen, Jay 11/17/15 4:16 PM Protass, Harlan	Southwell, Alexander H. Lathen, Jay	<del> </del>	RE: Sorry missed connected	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del>- </del>	
2598 Email	11/17/15 5:11 PM Galbraith, Kevin			Cura Cura				
2599 Email	11/17/15 5:11 PM Gaibraith, Kevin 11/17/15 5:50 PM Lathen, Jay	Calbraith, Kevin	<u> </u>	Susan Brune		Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
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2600 Attachment(s)	11/17/15 5:59 PM Galbraith, Kevin	Lathen, Jay	1	Re: Suran Brine	Attorney Clicas Saude-	Communication reflecting least advice of course-1		
2601 Email	11/17/15 5:59 PM Galdraith, Revin 11/17/15 6:51 PM Lathen, Jay	Protass, Harlan		Re: Susan Brune	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
2602 Email	11/11/15 6.51 PM Lathen, Jay 11/18/15 7:28 AM Protass, Harlan		Gosnell, Wayne	Script with Judy	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	
		Lathen, Jay		Re: Script with Judy	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>                                     </del>	
2603 Email 2604 Email	11/18/15 8:35 AM Lathen, Jay 11/18/15 8:41 AM Lathen, Jay	Protass, Harlan Protass, Harlan	Gosnell, Wayne	Re: Script with Judy		Communication requesting legal advice of counsel.	+	
2605 Email			Gosnell, Wayne	Re: Script with Judy		Communication requesting legal advice of counsel.	+	
2606 Email	11/18/15 9:31 AM Protass, Harlan 11/18/15 9:32 AM Galbraith, Kevin	Lathen, Jay	Gasnell, Wayne	Re: Script with Judy		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.		
35035		l	1	Fee Proposal for Wells Submission and Senior			1 1	
2607 Email	11/18/15 10:40 AM Galbraith, Kevin	Lathen, Jay		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		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, Keyin	Lathen, Jay		Re: Susan Brune	Attorney Chent Privilege	Communication reflecting legal advice of counsel.	-	
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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.  Communication requesting legal advice of counsel.		
2613 Email Email with	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.	<del></del>	
2614 Attachment(s)	11/18/15 2:09 PM Robinson, Michael D.	hana n	Galbraith, Kevin	BMO-Harris Redemptions	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
2615 Email	11/18/15 2:09 PM Robinson, Michael D. 11/18/15 3:39 PM Lathen, Jay	Lathen, Jay Galbraith, Kevin	Gaibraith, kevin				<del></del>	
2616 Email	11/18/15 4:06 PM Galbraith, Kevin	Lathen, Jay		GE follow-up Re: GE follow-up		Communication requesting legal advice of counsel.		
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2618 Attachment(s)	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.  Communication reflecting legal advice of counsel.		
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2644 Email	11/23/15 9:27 AM Southwell, Alexand	r 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			Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2646 Email	11/23/15 11:57 AM Lathen, Jay 11/23/15 1:27 PM Protass, Harlan	Protess, Harlan	<del></del>	Re: following up		Communication requesting legal advice of counsel.	<u> </u>	<del> </del>
2647 Email	11/23/15 1:27 PM Protass, Harlan	Lathen, Jay	<u> </u>	Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del></del>
2648 Email	11/23/15 1:42 PM Southwell, Alexand	r H. Lathen, Jay	1	Obus trial Info	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 1	
2649 Email	11/23/15 5:01 PM Lathen, Jay	Protass, Harlan	<u> </u>			Communication requesting legal advice of counsel.	1	
2650 Email	11/23/15 5:08 PM Protass, Harlan	Lathen, Jay	<u> </u>			Communication reflecting legal advice of counsel.		
2651 Email	11/23/15 5:30 PM Lathen, Jay	Protass, Harlan		RE: Draft Email		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.		
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2653 Email	11/23/15 6:14 PM Southwell, Alexand 11/23/15 6:14 PM Lathen, Jay		ļ	Can you talk at 10am Wednesday	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		<del></del>
2654 Email 2655 Email	11/23/15 6:14 PM Lathen, Jay 11/23/15 6:44 PM Lathen, Jay	Southwell, Alexander H. Protass, Harlan				Communication requesting legal advice of counsel.	+	
2655 Email	11/23/13 6 44 PM (Latren, 18)	Lathen, Jay; Schonfeld, Mark K.; Cohen,	<del></del>	NE. Mail Elliali	Attorney Chent Privilege	Communication requesting legal advice of counter.	+	<del></del>
2656 Email	11/24/15 8:35 AM Southwell, Alexand			Call re case	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
1000				Sean would like to see your SEC testimony. OX with you			1	
2657 Email	11/24/15 9:51 AM Protass, Harlan	Lathen, Jay		if I send it to him?	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
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2658 Email	11/24/15 10:03 AM Lathen, Jay	Protass, Harlan		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.		
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2660 Attachment(s)	11/24/15 11:36 AM Protass, Harlan	Lathen, Jay	<del> </del>	Re: Oraft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	<del></del>
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2663 Attachment(s)	11/24/15 2 49 PM Lathen, Jay	Protass, Harlan	i	RE: Draft Email	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	l
2664 Email	11/24/15 2:55 PM Protass, Harlan	Lathen, Jay				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				Communication reflecting legal advice of counsel.		
2667 Email	11/24/15 4:05 PM Lathen, Jay	Protass, Harian		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		Communication reflecting legal advice of counsel.		
2669 Email	11/24/15 4:41 PM Lathen, Jay 11/24/15 4:43 PM Protass, Harian	Protass, Harlan	ļ. <u></u>			Communication requesting legal advice of counsel.		<del></del>
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2671 Email 2672 Email	11/24/15 4:48 PM Protass, Harlan	Lathen, Jay	<del> </del>			Communication reflecting legal advice of counsel.		<del> </del>
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2673 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.	1 1	1
2674 Email	11/24/15 5:16 PM Lathen, Jay	Protass, Harlan				Communication requesting legal advice of counsel.		
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2675 Attachment(s)	11/24/15 5:29 PM tathen, Jay	Galbraith, Kevin	L	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	ļ	Re: Draft Email	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2677 Attachment(s)	11/24/15 6:24 PM Galbraith, Kevin	Lathen, Jay	Petrella, Michael	Re: GE / Synchrony etc.		Communication reflecting legal advice of countel.		<del></del>
2678 Email Email with	11/25/15 9:24 AM O'Shea, Sean	Lathen, Jay	Petrella, Muchael	DEC (MA-STAV)	Attorney Clent Privilege	Communication reflecting legal advice of counsel.	+	
2679 Attachment(s)	11/25/15 11:42 AM Galbraith, Kevin	Lathen, Jay	1	FW: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1 1	
2680 Email	11/25/15 11:49 AM Lathen, Jay	Galbraith, Kevin		RE: Survivor's Option Redemption Requests		Communication requesting legal advice of counsel.	-	
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2681 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.		
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2682 Attachment(s)	11/25/15 2:29 PM Galbraith, Kevin	Lathen, Jay	<u> </u>	Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b>↓</b> _	
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2683 Attachment(s)	11/25/15 2:31 PM Lathen, Jay	Robinson, Michael D.	<del> </del>	FW: Survivar's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of Harlan Protass.	+	<b>└</b>
2684 Email	11/25/15 2:32 PM Lathen, Jay	Galbraith, Kevin	<del></del>			Communication requesting legal advice of counsel.	+	<del></del>
2685 Email Email with	11/25/15 2:34 PM Lathen, Jay	Protass, Harian	+	RE: Draft Email	ALLOTHEY CHERT PRIVATES	Communication requesting legal advice of counsel.	+	<del></del>
2686 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.	1 /	
2687 Email	11/25/15 3:22 PM Lathen, Jay	Galbraith, Kevin	<del>                                     </del>	RE: Survivor's Option Redemption Requests		Communication requesting legal advice of counsel.	<del>                                     </del>	
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2688 Attachment(s)	11/25/15 3:28 PM Galbraith, Kevin	Lathen, Jay	1	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		Communication reflecting legal advice of counsel.		
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2690 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.	<b></b>	
				We are good with Judy about getting back to her on	1		1	1
2691 Email	11/25/15 3:53 PM Protass, Harlan	Lathen, Jay		Monday.	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<b></b>	
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2692 Attachment(s)	11/25/15 4:20 PM Protass, Harlan	Lathen, Jay	<del></del>	Revised draft letter to Judy attached Re: Revised draft letter to Judy attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	+	<del></del>
2693 Email 2694 Email	11/25/15 4:54 PM Lathen, Jay 11/25/15 4:58 PM Protass, Harian	Protess, Harlan Lathen, Jay	<del>                                     </del>	Re: Revised draft letter to Judy attached	Attorney Client Privilege	Communication reflecting legal advice of counsel.	+	
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2695 Attachment(s)	11/25/15 5:01 PM Protass, Harlan	Lathen, Jay	1	Fwd: WestlawNext - Chlarella v. U. S.	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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2695 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.		
	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.		
2698 Email				Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	I
2699 Email	11/30/15 10:45 AM Galbraith, Kevin	Robinson, Michael D.; Lathen, Jay	<del></del>	NE. JUSTION S OPLION NEGETIPION NEGUESTS				
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Entry Number	Record Type	Date 11/30/15 2:05 PM	From	Lathen, Jay	Ce	Email Subject or File Name Re: Revised Letter	Privilege Type Attorney Client Privilege	Privilege Description	Redacted	Production Bates
1702	Email with	11/30/13 2.03 PM	Protess, namen	Cathen, Jay		WE: NEVISED LETTE!	Actorney Chent Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del></del>
2703	Attachment(s)	11/30/15 5 04 PM	Lathen, Jay	Protass, Harian	'	RE: Revised Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email with									
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.		
	Email					L			j	
2705	Email with	11/30/15 5:31 PM	Lathen, Jay	Galbraith, Kevin; Robinson, Michael D.	<del></del>	RE: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.	ļ	
2706	Attachment(s)	11/30/15 5:40 PM	Galbraith Youin	Lathen, Jay; Robinson, Michael D.		Re: Survivor's Option Redemption Requests	Attacany Fliant Drivitara	Communication reflection found adules of several		
2707	Email	11/30/15 5.44 PM		Protass, Harlan	<del></del>	RE: Revised Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	<del></del>	
	Email	11/30/15 5.45 PM		Lathen, Jay		Re: Revised Letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
2 709	Email	11/30/15 5 46 PM	Lathen, Jay	Protass, Harlan		RE: Revised Letter	Attorney Client Privilege	Communication requesting legal advice of counsel.	†	
	Email with					In the Matter of Eden Arc Capital Management, LLC (NY		1		
2710	Attachment(s)	12/1/15 10:56 AM	Protass, Harlan	Weinstock, Judith; Grace, Adam 5.	Gosnell, Wayne	9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	Email with Attachment(s)	12/1/15 2 07 PM				FW: In the Matter of Eden Arc Capital Management,		L	ŀ	l !
	Email	12/1/15 2 44 PM		Kane, Darren Lathen, Jay		U.C (NY-9197) Office of Inspector General	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del>-</del>	<u> </u>
****		10/1/151 44 / 10	Lane, Darren	Latinett, 10)		Fwd: In the Matter of Eden Arc Capital Management,	Actomey Chem Friendge	Constitution reflecting regal advice of course.	<del> </del>	
2713	Email	12/1/15 3:27 PM	Protass, Harlan	Lathen, Jay		LLC (NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ł	1
						RE: In the Matter of Eden Arc Capital Management, LLC			1	
2714	Email	12/1/15 5 49 PM	Lathen, Jay	Protass, Harlan		[NY-9197]	Attorney Client Privilege	Communication requesting legal advice of counsel.	<u> </u>	
	fmail with			l		L			1	1
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.	·	
,	Email	12/1/15 7:57 PM	Dentare Maria	Lathen, Jay		Re: In the Matter of Eden Arc Capital Management, LLC (NY-9197)	Attorney Client Builder	Communication reflection least adular of source	]	
	Email		Auslander, Jay S	Lathen, Jay		Re: Follow-up	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	+	<del></del>
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2718	Email	12/1/15 8:21 PM	Lathen, Jay	Protass, Harian		(NY-9197)	Attorney Client Privilege	Communication requesting legal advice of counsel	i	l i
						Re: In the Matter of Eden Arc Capital Management, LLC			T T	
2719	Email	12/1/15 8:26 PM	Protass, Harlan	Lathen, Jay		(NY-9197)	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	l					RE: In the Matter of Eden Arc Capital Management, LLC			1	
2720	Email	12/1/15 8:30 PM	Lathen, Jay	Protass, Harlan		(NY-9197)	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
,,,,	Email	12/1/16 0.02 044	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.	1	
	Email	12/2/15 10:48 AM		Lathen, Jay	Petrella, Michael			Communication reflecting legal advice of counsel.	+	
	Email with	11/1/15/10/40	J. 3.10, X.11		retiens, without	11.550 (11.525)	Attorney Chemical Annual Res	Commence of Courses	<del></del>	
2723	Attachment(s)	12/2/15 2:02 PM	Lathen, Jay	Hunter, Fraser	l	RE: Eden Arc follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.	I	
	Email with								T	
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		
	Email with		1	L		54 A 4-P			i	
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.	+	
2776	Attachment(s)	12/2/15 2:32 PM	lathen lav	Galbraith, Kevin		RE: GE / Synchrony etc.	Attorney Cilent Privilege	Communication requesting legal advice of counsel.	ł	1 1
	Email with	12,2,13,1,31,74	1	Carolinetti, neuro						
2727	Attachment(s)	12/2/15 2:40 PM	Galbraith, Kevin	Lathen, Jay	l	Re: GE / Synchrony etc.	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
	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.		
	Email	12/2/15 5:12 PM	Lathen, Jay	Brune, Susan		RE: Eden Arc - follow up		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.	ļ	
	Email with  Attachment(s)	12/3/15 10:50 AM	Calberieb Vende	Lathen, Jay; Robinson, Michael D.	1	Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
	Email	12/3/15 10:59 AM		Lathen, Jay		I will send you our proposal today.		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.		
1	Email with									
	Attachment(s)	12/3/15 1:32 PM	Robinson, Michael D.	Galbraith, Kevin; Lathen, Jay	<u></u>	Re: Survivor's Option Redemption Requests	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	Email	12/3/15 3:17 PM	Galbraith, Kevin	Robinson, Michael D.	Lathen, Jay	Re: Survivor's Option Redemption Requests		Communication reflecting legal advice of counsel.		
	Email		Protass, Harlan	Lathen, Jay	ļ	Proposal for Continued Representation	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	
	7 Email	12/4/15 7:16 AM		Lathen, Jay	<del>                                     </del>	RE: Eden Arc - follow up		Communication reflecting legal advice of counsel.	+	<del>                                     </del>
	Email Email	12/4/15 9:28 AM 12/4/15 9:29 AM		Brune, Susan Lathen, Jay	<del></del>	RE: Eden Arc - follow up RE: Eden Arc - follow up	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del> </del>	<del> </del>
	Email	12/4/15 9:30 AM		Brune, Susan		RE: Eden Arc - follow up		Communication requesting legal advice of counsel.	1	
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2741	Attachment(s)		Galbraith, Kevin	Lathen, Jay		Legal Fee		Communication reflecting legal advice of counsel.	<b></b>	l
	Email	12/4/15 9:24 PM	Protass, Harlan	Lathen, Jay		ludy		Communication reflecting legal advice of counsel.	1	
	3 Email	12/4/15 10:07 PM		Protass, Harlan		Re: Judy		Communication requesting legal advice of counsel.		
2744	Email	12/5/15 10:50 AM	Protass, Harlan	Lathen, Jay		Re: tudy		Communication reflecting legal advice of counsel.		<del>                                     </del>
	Email Email	12/5/15 11:53 AM	l Auslander, Jay S.	Protess, Harlan Lathen, Jay		Re: Judy Re: Follow-up		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	<del> </del>
	2 Email		Protass, Harlan	Lathen, Jay	<del></del>	Re: Audy		Communication reflecting legal advice of counsel.	+	<del> </del>
2745	Email	12/5/15 5:43 PM	Brune, Susan	Lathen, Jay	Kelly, Jacqueline	Engagement letter		Communication reflecting legal advice of counsel.	1	<del> </del>
37.4	Email with			T					1	
	Attachment(s)	12/S/15 10:41 PM		Brune, Susan	Kelly, Jacqueline	Re: Engagement letter		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.		
	.l	1	l			Jay Lathen has shared "EACP LPA 06 26 2013.pdf with			1	
2751	Email	12/6/15 4:38 PM		Brune, Susan	<b></b>	you using Drapbox		Communication requesting legal advice of counsel.	+	
2757	2 Email	12/6/15 4:38 PM	Leinen, 189	Brune, Susan		Re: Jay Lathen has shared 'EACP LPA 06 26 2013.pdf'	Introviney Client Privilege	Communication requesting legal advice of counsel.	+	<del> </del>
7761	Email	12/6/15 5:15 PM	Brune, Susan	Lathen, Jay	1	with you using Dropbox	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	j .
	Email	12/7/15 9:39 AM		Brune, Susan		Fwd: Judy		Communication requesting legal advice of counsel.	1	
	Email with									
	Attachment(s)	12/7/15 12:35 PM	Brune, Susan	Lathen, Jay		Fwd:		Communication reflecting legal advice of counsel.	ļ	
	6 Email	12/7/15 2:23 PM		Brune, Susan		RE: Fwd:		Communication requesting legal advice of counsel.	+	<b></b>
	7 Email	1 12/8/15 9:44 AM	Galbraith, Kevin	Lathen, Jay	I .	Status Check	Attorney Client Privilege	Communication reflecting legal advice of counsel.	_1	

