

# **EXHIBIT P**

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**From:** Mallon, Carmen <mallonc@SEC.GOV>  
**Sent:** Thursday, May 4, 2023 7:42 AM  
**To:** Howell, Barrett R.; Tallarico, Mark; Osborne, Sonja  
**Cc:** Katilius, Lizzette; Meyer, Ryan J.  
**Subject:** RE: FOIA Request No. 23-00207-FOIA

***EXTERNAL EMAIL – EXERCISE CAUTION***

Good Morning Mr. Howell,

At this point we are still in the review and consultation process and are working toward the May 24, 2023 deadline.

Thank you for your continued patience.

Carmen L. Mallon  
Branch Chief  
Office of FOIA Services  
(202) 551-4175  
mallonc@sec.gov

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**From:** Howell, Barrett R. <barrett.howell@katten.com>  
**Sent:** Wednesday, May 3, 2023 5:52 PM  
**To:** Tallarico, Mark <tallaricom@SEC.GOV>; Osborne, Sonja <OsborneS@SEC.GOV>  
**Cc:** Katilius, Lizzette <KatiliusL@SEC.GOV>; Meyer, Ryan J. <ryan.meyer@katten.com>; Mallon, Carmen <mallonc@SEC.GOV>  
**Subject:** RE: FOIA Request No. 23-00207-FOIA

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Mark and Ms. Osborne:

Could you please confirm that we are still on track to meet the extended May 24, 2023 deadline to provide the two requested transcripts?

Thank you very much,  
Barrett

**Barrett R. Howell**

Partner

**Katten**

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2121 North Pearl Street, Suite 1100 | Dallas, TX 75201-2591  
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barrett.howell@katten.com | katten.com

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**From:** Tallarico, Mark <[tallaricom@SEC.GOV](mailto:tallaricom@SEC.GOV)>  
**Sent:** Thursday, April 20, 2023 2:13 PM  
**To:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>; Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>  
**Cc:** Katilius, Lizzette <[KatiliusL@SEC.GOV](mailto:KatiliusL@SEC.GOV)>; Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>; Mallon, Carmen <[mallonc@SEC.GOV](mailto:mallonc@SEC.GOV)>  
**Subject:** RE: FOIA Request No. 23-00207-FOIA

*EXTERNAL EMAIL – EXERCISE CAUTION*  
Mr. Howell,

We really appreciate your patience, but I do want to jump in based on your most recent email. The FOIA Office can't agree to what are legal determinations – what constitutes an adverse decision, waiving the exhaustion requirement, and what is or isn't appealable to the district court. I will reach out to FOIA staff about your timing concerns and ask that they complete their review of the transcripts as expeditiously as possible.

Please let me know if you have any questions. Thank you.

**Mark Tallarico**

Senior Counsel  
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**U.S. Securities and  
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**From:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>  
**Sent:** Thursday, April 20, 2023 2:18 PM  
**To:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>  
**Cc:** Katilius, Lizzette <[KatiliusL@SEC.GOV](mailto:KatiliusL@SEC.GOV)>; Tallarico, Mark <[tallaricom@SEC.GOV](mailto:tallaricom@SEC.GOV)>; Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>  
**Subject:** RE: FOIA Request No. 23-00207-FOIA

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Ms. Osborne:

It was a pleasure speaking with you yesterday, thank you again for your time. As we discussed, on November 1, 2022 I submitted a FOIA request for two specifically identified administrative testimony transcripts. After 49-days of complete silence since my November 1, 2022 FOIA submission, I appealed the FOIA office's constructive denial of my request on January 17, 2023. On February 14, 2023, I received from Mark Tallarico the SEC's appellate decision, which stated that Melinda Hardy was "remanding this matter to the FOIA Office and requesting that the FOIA Officer process this request as expeditiously as possible." On February 16, 2023, you estimated the transcripts would be produced by March 16, 2023. Nothing was received on March 16, 2023 and on March 23, 2023, you estimated the transcripts would be produced by April 21, 2023. (See attached email correspondence).

During our conversation yesterday, you requested any additional 30-day extension, until May 24, 2023, to produce the responsive transcripts. I have conferred with my client and we are willing to agree to the additional 30-day extension on the condition that the FOIA Office agrees that failure to produce the transcripts by May 24, 2023:

1. Constitutes an adverse determination/denial of our FOIA request;
2. That has already been constructively denied by an administrative appellate review; and
3. Is therefore automatically and immediately appealable to a federal district court.

Please let me know if we have an agreement at your earliest convenience? I really appreciate your help, Ms. Osborne.

Very kind regards,  
Barrett

**Barrett R. Howell**

Partner

**Katten**

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**From:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>  
**Sent:** Tuesday, April 11, 2023 9:03 AM  
**To:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>  
**Subject:** RE: FOIA Request No. 23-00207-FOIA

*EXTERNAL EMAIL – EXERCISE CAUTION*  
Hi Mr. Howell,

No change at this time. I am available to speak with this morning at 11am.

