

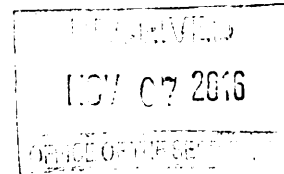
UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING  
File No. 3-17387

In the Matter of

**DONALD F. ("JAY") LATHEN, EDEN  
ARC CAPITAL MANAGEMENT, LLC,  
and EDEN ARC CAPITAL ADVISERS,  
LLC,**

**Respondents.**



**DECLARATION OF JUDITH WEINSTOCK IN SUPPORT OF THE DIVISION  
OF ENFORCEMENT'S MOTION FOR A FINDING OF PRIVILEGE WAIVER**

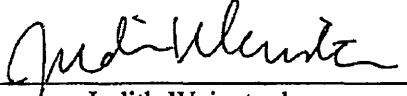
I, Judith Weinstock, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an Assistant Regional Director in the Division of Enforcement (the "Division"). I submit this declaration in support of the Division's Reply Memorandum in Further Support of its Motion for a Finding of Privilege Waiver, dated November 4, 2016. I am fully familiar with the facts and circumstances herein. I base the information below both on my personal knowledge and information collected by me through communications with the Information Technology staff in the Division.
2. Document productions received by the Division are maintained in the Division's Recommind database. I have been informed by members of our Information Technology staff that while document productions from outside parties may be maintained in a mailbox folder structure, within Recommind, each email and its attachments are treated as unique records within Recommind. When a PST file is ingested into Recommind, the application does not process by folder, thus the folder structure maintained by the Respondent is only maintained within the

meta-data. Consequently, within Recommind, in order for the Division to see if a document was maintained in a particular folder by the outside party, the meta-data for the document would have to be searched to see where it had been stored within the PST file. In particular, one would have to use the filter within Recommind to filter by “folder” meta-data in order to determine in which folder the third party maintained the document. The only other way to find this information in Recommind would be to examine the “additional information” meta-data provided in the HTML view on each email provided.

3. The Division has segregated the documents enumerated in Exhibit 15 to Affirmation of Harlan Protass executed Nov. 1, 2016 (table of inadvertently produced documents).

Executed on November 4, 2016  
New York, NY

  
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Judith Weinstock