Entry Number Record Type	Date	From	Galbraith, Kevin	Cc		Privilege Type	Privilege Description	Redacted	Production Bates
2758 Email 2759 Email	12/8/15 9:58 AM 12/8/15 10 03 AM	Illathen lav	O'Shea, Sean; Petrella, Michael		RE: Status Check SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.		
Email with	12/0/13 10:03 AM	, Cottine 11, 10 y	C Sites, Seatt, Festers, Williams.	<del> </del>	Jee wetter	Accomes chem ritanese	Commonitation requesting regardorite or counsel.		<del> </del>
2760 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		Auslander, Jay S.	·	Eden Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2762 Email	12/8/15 10:14 AM		Hunter, Fraser	Galbraith, Kevin			Communication requesting legal advice of counsel.		
2763 Email	12/8/15 10:17 AM		Lathen, Jay				Communication reflecting legal advice of counsel.		
Email with									
2764 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 Arz - 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 requesting legal advice of counsel.		
2768 Email	12/8/15 11:17 AM		Hunter, Fraser	Galbraith, Kevin	RE: Edan Arc - SEC Matter	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2769 Email	12/8/15 12:21 PM		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				Communication requesting legal advice of counsel.		
2771 Email	12/8/15 12:58 PM		Protass, Harlan				Communication requesting legal advice of counsel.		
2772 Email	12/8/15 3:45 PM		Lathen, Jay	1			Communication reflecting legal advice of counsel.		
2773 Email	12/8/15 5:53 PM		Roper, Eric			Attorney Client Privilege	Communication requesting legal advice of counsel.	ļ	<del> </del>
2774 Email	12/9/15 2:29 AM		Lathen, Jay		Re: Eden Arc / Lathen / Wells Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ļ	<del></del>
2775 Email	12/9/15 8:57 AM	Kane, Darren	Lathen, Jay		Introduction	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ļ	<del></del>
2776 Email	12/9/15 9:03 AM		Kane, Darren		RE: Introduction	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	
2777 Email	12/9/15 9:20 AM		Lathen, Jay		RE: Introduction		Communication reflecting legal advice of counsel.	<b></b>	+
2778 Email	12/9/15 12:04 PM	IXane, Darren	Lathen, Jay	Hartman, David	Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del></del>	<del> </del>
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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.	res	EA00033793
2780 Email	12/9/15 6:07 PM		Brune, Susan	ļ			Communication requesting legal advice of counsel.	<del>                                     </del>	+
2781 Email	12/10/15 S:23 PM		Brune, Susan				Communication requesting legal advice of counsel.	<del> </del>	<del> </del>
2782 Email	12/10/15 7:03 PM		Lathen, Jay				Communication reflecting legal advice of counsel.	-	+
2783 Email	12/10/15 9:31 PM		Brune, Susan		Re: Can we talk tomorrow morning?	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	<del> </del>
2784 Email 2785 Email	12/10/15 9:53 PM		Cathen, Jay	ļ	Friday	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del>                                     </del>	<del> </del>
	12/10/15 10:29 PM	Leuten, My	Protass, Harlan	<del></del>	Re: Friday	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	+
Email with 2786 Attachment(s)	12/11/15 1:51 PM	llarhan lau	Riley, John H.		Eden Arc - Follow-up	Attorney Client Privilege	Communication requesting legal advice of counsel.		1
2787 Email	12/11/15 1:58 PM			Riley, John H.		Attorney Client Privilege	Communication reflecting legal advice of counsel.		<del></del>
2787 Email	12/11/15 1 50 PM	Lather Isu	Brune, Susan	ikiley, John H.			Communication requesting legal advice of counsel.	-	+
2789 Email	12/11/15 3 51 PM		Roper, Eric			Attorney Client Privilege	Communication requesting legal advice of counsel.		<del> </del>
2790 Email	12/11/15 3:52 PM		Riley, John H.				Communication requesting legal advice of counsel.		+
2791 Email	12/11/15 4 46 PM		Lathen, Jay		Checking in	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	+
2792 Email	12/11/15 4:48 PM	Itathen lav	Galbraith, Kevin		RE: Checking in		Communication requesting legal advice of counsel.		†
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2793 Attachment(s)	12/11/15 4 57 PM	Galbraith, Kevin	Lathen, Jay		Re: Checking In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
2794 Email	12/11/15 4:58 PM	Lathen, Jay	Galbraith, Kevin		RE: Checking In		Communication requesting legal advice of counsel.		1
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2795 Attachment(s)	12/11/15 5 07 PM	Galbraith, Kevin	Lathen, Jay		Re: Checking In	Attorney Client Privilege	Communication reflecting legal advice of counsel.		1
Email with				Riley, John H.; Molloy, Pam; Jardine,					1
2796 Attachment(s)	12/11/15 5:13 PM	Riley, John H.	Lathen, Jay	Penny B.; Gagliardi, Rose Ann	Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<u> </u>	
Email with	Ĭ			Molloy, Pam; Jardine, Penny B.; Gagliardi,			1		
2797 Attachment(s)	12/11/15 5:20 PM		Riley, John H.	Rose Ann	RE: Eden Arc		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.		
!	1	Į.	İ	Molloy, Pam; Jardine, Penny B.; Gagliardi,				1	
2799 Email	12/11/15 5:23 PM	Riley, John H.	Lathen, Jay	Rose Ann	RE: Eden Arc	Attorney Client Privilege	Communication reflecting legal advice of counsel.	ļ	<del></del>
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2800 Attachment(s)	12/11/15 6:23 PM		Brune, Susan		purchase"	Attorney Client Privilege	Communication requesting legal advice of counsel.	ļ	<del> </del>
2801 Email	12/13/15 4:43 PM		Lathen, Jay	Kane, Darren		Attorney Client Privilege	Communication reflecting legal advice of counsel.	ļ	+
2802 Email	12/14/15 10:24 AM		Lathen, Jay	<u></u>	GE / Synchrony Update		Communication reflecting legal advice of counsel.	<del>                                     </del>	<del> </del>
2803 Email	12/14/15 10:24 AM			Xane, Darren		Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del> -	+
2804 Email	12/14/15 10:30 AM		Hartman, David	Xane, Darren	RE: IARD Password		Communication requesting legal advice of counsel.	<del> </del>	+
2805 Email	12/14/15 11:23 AM		Brune, Susan	ļ	Wells call	Attorney Client Privilege	Communication requesting legal advice of counsel.	<b></b>	<del></del>
2806 Email Email with	12/14/15 11:24 AM	n prene, susañ	Lathen, Jay	<del> </del>	Re: Wells call	ALLOTHEY CHERT PRIVILEZE	Communication reflecting legal advice of counsel.	<del>                                     </del>	+
	17/14/15 12/0-01	Boine Surar	Inches tou	destroberandelebert	Surf. Mama to SEC Walls Call	Attorney Client Drivitano	Communication reflecting level advice of country	1	
2807 Attachment(s)	12/14/15 12:08 PM	i prene, susan	Lathen, Jay	draft@bruneandrichard.com	Fwd: Memo re SEC Wells Call	Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	+
	12/14/15 12:35 014	Booouthy Matthews	lather tau	Bring Signer Fally Incornaling	Brigitaged & Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.	I	
2808 Attachment(s)	12/14/15 12:35 PM	Popowsky, Matthew	Lathen, Jay	Brune, Susan; Kelly, Jacqueline	Privileged & Confidential	ALLOHREY CHERL PRIVILEZA	terminomenton renecting legal advice of courses.	<del> </del>	+
2809 Attachment(s)	12/14/15 1:02 PM	Orange Hadan	lastas to	i	File Transfer	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	1
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2810 Attachment(s)	12/14/15 1:41 PM	t athen law	Riley, John H.	i	FW: Privileged & Confidential	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
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2811 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.	1	
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2812 Attachment(s)	12/14/15 2-06 014	Popowsky, Matthew	Lathen, Jay	Brune, Susan; Kelly, Jacqueline	Privileged & Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
2813 Email	12/15/15 8:00 AM	Hartman, David	Lathen, Jay	Xane, Darren	RE: IARD Password	Attorney Client Privilese	Communication reflecting legal advice of counsel.	·	
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2814 Email	12/15/15 9:10 AM	Lathen, Jav	Robinson, Michael D.	l	Fwd: IARD Password	Attorney Client Privilege	Communication reflecting legal advice of David Hartman.	1	
2815 Email	12/15/15 11·17 AM	Robinson, Michael D.	Hartman, David	Lathen, Jay		Attorney Client Priviless	Communication requesting legal advice of counsel.	i e	
2816 Email	12/15/15 2:09 PM	Lathen, Jav	Riley, John H.	Danovitch, David E.	RE: Privileged & Confidential	Attorney Client Privilege	Communication requesting legal advice of counsel.	i	
Email with								1	
2817 Attachment(s)	12/16/15 1:50 PM	Popowsky, Matthew	Lathen, Jay	Brune, Susan	Retainer Agreement	Attorney Client Privileze	Communication reflecting legal advice of counsel.	I	
		, ,	+ 11-1					†"	1
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Email with	t .	Lathen, Jav	Brune, Susan	Riley, John H.	Follow-up on the 2 items we discussed	Attorney Client Privilege	Communication requesting legal advice of counsel.	!	
Email with 2818 Attachment(s) 2819 Email	12/16/15 3:34 PM 12/17/15 6:42 AM		Brune, Susan Lathen, Jay	Riley, John H. Riley, John H.	Follow-up on the 2 items we discussed Re: Follow-up on the 2 items we discussed	Attorney Client Privilege Attorney Client Privilege	Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		<del> </del>

