



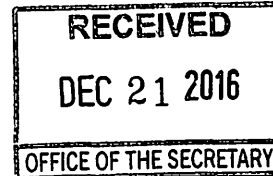
UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

JANNA I. BERKE
TELEPHONE: (212) 336-9144
EMAIL: BERKEJ@SEC.GOV

December 20, 2016

By Email (alj@sec.gov)

The Honorable Jason S. Patil
Administrative Law Judge
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549-2557



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

Dear Judge Patil:

We write to update the Court on the subject matter underlying the Division's Motion to Compel, dated yesterday. As indicated in footnote 3 of our Motion and apparently spurred by the Division's motion, Respondents' attorney, Kevin Galbraith, submitted to the Division a privilege log late yesterday afternoon and asked that the Division return such documents to Mr. Galbraith. (Exhibit A).

For the reasons spelled out in yesterday's motion, Mr. Galbraith is not entitled to reassert the attorney-client privilege over these documents—a privilege that does not belong to him and has already been waived by his client. Nor is Mr. Galbraith entitled to now assert work-product protections over documents that he failed to timely claw back after they fell into the hands of his clients' opponent in litigation. In addition, restricting the Division's access to these communications would work an unfairness, and allow Respondents to pick and choose among the advice they sought or received from their lawyers in asserting their reliance on counsel defense.

For the first time, Mr. Galbraith raises a "defense strategy" privilege. While it is unclear what privilege, exactly, Mr. Galbraith is now asserting, any such privilege has already been waived. Any purported common interest or joint defense privilege that Mr. Galbraith may be now asserting is necessarily derived from the attorney-client privilege.¹ See, e.g., HSH Nordbank AG v. Swerdlow, 259 F.R.D.64, 71 (S.D.N.Y. 2009) (noting that the common interest doctrine does not "provide an independent source of privilege or confidentiality" and "where the underlying communication is not protected by the attorney-client privilege or the attorney work product doctrine, the common interest doctrine does not apply") (internal citations omitted). A claim of common interest or joint defense cannot resurrect a privilege that has, as here, already been waived.

¹ In any event, a common interest privilege would not appear to apply to the majority of documents listed on Mr. Galbraith's log over which he purports to claim a "defense strategy" privilege, which are communications solely between Mr. Galbraith and his clients.

Hon. Jason S. Patil
December 20, 2016
Page 2

For the reasons laid out in the Division's Motion to Compel, the Court should compel Respondents to comply with the Courts' October 18, November 10 and December 14, 2016 Orders.

Respectfully submitted,


Janna I. Berke

Enclosure

cc: Harlan Protass, Esq. (via email)
Brent Fields, Office of the Secretary

EXHIBIT A

| ONESor | ONE ID | Author | CC | MailSubject | TO | Tags |
|--------|--------|-----------------|--|---|--|---|
| 1 | 46895 | michaelrobinson | jay lathen <jaylathen@edenarccapital.com> | Re: Prospect Capital -- Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 2 | 50015 | jaylathen | | RE: Signed Engagement Letter & Payment | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com>;"michaelrobinson" | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 3 | 50026 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Signed Engagement Letter & Payment | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 4 | 50065 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Prospect Capital -- Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 7 | 50524 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 8 | 50723 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Re: Survivor's Option Notes | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 9 | 51445 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: DRAFT Email to Federal Farm Credit Counsel | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 10 | 63825 | michaelrobinson | jay lathen <jaylathen@edenarccapital.com> | Re: Michael_Robinson_wants_to_share "PROSPECT_CAPITAL_DATABASE" | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 11 | 70556 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Follow-up | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 13 | 71087 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Base Indenture | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 14 | 71279 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Re: Survivor's Option Notes | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 16 | 72006 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: DRAFT Email to Federal Farm Credit Counsel | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 18 | 84946 | asouthwell | kevin galbraith <kevin@kevingalbraithlaw.com> | RE: Eden Arc Follow-up | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 19 | 88244 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Michael_Robinson_wants_to_share "PROSPECT_CAP" | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 20 | 88267 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Re: Follow-up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 21 | 88685 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Gibson Dunne Scope of Work | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 22 | 88740 | jaylathen | | RE: CIT Bank CD Redemption Refusals | kevin galbraith <kevin@kevingalbraithlaw.com>;michaelrobinson | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 23 | 88826 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Re: Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 24 | 89035 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: FINRA Follow-Up Call | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 25 | 102944 | asouthwell | kevin galbraith <kevin@kevingalbraithlaw.com> | RE: Eden Arc Follow-up | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |

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|----|--------|------------|--|---|--|---|
| 26 | 102960 | asouthwell | kevin galbraith <kevin@kevingalbraithlaw.com> | RE: Eden Arc Follow-up | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 28 | 107014 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Survivor's Option Notes | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 31 | 124711 | jaylathen | susan brune <sbrune@brunelaw.com> | RE: Prospect Capital Litigation Update | kevin galbraith <kevin@kevingalbraithlaw.com>;matthew popowsky | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 32 | 124766 | jaylathen | | RE: Prospect v. Lathen et al.: Document Requests | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 33 | 124775 | jaylathen | | RE: U.S. Bank Complaint Outline | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 34 | 124824 | jaylathen | | RE: Prospect Status Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 37 | 124859 | jaylathen | | RE: Staples | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 39 | 125016 | mpopowsky | ""jhr@robinsonbrog.com"" <jhr@robinsonbrog.com>;'jay lathen' <jaylathen@edenarccapital.com>;jacqueline kelly | RE: Privileged & Confidential - Wells Draft | kevin galbraith' <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 40 | 125026 | kevin | matthew popowsky <mpopowsky@brunelaw.com>;susan brune | Re: Staples Expert Report & Prospect Capital | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 42 | 125065 | kevin | | Re: Prospect Status Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 43 | 125068 | kevin | | Re: Prospect Status Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 44 | 125072 | sbrune | christopher hazlehurst <chazlehurst@brunelaw.com> | FW: SEC Closed Meetings | "jay lathen (jaylathen@edenarccapital.com)" <jaylathen@edenarccapital.com>;"john h. riley (jhr@robinsonbrog.com)" <jhr@robinsonbrog.com>;"kevin@kevin" | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 46 | 125078 | kevin | | Re: Staples | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 48 | 126021 | jaylathen | | FW: Beneficial owner financial definition of Beneficial owner | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 49 | 126041 | jaylathen | | Re: Prospect Capital Litigation Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 50 | 126048 | jaylathen | | RE: Prospect Capital Litigation Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 51 | 126171 | jaylathen | | Staples | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 52 | 126176 | jaylathen | | FW: Privileged & Confidential | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 54 | 126333 | kevin | | Update and Check-In | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |

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|----|--------|-----------|--|--|---|---|
| 57 | 126351 | kevin | matthew popowsky <mpopowsky@brunelaw.com>; susan brune | Prospect Capital Litigation Update | jay lathen' <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 58 | 126356 | mpopowsky | jay lathen <jaylathen@edenarccapital.com>; | Re: Prospect Capital Litigation Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 59 | 126361 | kevin | | Re: Prospect Capital Litigation Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 60 | 126363 | kevin | | Re: Prospect Capital Litigation Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 61 | 126375 | kevin | | Re: Prospect Message | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 63 | 126412 | kevin | | Re: Prospect Status Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 64 | 126416 | jhr | "john h. riley" <jhr@robinsonbrog.com> | RE: Meeting to discuss the SEC case | "jay lathen (jaylathen@edenarccapital.com)" <jaylathen@edenarccapital.com>; "kevin @kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com>; susan | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 65 | 126417 | jhr | "jay lathen (jaylathen@edenarccapital.com)" <jaylathen@edenarccapital.com>; "john h. riley" | RE: Meeting to discuss the SEC case | susan brune <sbrune@brunelaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 66 | 126420 | kevin | | Prospect Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 67 | 126422 | kevin | | Re: Staples | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 69 | 127535 | jaylathen | | RE: Prospect Status Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 70 | 127537 | jaylathen | | RE: Prospect Status Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 71 | 127539 | jaylathen | | RE: Prospect Status Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 72 | 127563 | jaylathen | | RE: Staples | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 73 | 127571 | jaylathen | "john h. riley" <jhr@robinsonbrog.com>; christopher hazlehurst | RE: CONFIDENTIAL JOINT DEFENSE COMMUNICATION | kevin galbraith <kevin@kevingalbraithlaw.com>; susan brune <sbrune@brunelaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 77 | 127744 | kevin | matthew popowsky <mpopowsky@brunelaw.com>; susan brune | Re: Prospect Capital Litigation Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 78 | 127749 | kevin | | Re: Prospect Capital Litigation Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 79 | 127760 | kevin | | Prospect Message | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 80 | 127764 | kevin | | Re: Prospect Message | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |

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|-----|--------|-----------|---|---|--|---|
| 81 | 127767 | kevin | | Re: Prospect v. Lathen et al.: Document Requests | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 82 | 127770 | kevin | | Re: U.S. Bank Complaint Outline | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 83 | 127773 | kevin | | FW: Prospect v. Lathen et al.: Document Requests | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 84 | 127794 | kevin | | Re: Prospect Status Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 87 | 127803 | kevin | "john h. riley" <jhr@robinsonbrog.com>;christopher hazlehurst <chazlehurst@brunelaw.com>;sus | Re: CONFIDENTIAL JOINT DEFENSE COMMUNICATION | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 88 | 127816 | kevin | | Answer with Counterclaims | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 90 | 128636 | kevin | jay lathen <jaylathen@edenarccapital.com> | Re: DEATH PUT CUSIP#14912HQA1 | michael robinson <michaelrobinson@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 91 | 128748 | jaylathen | matthew popowsky <mpopowsky@brunelaw.com>;sus an brune | RE: Prospect Capital Litigation Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 92 | 128812 | jaylathen | | RE: Prospect v. Lathen et al.: Document Requests | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 93 | 128814 | jaylathen | | Re: Prospect Message | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 94 | 128881 | jaylathen | | RE: Prospect Status Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 95 | 128929 | jaylathen | | RE: Prospect Status Update | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 98 | 129120 | kevin | jay lathen <jaylathen@edenarccapital.com> | Re: DEATH PUT CUSIP#14912HQA1 | michael robinson <michaelrobinson@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 99 | 129123 | kevin | ""jhr@robinsonbrog.com"" <jhr@robinsonbrog.com>;'jay lathen' <jaylathen@edenarccapital.com>;j acqueline kelly | Re: Privileged & Confidential - Wells Draft | matthew popowsky <mpopowsky@brunelaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 100 | 129134 | kevin | jay lathen <jaylathen@edenarccapital.com>; | Re: Prospect Capital Litigation Update | matthew popowsky <mpopowsky@brunelaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 101 | 129138 | kevin | matthew popowsky <mpopowsky@brunelaw.com>;sus an brune | Re: Prospect Capital Litigation Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 102 | 129145 | kevin | matthew popowsky <mpopowsky@brunelaw.com>;sus an brune | Re: Prospect Capital Litigation Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 103 | 129148 | kevin | | FW: Staples Case | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |

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|-----|--------|------------|--|---|---|--|
| 106 | 129156 | kevin | matthew popowsky <mpopowsky@brunelaw.com>;sus an brune | Staples Expert Report & Prospect Capital | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 107 | 129179 | kevin | | Re: Prospect Status Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 108 | 129182 | kevin | | Prospect Status Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 109 | 129189 | kevin | | Re: Prospect Status Update | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 110 | 129192 | kevin | | Re: CONFIDENTIAL JOINT DEFENSE COMMUNICATION | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 111 | 129197 | sbrune | "john h. riley" <jhr@robinsonbrog.com>;christop her hazlehurst <chazlehurst@brunelaw.com>;kev | Privileged, not to be forwarded | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 114 | 129201 | kevin | "john h. riley" <jhr@robinsonbrog.com>;christop her hazlehurst | CONFIDENTIAL JOINT DEFENSE COMMUNICATION | jay lathen <jaylathen@edenarccapital.com>;susan brune <sbrune@brunelaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 115 | 129203 | kevin | | Re: Staples | jay lathen <jaylathen@edenarccapital.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 116 | 129212 | edougherty | "jhr@robinsonbrog.com" <jhr@robinsonbrog.com>;"kevin @kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com>;j ay lathen' <jaylathen@edenarccapital.com>; | Eden Arc - Pre-Wells Settlement Discussions | susan brune <sbrune@brunelaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 117 | 164247 | jaylathen | michael robinson <michaelrobinson@edenarccapital | Re: Survivor's Option Notes | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 118 | 164547 | jaylathen | michael robinson <michaelrobinson@edenarccapital | RE: FINRA Follow-Up Call | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 119 | 164551 | jaylathen | michael robinson <michaelrobinson@edenarccapital | RE: FWD: Eden Arc Capital -- GE Capital Internotes | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 120 | 164782 | jaylathen | michael robinson <michaelrobinson@edenarccapital | RE: from US Bank outside counsel | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 122 | 164845 | jaylathen | | RE: CIT Bank CD Redemption Refusals | kevin galbraith <kevin@kevingalbraithlaw.com>;michael robinson | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 123 | 166204 | jaylathen | michael robinson <michaelrobinson@edenarccapital | Re: Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 124 | 166211 | jaylathen | michael robinson <michaelrobinson@edenarccapital | Base Indenture | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 125 | 166363 | jaylathen | | RE: Prospect Redemption Database | kevin galbraith <kevin@kevingalbraithlaw.com>;michael robinson<michaelrobinson@edenarccap | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 126 | 166389 | jaylathen | michael robinson <michaelrobinson@edenarccapital | RE: Survivor's Option Notes | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |

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|-----|--------|-----------------|--|---|--|---|
| 127 | 166394 | michaelrobinson | jay lathen <jaylathen@edenarccapital.com> | Re: Prospect Capital -- Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 128 | 166414 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Signed Engagement Letter & Payment | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 130 | 166450 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Prospect Capital -- Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 131 | 166472 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Follow-up | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 132 | 167569 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Re: Survivor's Option Notes | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 133 | 167666 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Gibson Dunne Scope of Work | kevin galbraith <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 135 | 168024 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Michael_Robinson_wants_to_share "PROSPECT_CAP" | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 136 | 168043 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | Re: Follow-up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 137 | 168076 | jaylathen | | RE: Signed Engagement Letter & Payment | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com>;"michaelrobinson" | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 139 | 169519 | jaylathen | michael robinson <michaelrobinson@edenarccapital.com> | RE: Follow-Up | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |
| 143 | 169660 | michaelrobinson | jay lathen <jaylathen@edenarccapital.com> | Re: Michael_Robinson_wants_to_share "PROSPECT_CAPITAL_DATABASE" | "kevin@kevingalbraithlaw.com" <kevin@kevingalbraithlaw.com> | Privilege Status >> Privileged; Privilege Type >> Attorney-Client; Defense Strategy |