Entry Number Record To	Time Date					Email Subject or File Name	Privilege Type	Data II - Data I		
Email wit			770111	18		Email Subject of File Name	Privilege type	Privilege Description	Redacted	Production Bates
2820 Attachme		2/17/15 11:46 AM	Brune, Susan	Riley, John H.; Lathen, Jay		Wellis letter	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
Email wit 2821 Attachme		2/17/15 12:32 PM		Lathen, Jav	1	Fwd: File Transfer		1		
2822 Email	nent(s)	12/17/15 1:07 PM	athen, Jay	Protess, Harlan			Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	1	
2823 Email		12/17/15 1:11 PM	Protass, Harlan	Lathen, Jay		Re: File Transfer	Attorney Client Privilege	Communication reflecting legal advice of counsel.	1	
2824 Email		12/17/15 2:36 PM	Lathen, Jay	Galbraith, Kevin		RE: Legal Fee	Attorney Client Privilege	Communication requesting legal advice of counsel.		
Email wit 2825 Attachme		12/17/15 3 08 PM	Calbraith Vania	Lathen, Jay		Day Lacal Eas	Attacany Client Privilege	Communication reflection to add a distance of course of	1	ļ
2826 Email		12/17/15 3 26 PM			Hartman, David	Re: Legal Fee RE: Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.		
2827 Email		12/17/15 3:43 PM			Calaguio, Cheryli	RE: Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
						[Auto-Reply] FW: Mission-Critical Services Corp.:Eden	l		T	
2828 Email Email wit		12/17/15 5:10 PM	Kane, Darren	Lathen, Jay		Arc Capital Partners, LP- FW: Mission-Critical Services Corp.:Eden Arc Capital	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2829 Attachme		12/17/15 5:10 PM	Lathen, Jav	Hartman, David; Kane, Darren		Partners, LP- Payment Update	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	
Email wit										
2830 Attachme	ment(s)	12/17/15 5:47 PM	Lathen, Jay		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.	<del></del>	<del> </del>
2832 Attachmo		12/17/15 6:43 PM	Lathen, Jav	Kane, Darren; Hartman, David		Wells Notice	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	ļ
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2833 Attachme	ment(s)	12/17/15 7:34 PM	Brune, Susan		Riley, John H.	For discussion, see below		Communication reflecting legal advice of counsel.		
2834 Email 2835 Email		12/17/15 7 39 PM	Kane, Darren			RE: Wells Notice		Communication reflecting legal advice of counsel.		
2835 Email		12/17/15 7:49 PM	Latrien, Jay	Brune, Susan	Riley, John H.	Re: For discussion, see below RE: Mission-Critical Services Corp.:Eden Arc Capital	Accorney Chent Privilege	Communication requesting legal advice of counsel.	<del> </del>	<del> </del>
2836 Email		12/17/15 8:47 PM	Kane, Darren	Lathen, Jay		Partners, LP- Payment Update	Attorney Client Privilege	Communication reflecting legal advice of counsel.	i	I
2837 Email		2/17/15 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		2/18/15 10 01 AM	Lathen, Jay		Riley, John H.	Testimony Transcripts		Communication requesting legal advice of counsel.		
2839 Email	1.	2/18/15 11:10 444	tathen law	Yang Darren		RE: Mission-Critical Services Corp.:Eden Arc Capital	Attorney Client Providen	Communication enginesing legal advice of access	1	1
2840 Email		2/18/15 11:10 AM 2/18/15 11:18 AM		Kane, Darren Brune, Susan		Partners, LP- Payment Update RE: For discussion, see below		Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.	+	
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2841 Attachme		2/18/15 12:05 PM			Brune, Susan; Popowsky, Matthew	Privileged & Confidential	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2842 Email 2843 Email		2/18/15 12 12 PM				RE: For discussion, see below	Attorney Client Privilege	Communication requesting legal advice of counsel.	+	
2844 Email		12/18/15 3.55 PM				Jackie Kelly ADV	Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	
2845 Email		12/18/15 3:55 PM	Kane, Darren			RE: Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2845 Attachme 2847 Email		12/18/15 5 44 PM		Lathen, Jay; Riley, John H.	Hadesta Oxid	Wells outline for our discussion on Monday  RE: Reminder	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2848 Email		2/21/15 10:31 AM 2/21/15 10:34 AM	Kane, Darren	Kane, Darren Lathen, Jay		[Auto-Reply] RE: ADV		Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
2849 Email		2/21/15 10:34 AM				RE: ADV		Communication requesting legal advice of counsel.		
Email wit						FW: In the Matter of Eden Arc Capital Management,		1		
2850 Attachme	ment(s)	2/21/15 11:20 AM	Brune, Susan	Lathen, Jay	Riley, John H.	PW: In the Matter of Eden Arc Capital Management,	Attorney Client Privilege Attorney Client	Communication reflecting legal advice of counsel.		<del> </del>
2851 Attachm	ment(s)	2/21/15 11:26 AM	Lathen, Jay	Robinson, Michael D.		uc	Privilege/Work Product	Communication attaching privileged work product.		1
2852 Email		12/21/15 1:11 PM	Xane, 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.		
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2855 Attachm	ment(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.		
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2856 Attachm	n-Eurlis)	12/21/15 6:27 PM	Latinen, 184	Riley, John H.		allocations_inception to 10/31/15 RE: Edenarc-Summary capital account	PARTIES CHEFT PRIVILEGE	Communication requesting legal advice of counsel.	+	<del>                                     </del>
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2857 Email		12/21/15 6:33 PM	Riley, John H.	Lathen, Jay	Riley, John H.	Attorney - Client Privilege	Attorney Client Privilege	Communication reflecting legal advice of counsel.		ļ
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2858 Attachmo 2859 Email		12/22/15 2:22 PM 12/22/15 4:35 PM		Lathen, Jay Hartman, David	Kane, Darren	Updated ADV 28 Re: Resend of ADV 1A		Communication reflecting legal advice of counsel.  Communication requesting legal advice of counsel.	+	
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2860 Attachme	ment(s)	12/23/15 9:41 AM		Lathen, Jay	Jacqueline	Another Wells natice		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		7/73/15 17:18 814	Robinson, Michael D.	Galbraith, Kevin		Fwd: Re: Caterpillar Survivor Option Cusip 14912HQA1	Attorney Client Privilege	Communication requesting legal advice of counsel.	1	1
2863 Email	<del></del>	12/23/15 12:16 PM	Galbraith, Kevin	Robinson, Michael D.			Attorney Client Privilege	Communication reflecting legal advice of counsel.	<del> </del>	<del>                                     </del>
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i I			1	Lathen, Jay; Galbraith, Kevin; Popowsky,		NYTimes: Obscure Corner of Wall St. Draws Skepticism		L	]	1
1	J					From Investors	JACCOFNEY CHENT Privilege	Communication reflecting legal advice of counsel.		
2864 Email		12/25/15 6:31 AM	Brune, Susan Hartman, David	Matthew; Kelly, Jacqueline	Xane Darren: Hartman David	ADV update	Attorney Client Privilege	Communication reflecting legal advice of counsel	<del> </del>	
2864 Email 2865 Email	1	12/25/15 6:31 AM 2/28/15 10:19 AM	Brune, Susan Hartman, David		Kane, Darren; Hartman, David		Attorney Client Privilege	Communication reflecting legal advice of counsel.		
		2/28/15 10:19 AM	Brune, Susan Hartman, David Robinson, Michael D.		Xane, Darren; Hartman, David	ADV update  Re: FW: In the Matter of Eden Arc Capital Management, U.C.	Attorney Client Privilege Attorney Client Privilege/Work Product	Communication reflecting legal advice of counsel.  Communication containing privileged work product.		***
2865 Email		2/28/15 10:19 AM 2/28/15 11:46 AM	Hartman, David Robinson, Michael D.	Lathen, Jay	Xane, Darren; Hartman, David	Re: FW: In the Matter of Eden Arc Capital Management, U.C	Attorney Client Privilege Attorney Client Privilege/Work Product Attorney Client	Communication reflecting legal advice of counsel.  Communication containing privileged work product.		
2865 Email		2/28/15 10:19 AM	Hartman, David Robinson, Michael D.	Lathen, Jay	Xane, Darren; Hartman, David		Attorney Client Privilege Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product	Communication reflecting legal advice of counsel.		
2865 Email		2/28/15 10:19 AM 2/28/15 11:46 AM 12/28/15 4:48 PM	Hartman, David Robinson, Michael D. Lathen, Jay	Lathen, Jay  Lathen, Jay  Robinson, Michael D.	Xane, Darren; Hartman, David	Re: FW: In the Matter of Eden Arc Capital Management, LLC  Re: In the Matter of Eden Arc Capital Management, LLC	Attorney Client Privilege Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client	Communication reflecting legal sovice of counsel.  Communication containing privileged work product.  Communication containing privileged work product.		
2865 Email 2866 Email 2867 Email		2/28/15 10:19 AM 2/28/15 11:46 AM 12/28/15 4:48 PM	Martman, David  Robinson, Michael D.  Lathen, Jay  Robinson, Michael D.	Lathen, Jay		Re: FW: In the Matter of Eden Arc Capital Management, U.C	Attorney Client Privilege Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product	Communication reflecting legal advice of counsel.  Communication containing privileged work product.		
2865 Email 2866 Email 2867 Email 2868 Email 2868 Email 2869 Email	with	2/28/15 10:19 AM 2/28/15 11:46 AM 12/28/15 4:48 PM 12/28/15 7:02 PM 12/29/15 2:34 PM	Robinson, Michael D.  Lathen, Jay  Robinson, Michael D.  Lathen, Jay	Lathen, Jay  Robinson, Michael D.  Lathen, Jay  Hartman, David	Kane, Darren	Re: PW: In the Matter of Eden Arc Capital Management, U.C  Re: In the Matter of Eden Arc Capital Management, U.C  Re: In the Matter of Eden Arc Capital Management, U.C  RE: ADV update	Attorney Client Privilege Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication containing privileged work product.  Communication containing privileged work product.  Communication containing privileged work product.  Communication requesting legal advice of counsel.		
2865 Email 2866 Email 2867 Email 2868 Email 2869 Email 2869 Email 2870 Attachm	with ment(s)	2/28/15 10:19 AM 2/28/15 11:46 AM 12/28/15 4:48 PM 12/28/15 7:02 PM 12/29/15 2:34 PM 12/30/15 2:27 PM	Robinson, Michael D. Lathen, Jay Robinson, Michael D. Lathen, Jay Hartman, David	Lathen, Jay  Lathen, Jay  Robinson, Michael D.  Lathen, Jay  Hartman, David  Lathen, Jay	Kane, Darren Kane, Darren	Re: PK: In the Matter of Eden Arc Capital Management, U.C  Re: In the Matter of Eden Arc Capital Management, U.C. Re: In the Matter of Eden Arc Capital Management, U.C. RE: ADV update RE: ADV update	Attorney Client Privilege Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication containing privileged work product.  Communication containing privileged work product.  Communication containing privileged work product.  Communication requesting legal advice of counsel.  Communication reflecting legal advice of counsel.		
2865 Email 2866 Email 2867 Email 2868 Email 2868 Email 2869 Email	with ment(s)	2/28/15 10:19 AM 2/28/15 11:46 AM 12/28/15 4:48 PM 12/28/15 7:02 PM 12/29/15 2:34 PM	Robinson, Michael D. Lathen, Jay Robinson, Michael D. Lathen, Jay Hartman, David	Lathen, Jay  Lathen, Jay  Robinson, Michael D.  Lathen, Jay  Hartman, David  Lathen, Jay	Kane, Darren	Re: PW: In the Matter of Eden Arc Capital Management, U.C  Re: In the Matter of Eden Arc Capital Management, U.C  Re: In the Matter of Eden Arc Capital Management, U.C  RE: ADV update	Attorney Client Privilege Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client Privilege/Work Product Attorney Client Privilege Attorney Client Privilege Attorney Client Privilege	Communication reflecting legal advice of counsel.  Communication containing privileged work product.  Communication containing privileged work product.  Communication containing privileged work product.  Communication requesting legal advice of counsel.		

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2873 Attachment(s)	1/4/16 12:08 PM	Brune Sucan	Lathen, Jay		new yeard 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				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		Robinson, Michael D.	Popowsky, Matthew		Re: Email	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2877 Email	1/4/16 3:40 PM	Lathen, Jay	Brune, Susan			Attorney Client Privilege	Communication requesting legal advice of counsel.		
2878 Email		Robinson, Michael D.	Popowsky, Matthew		RE: Email	Attorney Client Privilege	Communication requesting 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.		
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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.		<del></del>
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2881 POF		Clayman & Rosenberg LLP			Clayman & Rosenberg Invoice 8-11-15	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2882 Email 2883 PDF	7/16/15 3:13 PM	Galbraith, Kevin	Lathen, Jay Lathen, Jay		Legal Fees	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2883 707	7/13/2013	Galdraith, Keyin	Lachen, Jay	<del></del>	Galbraith Invoice 7-15-15 Brune & Richard Retainer Invoice and Payment 12-17-	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2884 PDF	12/16/2015	Brune & Richard LLP	Lathen, Jav	l	16	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2885 PDF	12/14/2015	Clayman & Rosenberg LLP	Lathen, Jay	1	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		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.		L
2888 PDF	4/14/2015	Galbraith, Kevin	lathen, Jay		Kevin Galbraith Bill & Payment 6-7-15	Attorney Cilent Privilege	Communication reflecting legal advice of counsel.		
2889 POF	4/27/2015	Galbraith, Kevin	Lathen, Jay		Kevin Galbraith Bill & Payment		Communication reflecting legal advice of counsel.		
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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.	<u> </u>	<b> </b>
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.	L	I
2892 Spreadsheet	100060000000000000000000000000000000000	rana Damas	lashan tau		excp_redemptions_current	Attorney Client Privilege	Communication reflecting legal advice of counsel.	Yes	EA00033924
2893 Email 2894 Attachment	10/10/14 6:21 PM	Mane, Warren	Lathen, Jay	<del> </del>			Communication reflecting legal advice of counsel.	<del> </del>	+
2895 Email	10/20/14 6:25 PM	Kane Darren	Lathen, Jay	<del> </del>			Communication reflecting legal advice of counsel.  Communication reflecting legal advice of counsel.	<del></del>	
2896 Attachment	20/20/27 U.23 FWI	mana, Denien					Communication reflecting legal advice of counsel.	<del>                                     </del>	
2897 Email	10/20/14 6:25 PM	Kane, Darren	Lathen, Jay	-			Communication reflecting legal advice of counsel.	<del>                                     </del>	-
2898 Attachment	30/20/32-00						Communication reflecting legal advice of counsel.		
2899 Email	7/23/15 11:57 AM	Robinson, Michael D.	Protass, Harlan	T			Communication requesting legal advice of counsel.		
2900 Attachment							Communication requesting legal advice of counsel.		
2901 Email	7/23/15 2:37 PM	Robinson, Michael D.	Protass, Harlan				Communication requesting legal advice of counsel.		
2902 Attachment						Attorney Client Privilege	Communication requesting legal advice of counsel.		
11	l						<u> </u>		
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	<u> </u>		Į.			Assessed City of Control of Control of Control of City	Communication and antique of Communication		
2304 Attachinent						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane	<del> </del>	<del>                                     </del>
2905 Attachment	1			ļ	1	Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		
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2906 Attachment	! !					Attorney Client Privilege	Communication reflecting legal advice of Darren Kane	ŀ	
2907 Email	10/23/14 1:49 PM	Robinson, Michael D.	Kane, Darren	Lathen, Jay	EndCare Brochure	Attorney Client Privilege	Communication requesting legal advice of counsel.		
2908 Attachment						Attorney Client Privilege	Communication requesting legal advice of counsel.		
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2909 Email	10/14/14 12:05 PM	Robinson, Michael D.	Lathen, Jay		Re: FW: EndCare Brochure	Attorney Client Privilege	Communication reflecting legal advice of Darren Kane		<u> </u>
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2910 Attachment						Attorney Client Privilege	Communication reflecting legal advice of Darren Kane	<del> </del>	<del></del>
2911 Attachment	1 1		ł		}	Attorney Client Privilege	Communication reflecting legal advice of Darren Kane	l .	1
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2912 Attachment	i					Attorney Client Privilege	Communication reflecting legal advice of Darren Kane	ŀ	1
2913 Email	9/11/12 12:40 PM	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Documents		Communication requesting legal advice of counsel.		
2914 Attachment			1	I			Communication requesting legal advice of counsel.		
2915 Email	9/18/12 2:25 PM	Farrell, Margaret D.	Lathen, Jay; Robinson, Michael D.	Doring, Matthew P.; Mancini, Jacquelyn A.	EndCare Documents/Attorney client privileged	Attorney Client Privilege	Communication reflecting legal advice of counsel.	l	<b> </b>
2916 Attachment						Attorney Client Privilege	Communication reflecting legal advice of counsel.	ļ	<del></del>
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2917 Email	10/1/12 5:10 PM	Robinson, Michael D.	Farrell, Margaret D.	A.; Lathen, Jay	Brochure and Participant's Agreement		Communication requesting legal advice of counsel.	<del>                                     </del>	<del></del>
2918 Attachment 2919 Attachment		<u> </u>		ļ ———	<u> </u>	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del> </del>	<del></del>
2919 Attachment 2920 Email	17/3/17 17:20 014	Robinson, Michael D.	Farrell, Margaret D.	Lathan Isu			Communication requesting legal advice of counsel.  Communication requesting legal advice of counsel.	<del>                                     </del>	
2920 Email 2921 Attachment	14/3/12 12:38 PM	noulisuri, MICRAELU.	rened, Margaret U.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	<del></del>
2922 Email	12/19/12 1:05 PLA	Robinson, Michael D.	Farrell, Margaret D.	Lathen, Jay	Re: "Caramadre Memorandum" Revisions	Attorney Client Privilege	Communication requesting legal advice of counsel.	<del>                                     </del>	
2923 Attachment							Communication requesting legal advice of counsel.	i	
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2924 Word Document				l	Affidavit ISO Opposition 9 3 15 kg draft	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.	<u> </u>	
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2925 Word Document	ļ		ļ		Affidavit ISO Reply_j1_edits_final	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.	1.	<b></b>
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2926 Word Document					SJ_ii_edits_to_kg_draft_9_3_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		<del> </del>
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2927 Word Document			<del> </del>		Opposition to Motion for Partial SJ kg_draft_9_3_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.	<del> </del>	<del> </del>
2928 PDF				l	Prospect_Reply ISO MTD_7_16_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.	1	1
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2929 Word Document			1	l	Reply ISO MTD_II_markupto_KG_draft7_15_15	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.	1	1
2930 Word Document			<u> </u>		Reply ISO MTD_KG_draft	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.	<u> </u>	J

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2931	Word Document					Reply ISO MTD_kg_Final	Attorney Work Product	Attorney draft prepared in Prospect Capital litigation.		l
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2937	Word Document						Attorney Work Product	Legal research relating to SEC investigation.	<b>—</b>	
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2938	Ward Document	ļ	ļ			Production and Reverse Proffer	Attorney Work Product	investigation.		Ĺ
3030	Word Document					08 19 15 Letter to Weinstock and Grace re Email		Attorney draft prepared in connection with SEC		1
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2942	Word Document					Comments_il_edits	Attorney Work Product	Legal research relating to SEC investigation.	1	1
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2945	Word Document	1	1			Comments_il_final_edits_clean	Attorney Work Product	legal research relating to SEC investigation		1
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2947	Word Document					09 10 15 Draft SEC White Paper Eden Arc_jl_edits	Attorney Work Product	Legal research relating to SEC investigation.	<u> </u>	
2948	Word Document					09 11 15 SEC White Paper Eden Arc Lathen	Attorney Work Product	Legal research relating to SEC investigation		
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	Word Document					Lathen_lathen_final_edits	Attorney Work Product	Legal research relating to SEC investigation.		
2950	PDF	<del>                                     </del>	<del> </del>				Attorney Work Product	Legal research regarding securities laws.		<del></del>
2952		<del></del>	<del> </del>			aba_report_task_force_pp_brokers		Legal research regarding broker-dealers.		<del> </del>
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2953	PD#		ļ			bony_correspondence	Attorney Client Privilege	with request for legal advice.	I	1
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2954	PDF					caramadre_ 106 RR Plea Agreement 11 19 12	Attorney Client Privilege	with request for legal advice.		L
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2955	PDF	<u> </u>				caramadre_indictment_11-17_11	Attorney Client Privilege	with request for legal advice.	ļ	<u> </u>
2956	hor			·				Materials received from Robert Flanders in connection	1	ĺ
2930	ror		<del> </del>			caramadre_Plea Agreement 11 19 12	Attorney Client Privilege	with request for legal advice.  Materials received from Robert Flanders in connection		<del></del>
2957	PDF		i .			Doc 106-1 Statement of Facts 11 19 12 (2)	Attorney Client Privilege	with request for legal advice.	l .	l
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2968	Word Document	1/12/2011	Hood, Bruce E.	Jeff		EdenArcTaxMemorandum_wiggin_dana_1_12_11	Attorney Client Privilege	Communication reflecting legal advice of counsel.	-	<b>─</b> ─
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2980		+	<del></del>		<del></del>	finra_regt_notice	Attorney Work Product	legal research regarding broker-dealers. Legal research regarding FINRA regulations.	<del> </del>	<del></del>
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2982	Word Document		Lathen, Jay	Flanders, Robert G.		flanders_2_18_10	Attorney Client Privilege	Communication requesting legal advice of counsel.		
	PDF	5/9/2012	Roper, Éric	Lathen, Jay		gersten eng ltr 5 9 12	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
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2986	PDF	B/18/2010	Roper, Eric	Lathen, Jay		gersten_savage_engitr_8_18_10		Communication reflecting legal advice of counsel.	<b> </b>	
	PDF	7/26/2017	Flanders, Robert G.	Lathen, Jay		hedge fund_legal_primer hinckley_eng_ltr_7_26_12	Attorney Work Product	Legal research regarding hedge funds.  Communication reflecting legal advice of counsel.	<del> </del>	<del></del>
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2992	Word Document	8/31/2012	Farrell, Margaret D.	Lathen, Jay		Lathen - Memo re_ Caramadre # \$ \$0848846 [2]	Attorney Client Privilege	Communication reflecting legal advice of counsel.		
2993						Ip_agreement_comments	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
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2995 Word Document				1	UPA_2_4_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2997 PDF					Ipa_edits_6_28_12	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
2998 Word Document					UPA2_04_11	Attorney Client Privilege	Attorney draft of agreement reflecting legal advice.		
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3032 Word Document	<del> </del>				sub agreement 01.10.11		Attorney draft of agreement reflecting legal advice.	+	<del></del>
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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

	Page 106	, Page 108
1	break now for lunch?	1 MR. PROTASS: Because there have been
2	MR. PROTASS: I'll just take this.	2 multiple.
3	One second.	3 A Yeah. I don't know if you've looked
4	(Brief pause taken.)	4 at them and numbered them, but we think there's five
5	MS. WEINSTOCK: We just went off the	5 versions of the participant agreement.
6	record for a minute or two so Mr. Protass could take	6 Q Okay.
7	a phone call. It's now 1:19.	7 A And I'm referring to and I'll just
8	EXAMINATION	8 briefly go through them.
9	BY MS. WEINSTOCK:	9 The first one where, basically, it
10	Q Mr. Lathen, did we have any	10 was my own money, my wife and I and the participant
11	conversations of substance while your lawyer was	11 as joint tenants. The second version was more or
12	taking that phone call?	12 less the same, but it was joint tenancies that I
13	A No.	13 created with with Gary Rosenbach. The third
14	Q I - let's just go for a few more	14 version of the participant agreement, which I've
15	minutes and finish this area and we'll break for	15 referred to as the 95/5 version, that was the
16	lunch.	16 initial version of the participant agreement that we
17	A Sure. Sounds good.	17 used when we launched the fund in May of 2011.
18	Q Now, you were talking about a change	18 Participant agreement number four,
19	that you made.	19 which is the first form that contemplates this loan
20	A Yes.	20 and you see the term investment loan referenced in
21	Q When did you make that change?	21 that version of the participant agreement, that was
22	A Around January 2013.	22 created in January of 2013. Version number five,
23	Q And why did you make that change?	23 which we created earlier this year, is - is in most
24	A We decided to sort of take a fresh	24 respects identical to version four, but instead of
25	look at our contracts after we became aware of the	25 just me borrowing on the line of credit agreement
	Page 107	Page 109
1	Joseph Caramadre case up in Rhode Island and several	1 with the fund, both the participant and I borrow on
2	Joseph Caramadre case up in Rhode Island and several investors were aware of that situation and had	with the fund, both the participant and I borrow on that line.
	Joseph Caramadre case up in Rhode Island and several investors were aware of that situation and had expressed, you know, concern about it. And we, you	with the fund, both the participant and I borrow on that line.  Okay. Okay. I think we'll take a
2 3 4	Joseph Caramadre case up in Rhode Island and several investors were aware of that situation and had expressed, you know, concern about it. And we, you know, told them, look, this is totally different	with the fund, both the participant and I borrow on that line.  Q Okay. Okay. I think we'll take a break now.
2 3 4 5	Joseph Caramadre case up in Rhode Island and several investors were aware of that situation and had expressed, you know, concern about it. And we, you know, told them, look, this is totally different than what we're doing. And we laid out all the	with the fund, both the participant and I borrow on that line.  Q Okay. Okay. I think we'll take a break now.  MS. WEINSTOCK: It's 1:23. We're off
2 3 4 5 6	Joseph Caramadre case up in Rhode Island and several investors were aware of that situation and had expressed, you know, concern about it. And we, you know, told them, look, this is totally different than what we're doing. And we laid out all the reasons why that was the case, but nonetheless, we	with the fund, both the participant and I borrow on that line.  Q Okay. Okay. I think we'll take a break now.  MS. WEINSTOCK: It's 1:23. We're off the record. Thank you.
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2 3 4 5 6 7 8 9	Joseph Caramadre case up in Rhode Island and several investors were aware of that situation and had expressed, you know, concern about it. And we, you know, told them, look, this is totally different than what we're doing. And we laid out all the reasons why that was the case, but nonetheless, we decided at that point, because we felt like it was going to be a marketing impediment to raising more capital for the funds and also to give our own investors some comfort, we decided to have Hinckley,	with the fund, both the participant and I borrow on that line.  Q Okay. Okay. I think we'll take a break now.  MS. WEINSTOCK: It's 1:23. We're off the record. Thank you.  (Lunch recess taken from 1:23 p.m. to 2:40 p.m.)  AFTERNOON SESSION  MS. WEINSTOCK: Okay. We're back on
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2 3 4 5 6 7 8 9 10 11	Joseph Caramadre case up in Rhode Island and several investors were aware of that situation and had expressed, you know, concern about it. And we, you know, told them, look, this is totally different than what we're doing. And we laid out all the reasons why that was the case, but nonetheless, we decided at that point, because we felt like it was going to be a marketing impediment to raising more capital for the funds and also to give our own investors some comfort, we decided to have Hinckley, Allen, Snyder, which is a law firm up in Rhode Island, write a legal memo comparing our business	with the fund, both the participant and I borrow on that line.  Q Okay. Okay. I think we'll take a break now.  MS. WEINSTOCK: It's 1:23. We're off the record. Thank you.  (Lunch recess taken from 1:23 p.m. to 2:40 p.m.)  AFTERNOONSESSION  MS. WEINSTOCK: Okay. We're back on the record. It's 2:40 p.m.  MS. WEINSTOCK: Mr. Lathen, did you
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waived due to Mr. Lathen's activities in terms of his communications with investors and third parties about legal advice. We have agreed that there are certain questions that - and answers that are not privileged and that the staff will be able to ask Mr. Lathen about those areas. Those areas are questions surrounding whether or not legal advice was given, when it was given, the general subject matter of that advice and with whom, who the attorney was essentially, and whether he got advice on particular topics.

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

MS. WEINSTOCK: Thank you. EXAMINATION

BY MS. WEINSTOCK:

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

You were talking about the first version — the first version of the participant

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

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

Q Which version was that? You said version three?

A Version three, four and five.

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

#### Page 111

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

A The first version of the participant agreement was actually a three-way joint tenancy between myself, my wife and the participant. So in the event of my demise, the account would pass to Kathy, my wife, and the participant. And — and then, whoever was deceased again — whoever the next person to be deceased would then cause the account to pass to the — to the last survivor. So in the — in the event that both Kathy and I predeceased, the participant — the account would pass to the participant.

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

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

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

MR. PROTASS: Fair enough.

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A Uh-huh.

## Q Can you walk us through what happened.

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

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

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

#### Q And for what purpose?

A For purpose of understanding in the context of having multiple joint accounts with multiple participants that are alive and with excess capital to invest, knowing which account has the shortest duration is helpful. And it also helps us sort of get a sense as we're managing other inquiries from participants or social workers to get a handle on, okay, what are our — what are our capital — what is our capital availability?

What — you know, and — and how can we — and how and who could we help.

### Q Was it important to find out quickly if someone passed away?

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

### Q And is that because the strategy was dependent on quickly redeeming the bonds?

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

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

### Q Sorry, what page is that?

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

So if you look at, you know, the second sub bullet under the first bullet, "Transaction is fully documented with participant."

And then we also say that on a few pages back on 34 under "Legal," very last bullet point, but anyway.

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

A Y

Q What -- what lawyer were you referring to there?

A Katten, Muchin.

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

A Did not.

#### Page 195

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

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

(February 2011 Investor Presentation received and marked Exhibit 47.)
MR. GOSNELL: Are you done with 14?
MS. WEINSTOCK: I am.
MR. GOSNELL: Is this 47?
MS. WEINSTOCK: This is 47.
MR. GOSNELL: Thanks.

## Q Is this the investor presentation that you've been referring to?

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

And I'm just looking through it. One

Page 197

Q And when you say, "the strategy is legal," what was the topic of the — the topic of the advice that you got? "Strategy is legal" is very broad.

MR. PROTASS: Can I?

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

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

A Yes.

#### Q Is that correct?

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

Page 200

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

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

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

18 A Sure.

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

A Yes.

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

A Yes. So there's a distinction

presentation.

Bates page 46 this is actually a different presentation than the first page of this exhibit which is investor presentation in February of 2011. Between the time — and I don't know the date of this End Care Financial Assistance Program Presentation, but this — this End Care Financial Assistance Program is not actually a investor presentation. This is a presentation that we would have given to social workers to discuss our program so that they understood and knew about us. And to the extent they knew individuals that needed financial assistance, they would be aware of our program.

So you are - actually, beginning on

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

A No.

Q -- to social workers?

A No.

Q When was the last time you gave out this?

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

Page 199

Page 201

insurance. And if you look at the next bullet point below it addresses Medicaid specifically. Medicare is health care for the elderly. Medicaid is health care for the poor. Medicare is not needs based. If you are 65 years old you are eligible for Medicare full stop. No means testing. Medicaid of course being a means tested program, you have to qualify for Medicaid. You have to show income tax returns. You have to show asset statements. Private health

between Medicare, Medicaid and private health

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

insurance, they could care less what your rules are,

what your wherewithal is.

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

of strange. That's a — that's a typo. It should really say Eden Arc Capital Partners. Oh, no, that's an older version of it. I didn't realize that this was multiple versions of my investor

A Yes. You're - actually, that's sort

years.

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

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

Q Why is that?

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

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

### UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of: )

File No. NY-09197-A

EDEN ARC CAPITAL

WITNESS: Donald Lathen

PAGES: 212 through 398

PLACE: Securities and Exchange Commission

200 Vesey Street, Suite 400

New York, New York 10281

DATE: Thursday, July 23, 2015

The above-entitled matter came on for hearing, pursuant to notice, at 9:42 a.m.

Diversified Reporting Services, Inc.

(202) 467-9200

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Page 311

Page 312

1 speaks for itself.

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A Yeah. I mean, that's what it specifies as follows. I mean, it certainly mentions it. It doesn't mention the degree of reliance on it, but it mentions it.

Q When did you disburse the participant payment to Kilgus?

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

Q Now, take a look at page seven of seven, the second to last paragraph where it says, "Finally, this memoranda 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 the allegations in the indictment."

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

MR. PROTASS: Objection.

O Or did you have a separate one?

A There - we do not possess a legal

there were valid joint tenancies?

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

A I had advice regarding the joint tenancy.

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

THE WITNESS: Yes, I have sought. I have attempted to get a written opinion. MR. GRACE: Okay.

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

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

Q Did anyone say we think you do have a

Page 310

opinion on the validity of the joint tenancies. Nor do I believe that we ever represented that we had a

legal opinion on the validity of the joint

4

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

A We did not have a written opinion.

Q What about an oral opinion?

A We had oral advice. I don't want

to - I don't want to use the term opinion because I 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 tenancy or preserve the argument of the validity of the joint tenancy?

A Preserve the validity of the joint

23 tenancy. 24

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

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

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

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

Page 315 agreements and -- and said, we're not paying you. We don't think you're valid - your tenancies are Barclay's, you know, we had shared our participant agreements with them and they ultimately paid the claims. And, you know, we were having issues with Prospect. So we felt, you know, we - we probably should try to get legal opinion here on the validity of the joint tenancies. For me to be having argument with - from issuers maybe a legal opinion would be helpful in that context. So that's what initiated the -- the brief survey of -of a handful of firms to explore issue - you know, issuing some sort of an opinion. **EXAMINATION** BY MS. WEINSTOCK: Q And earlier when you were talking about advice you said you got advice. Were you referring to Seward and Kissel? A No. I was – the – the firms that I have engaged since - since inception around the business broadly, in order, Katten, Muchin; Gersten, Savage; Hinckley, Allen, Snyder; Kevin Galbraite, and Clayman and Rosenberg. Q But which of those gave you advice on Page 316 the validity of the joint tenancies? I don't know if I'm understanding you correctly because you talked about Seward and Kissel. You also said --A There are elements -- yeah, the Seward and Kissel never rose to a level where well, first of all, they didn't advise me directly. I never had a conversation with Seward and Kissel. I was forwarded an e-mail that had an audio file attached to it and it was a voice mail that this partner at Seward and Kissel had left for Michael Cooney, the -- a partner at Blue Sand. That's how I became aware of Seward and Kissel's thoughts on the joint tenancy, but it was not communicated to me directly. And I think it would be a stretch to

Page 313 could be a candidate to render an opinion. 1 2 MR. GRACE: By "handful" are we 3 talking about fewer than five? THE WITNESS: Yeah. I'd say 4 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

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

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

A An opinion -- I think an opinion is

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

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

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

MR. GRACE: And that voice message that you had referred to from somebody at Seward and Kissel to somebody at Blue Sand, when did that 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

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

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

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

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

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

Q In general terms, did the conversations relate to how to structure the documents?

A Yes. And - and in particular, the 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 and tick them off, fraud? No, everybody's informed. They know - they know we're creating a joint tenancy. So that there's no dispute that the participants and I intended to create a joint tenancy. Incapacitation, we - we told you how we screened for mental capacity of the -- of the participant. In many events we have a family member who is -- whose capacity is unquestioned. Undue influence, we're not related to these people. We're not a fiduciary to them. We don't stand by them and -- and coerce them to sign something. They do it willingly.

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

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

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

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

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

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

MR. PROTASS: Thank you, Professor. THE WITNESS: Sorry. I know that's probably your job.

MR. PROTASS: Thank you, Professor.

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

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

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

Q You did seek advice from Katten, Muchin?

A I did seek advice, yes.

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

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

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

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

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

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

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

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

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

5 law here.6 So

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

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

A Don't remember.

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

A I think if I was — I think if I was asking for —

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

A Advice.

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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

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.

Q Okay. And what about Gersten, Savage?

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

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

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

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

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

O And was it one of the five versions we've talked about?

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

MR. PROTASS: Don't do it.

A Call it 4.5.

Q Five plus?

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

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

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

Q And was Blue Sands doing this on your

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

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

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

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### behalf or did they want to consult a lawyer themselves?

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

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

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

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

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

Q So --

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### O So with respect to Katten, Muchin did you send them all of the information - all of the documents you just -

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

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

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

	Page 329		Page 331
1	Q What year did you speak to Katten,	1	decided to improve the participant agreement and
2	Muchin?	2	that's when version four was was created.
3	A It would have been in 2009.	3	Q And
4	Q And —	4	MR. PROTASS: When it's a you
5	A Beginning in 2009.	5	know, we've been going well over an hour-and-a-half.
6	Q So you didn't have documents at that	6	I'd like to take a break.
7	point to provide them or you did?	7	MS. WEINSTOCK: I just have two or
8	A I think we would have only had a	8	three questions left in this area. Let's just get
9	participant agreement. I think we it started	9	through it so we can start fresh after lunch.
10	with literally no paper. Just kind of conceptually,	10	Q What other aside from the
11	here's what we're thinking about doing. And they	11	participant agreement, did you show the lawyers
12	kind of helped scope out some of the issues. And	12	other documents?
13	the main kind of take aways from their their	13	A Which lawyers?
14	reviewer, you know, number one, you need to have	14	Q Well, any of them.
15	robust disclosure with participants; number two, it	15	A The things that I would have shown -
16	needs to be a valid joint tenancy; and, number	16	that I would have shown lawyers -
17	three, you know, you may - you know, you may end up	17	MR. PROTASS: In general.
18	getting in fights with issuers.	18	A - in general would range from
19	Q So you knew from the beginning of the	19	nothing to a lot of stuff.
20	strategy that the validity of the joint tenancy	20	Q Let's focus on Katten, Muchin,
21	might be an issue?	21	Gersten, Savage and Hinckley, Allen?
22	A Yes.	22	A Katten, Muchin
23	Q And in terms of some of the documents	23	MR. PROTASS: One second. Let me
24	that you've been talking about making changes to,	24	I'm getting a little uncomfortable that we're
25	that was based on advice from different lawyers or	25	getting too close to that line of waiver in
		<u> </u>	
ŀ	n 220		
	Page 330	ĺ	Page 332
1	was that based on your own research?	1	Page 332 identifying specific documents that he provided to
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ł	was that based on your own research?		identifying specific documents that he provided to
2	was that based on your own research?  A It was likely a combination of the	2	identifying specific documents that he provided to specific lawyers. And I'm uncomfortable, you know.
2 3	was that based on your own research?  A It was likely a combination of the two.	2 3	identifying specific documents that he provided to specific lawyers. And I'm uncomfortable, you know. I've given you — you know, not objected, you know.
2 3 4	was that based on your own research?  A It was likely a combination of the two.  Q And which lawyers are in that mix?	2 3 4	identifying specific documents that he provided to specific lawyers. And I'm uncomfortable, you know. I've given you — you know, not objected, you know. I've let you ask a lot of questions, but we're
2 3 4 5	was that based on your own research?  A It was likely a combination of the two.  Q And which lawyers are in that mix?  A In terms of — I would say, you know,	2 3 4 5	identifying specific documents that he provided to specific lawyers. And I'm uncomfortable, you know. I've given you — you know, not objected, you know. I've let you ask a lot of questions, but we're drawing close to a line that I'm uncomfortable with.
2 3 4 5 6	was that based on your own research?  A It was likely a combination of the two.  Q And which lawyers are in that mix?  A In terms of — I would say, you know,  Gersten, Savage had some — well, going all the way	2 3 4 5 6	identifying specific documents that he provided to specific lawyers. And I'm uncomfortable, you know. I've given you — you know, not objected, you know. I've let you ask a lot of questions, but we're drawing close to a line that I'm uncomfortable with. I'm uncomfortable with that question.
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2 3 4 5 6 7.	was that based on your own research?  A It was likely a combination of the two.  Q And which lawyers are in that mix?  A In terms of — I would say, you know,  Gersten, Savage had some — well, going all the way back to Katten. There was an initial version of the participant agreement, which was versions one and	2 3 4 5 6 7 8	identifying specific documents that he provided to specific lawyers. And I'm uncomfortable, you know. I've given you — you know, not objected, you know. I've let you ask a lot of questions, but we're drawing close to a line that I'm uncomfortable with. I'm uncomfortable with that question.  MS. WEINSTOCK: Understood. All right. So, why don't we break now and if there's any further conversation we can have it prior to coming back. We're off the record. It's 1:21.
2 3 4 5 6 7 8 9	was that based on your own research?  A It was likely a combination of the two.  Q And which lawyers are in that mix?  A In terms of — I would say, you know,  Gersten, Savage had some — well, going all the way back to Katten. There was an initial version of the participant agreement, which was versions one and two, that was — I don't recall whether I drafted it or Katten drafted it. I think I drafted it and then Katten reviewed it. And then Katten, you know, made	2 3 4 5 6 7 8	identifying specific documents that he provided to specific lawyers. And I'm uncomfortable, you know. I've given you — you know, not objected, you know. I've let you ask a lot of questions, but we're drawing close to a line that I'm uncomfortable with. I'm uncomfortable with that question.  MS. WEINSTOCK: Understood. All right. So, why don't we break now and if there's any further conversation we can have it prior to coming back. We're off the record. It's 1:21.  (Lunch recess taken 1:21 p.m. to 2:19 p.m.)
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A Generally, we're speaking to a family member of the participant. And so, we're probing with that family member, you know, what is the mental state of your loved one? You know, do they understand what's going on? Do they - do they have the requisite mental capacity to enter into a contract? We tell them that they need - their individual needs to have the capacity to enter into a contract. And we also probe whether or not that person has a - that loved one, or perhaps someone else that is in the participant's family, has a power of attorney. Whether or not the participant has delegated power of attorney and, if so, you know, was that delegated, you know, before they became incapacitated. So those are the sorts of things we -- we probe for.

### Q Do you speak to the incapacitated person directly?

A No, generally not.

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

A Two.

Q And when was that change made?

A The initial one was - well, June

of - June of 2013 is when the revised version

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

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

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

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

#### O Have you had any markdowns?

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

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

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was - was completed.

### Q And what were the nature of the revisions?

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

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

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

### Q Under what circumstances are securities marked up?

A The -

MR. PROTASS: In joint tenancy accounts?

MS. WEINSTOCK: Correct.

A So, generally where the participant is still alive, the securities are marked at – at

than the purchase price.

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

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

#### Q And with which issuers?

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

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

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

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

### Weil, Gotshal & Manges LLP

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October 10, 2014

Kevin Galbraith, Esq. The Law Offices of Kevin Galbraith, LLP 236 W. 30th Street; 5th Floor New York, New York 10001

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 Suvivor'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 Suvivor's Option Mr. Lathen needs to show that the deceased person held a beneficial ownership interest in the note.

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Kevin Galbraith, Esq. October 10, 2014 Page 2

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 Suvivor'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. Lathem 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."

Kevin Galbraith, Esq. October 10, 2014 Page 3

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

Kevin Galbraith, Esq. October 10, 2014 Page 4

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,

Corex Chivers

Enclosure(s)

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

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

		Attorney bist	
Name	Firm(s)	Email Address(es)	Additional Information
Auslander, Jay	Wilk Auslander LLP	JAuslander@wilkauslander.com	
Blattmachr, Jonathan	Pioneer Wealth Partners, LLC		
Brune, Susan	Brune Law P.C.; Brune & Richard LLP	sbrune@brunelaw.com; sbrune@bruneandrichard.com	
Caccimelio	Clayman & Rosenberg LLP	caccimelio@clayro.com	
Calaguio, Cheryll	Gersten Savage LLP	ccalaguio@gerstensavage.com	
Coumoutsos, Jami	Tannenbaum Helpern Syracuse & Hirschtritt LLP	Coumoutsos@thsh.com	Administrative Assistant
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Farrell, Margaret	Hinckley, Allen & Snyder LLP	mfarrell@haslaw.com	
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Galbraith, Kevin	The Law Office of Kevin Galbraith LLC	kevin@kevingaibraithlaw.com	Also called "Law Office" in the message files
Gosnell, Wayne	Clayman & Rosenberg LLP	gosnell@clayro.com	
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	Katten Muchin Rosenman LLP / Sabby Capital LLC (General		
Grundstein, Robert	Counsel)	robert.grundstein@kattenlaw.com; rgrundstein@sabbycapital.com	
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O'Shea, Sean	O'Shea Partners LLP	SOShea@osheapartners.com	
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Popowsky, Matthew	Brune Law P.C.; Brune & Richard LLP	mpopowsky@brunelaw.com; mpopowsky@bruneandrichard.com	
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	displaced a resource of the	protessie dayrocom	
Riley, John	Robinson Brog Leinwand Greene Genovese & Gluck, P.C	jhr@robinsonbrog.com	
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Russell, Judith	Gersten Savage LLP	JRussell@gerstensavage.com	Administrative Assistant
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Southwell, Alexander	Gibson, Dunn & Crutcher		
Strohmenger, Richard	Tannenbaum Helpern Syracuse & Hirschtritt LLP	ASouthwell@gibsondunn.com	
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Zeydel, Diana	Greenberg Traurig LLP	ZeydelD@gtlaw.com	
Zitter, Ken	Law Offices of Kenneth A. Zitter	Kzitter@aol.com	



# UNITED STATES SECURITIES AND EXCHANGE COMMISSION

New York Regional Office Brookfield Place, 200 Vesey Street, Room 400 New York, New York 10281

DIVISION OF ENFORCEMENT

JUDITH A. WEINSTOCK Assistant Regional Director (212) 336-9078 weinstockj@sec.gov

June 22, 2016

### BY ELECTRONIC MAIL

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

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,

Judith A. Weinstock

Assistant Regional Director



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

June 28, 2016

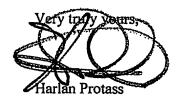
### VIA ELECTRONIC MAIL

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.





# UNITED STATES SECURITIES AND EXCHANGE COMMISSION

New York Regional Office Brookfield Place, 200 Vesey Street, Room 400 New York, New York 10281

DIVISION OF ENFORCEMENT

JUDITH A. WEINSTOCK Assistant Regional Director (212) 336-9078 weinstockj@sec.gov

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,

Judith A. Weinstock



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

Harian 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.

yours,

Harlan Protass

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

Janna Berke, Esq. (via e-mail)



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

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: Subject: Weinstock, Judith; Berke, Janna; Brown, Nancy A; 'Wayne Gosnell'; 'Christina Corcoran' 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 Clayman & Rosenberg LLP 305 Madison Avenue New York, NY 10165 T. 212-922-1080

F. 212-949-8255 www.clayro.com protass@clayro.com

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.

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. <u>212-922-1080</u>
F. <u>212-949-8255</u>
M
protass@clayro.com
www.clayro.com
On Sep 24, 2016, at 3:10 PM, Janghorbani, Alexander < Janghorbani A@sec.gov > wrote:

Harlan,

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
CLAYMAN & ROSENBERG LLP
305 Madison Avenue
New York, NY 10165
T. <u>212-922-1080</u>

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.

F. <u>212-949-8255</u>

M.

protass@clayro.com

www.clayro.com

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

<b>To:</b> Janghorbani, Alexander <b>Cc:</b> Weinstock, Judith; Berke, Janna; Brown, Nancy A; Wayne Gosnell; Christina Corcoran
<b>Subject:</b> 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
CLAYMAN & ROSENBERG LLP
305 Madison Avenue
New York, NY 10165
T. <u>212-922-1080</u>
F. <u>212-949-8255</u>
M
protass@clayro.com
www.clayro.com

On Sep 24, 2016, at 10:33 AM, Janghorbani, Alexander < <u>JanghorbaniA@sec.gov</u>> 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 12<sup>th</sup> Prehearing conference, the Court ordered that Respondents make a full waiver by September 23<sup>rd</sup>. 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
Clayman & Rosenberg LLP
305 Madison Avenue
New York, NY 10165
T. 212-922-1080
M.
F. 212-949-8255
www.clayro.com
protass@clayro.com

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.

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: To: Harlan Protass
Weinstock, Judith

Cc:

Wayne Gosnell; Berke, Janna; Janghorbani, Alexander; Brown, Nancy A; Christina Corcoran

Subject:

ect: 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
Clayman & Rosenberg LLP
305 Madison Avenue
New York, NY 10165
T. 212-922-1080
M.
F. 212-949-8255

www.clayro.com protass@clayro.com

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.

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



305 Madison Avenue New York, NY 10165 T: 212-922-1080 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: To: Brown, Nancy A
"protass@clayro.com"

Cc: Subject: Weinstock, Judith; Janghorbani, Alexander; Berke, Janna 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 materially 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: To: Brown, Nancy A
"protass@clayro.com"

Cc: Subject: Weinstock, Judith; Janghorbani, Alexander; Berke, Janna 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 materially 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 produce 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

646-349-5964 Fax

# EDEN ARC CAPITAL PARTNERS

March 2011

# Supplemental Info

# Structural and Legal Considerations

- 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.

<ol> <li>TO</li> <li>Robert G. Flanders, Jr., Esq.</li> <li>Whelan, Corrente, Flanders, Kinder &amp; Siket LLP</li> <li>100 Westminster Street, Suite 710</li> <li>Providence, RI 02903</li> </ol>	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	5. THE PRODUCTION OF DOCUMENTS OR OTHER TANGIBLE EVIDENCE IS ORDERED BY	
Nancy A. Brown, Esq. Alexander J. Janghorbani, Esq. Division of Enforcement	Hon. James E. Grimes	
US Securities and Exchange Commission	Administrative Law Judge U.S. Securities and Exchange Commission	
6. TITLE OF THE MATTER AND ADMINISTRATIVE PROCEEDING NUMBER		
VI TEEM OF THE PROPERTY OF THE		

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).

# 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:
  - (a) the type of document, e.g., letter or memorandum;
  - (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 nonidentical 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.
- 6. All documents concerning the legal or business advice requested by, and provided to, the Lathen Entities and/or Lathen.
- 7. All documents concerning any communications between You and Lathen and/or the Lathen Entities.
- 8. All documents concerning any communications between You and any investor or prospective investor in the Lathen Entities.
- 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

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**

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  - (a) the type of document, e.g., letter or memorandum;
  - (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.
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- 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.
- 6. All documents concerning the legal or business advice requested by, and provided to, the Lathen Entities and/or Lathen.
- 7. All documents concerning any communications between You and Lathen and/or the Lathen Entities.
- 8. All documents concerning any communications between You and any investor or prospective investor in the Lathen Entities.
- 9. All documents concerning any communications between You and any issuer of any investment instrument containing a Survivor's Option.



# 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.

<ol> <li>TO</li> <li>Eric Roper, Esq.</li> <li>1025 Fifth Avenue</li> <li>New York, NY 10028-0134</li> </ol>	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.	5. THE PRODUCTION OF DOCUMENTS OR OTHER TANGIBLE EVIDENCE IS ORDERED BY
Alexander J. Janghorbani, Esq. Division of Enforcement	Hon. James E. Grimes
US Securities and Exchange Commission	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).

U.S. Securities and Exchange Commission Office of Administrative Law Judges Form

# 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 Eric Roper, and all of his 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

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:
  - (a) the type of document, e.g., letter or memorandum;
  - (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.
- 6. All documents concerning the legal or business advice requested from, and provided to, the Lathen Entities.
- 7. All documents concerning any communications between You and Lathen and/or the Lathen Entities.
- 8. All documents concerning any communications between You and any investor or prospective investor in the Lathen Entities.
- 9. All documents concerning any communications between You and any issuer of any investment instrument containing a Survivor's Option.

# 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).
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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 Margaret D. Farrell, Esq., and all of her 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:



### 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.

<ol> <li>TO</li> <li>Margaret D. Farrell, Esq.</li> <li>Hinckley, Allen &amp; Snyder LLP</li> <li>100 Westminster Street, Suite 1500</li> <li>Providence, RI 02903</li> </ol>	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.
PLACE OF PRODUCTION     US Securities and Exchange Commission	3. DATE AND TIME PRODUCTION IS DUE September 30, 2016 5:00 p.m.
NY Regional Office 200 Vesey Street, Suite 400 New York, NY 10281	Coptombol 50, 25 to 6.55 p.m.
4. PARTY AND COUNSEL REQUESTING ISSUANCE OF SUBPOENA	5. THE PRODUCTION OF DOCUMENTS OR OTHER TANGIBLE EVIDENCE IS ORDERED BY
Nancy A. Brown, Esq. Alexander J. Janghorbani, Esq. Division of Enforcement	Hon. James E. Grimes
US Securities and Exchange Commission	Administrative Law Judge U.S. Securities and Exchange Commission
CONTROL OF THE MATTER AND ADMINISTRATIVE PROCEEDING MILITARE	

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).

- 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.
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- 8. All documents concerning any communications between You and any investor or prospective investor in the Lathen Entities.
- 9. All documents concerning any communications between You and any issuer of any investment instrument containing a Survivor's Option.

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:
  - (a) the type of document, e.g., letter or memorandum;
  - (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.

# **SUBPOENA ATTACHMENT**

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

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    - (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.

<ol> <li>TO</li> <li>Cherryl J. Calaguio, Esq.</li> <li>Sichenzia Ross Friedman Ference LLP</li> <li>Broadway</li> <li>New York, NY 10006</li> </ol>	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	5. THE PRODUCTION OF DOCUMENTS OR OTHER TANGIBLE EVIDENCE IS ORDERED BY
Nancy A. Brown, Esq. Alexander J. Janghorbani, Esq. Division of Enforcement US Securities and Exchange Commission	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

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