Regards,

**Sonja Osborne**

FOIA Lead Research Specialist  
Office of FOIA Services (OSO/OFS)

OFFICE +1 202 551 8371  
[osbornes@sec.gov](mailto:osbornes@sec.gov)



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**From:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>  
**Sent:** Monday, April 10, 2023 6:00 PM  
**To:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>  
**Cc:** Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>  
**Subject:** RE: FOIA Request No. 23-00207-FOIA

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Ms. Osborne,

I appreciate your response. Is there any chance you might have a few minutes to speak by phone tomorrow mid-morning, perhaps around 11am EST?

**Barrett R. Howell**

Partner

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**From:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>

**Sent:** Thursday, March 30, 2023 5:42 PM

**To:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>

**Cc:** Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>

**Subject:** RE: FOIA Request No. 23-00207-FOIA

*EXTERNAL EMAIL – EXERCISE CAUTION*

Good afternoon, Mr. Howell,

I called and left a voice message. I am processing your request. I am available to speak with you early next week if helpful.

Thank you for your patience as I work through the process.

Regards,

Sonja

**Sonja Osborne**

FOIA Lead Research Specialist

Office of FOIA Services (OSO/OFS)

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[osbornes@sec.gov](mailto:osbornes@sec.gov)



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**From:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>

**Sent:** Thursday, March 30, 2023 5:34 PM

**To:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>

**Cc:** Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>

**Subject:** FW: FOIA Request No. 23-00207-FOIA

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Ms. Osborne:

Forgive me if I missed it, but I cannot find a response to my below follow-up inquiry regarding your request for an extension from March 16<sup>th</sup> until April 21, 2023 to provide two transcripts responsive to my above-referenced November 1, 2022 FOIA request. The only response I seem to have is your attached automatic reply stating you'd be out of the office until Monday, March 27<sup>th</sup>. As I'm sure you can imagine, given the inexplicable resistance we've encountered from the Fort Worth Regional Office and the DC FOIA Office in response to my request for **two transcripts** of testimony taken in connection with an administrative investigation that was closed by at least January 24, 2022, our patience at some point begins to wear thin, and our skepticism in the legitimacy of the process begins to grow.

If a fight in front of a federal district court judge is what ultimately has to happen in order to compel the FOIA Office to comply with its legal requirements, will you please let me know that now so we can file our action? Otherwise, I would greatly appreciate responses to my below inquiries.

Thank you very much for your help, and I am happy to speak by phone at your convenience if helpful.

Very kind regards,  
Barrett

**Barrett R. Howell**

Partner

**Katten**

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**From:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>

**Sent:** Friday, March 24, 2023 6:47 PM

**To:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>

**Cc:** Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>; Yogeshwarun, Nikita <[nikita.yogeshwarun@katten.com](mailto:nikita.yogeshwarun@katten.com)>; Caputo, Grace A. <[grace.caputo@katten.com](mailto:grace.caputo@katten.com)>

**Subject:** RE: FOIA Request No. 23-00207-FOIA

Ms. Osborne:

Thank you for your reply and updated estimated April 21, 2023 completion date for producing records responsive to my November 1, 2022 FOIA request for two transcripts in connection with Formal Investigation styled *In the Matter of Hayman Capital*, (FW-4313). Based on our February 16, 2023 telephone conversation, it is my understanding that: (a) the two transcripts responsive to my November 1, 2022 FOIA request have been provided by the Fort Worth Regional Office to the D.C. FOIA Office for review and potential redaction or withholding; and (b) your estimated delivery date of March 16, 2023 was based on the estimated amount of time needed for your review of the two transcripts.

Is the additional time you request, until April 21, 2023 based on, or in anticipation of, any potential or outstanding requests from third-party(ies) for substantiation of confidential treatment?

At this point, have there been any assertions of confidential treatment that would potentially necessitate the redaction or withholding of either of the two transcripts? Lastly, Ms. Osborne, could you please let me know approximately how

many pages comprise your transcript review process? As I'm sure you're already aware, this information will greatly assist in any appeal that we may have to file. I really appreciate your continued assistance with our request.

Kind regards,  
Barrett

**Barrett R. Howell**

Partner

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**From:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>

**Sent:** Thursday, March 23, 2023 5:56 PM

**To:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>

**Cc:** Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>

**Subject:** RE: FOIA Request No. 23-00207-FOIA

*EXTERNAL EMAIL – EXERCISE CAUTION*

Mr. Howell,

Thank you for your inquiry and I apologize for the delay in our response. Your request is actively being processed. My best estimate for a date of completion would be April 21, 2023.

Thank you for your patience as we work through the process.

Thank,

**Sonja Osborne**

FOIA Lead Research Specialist

Office of FOIA Services (OSO/OFS)

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[osbornes@sec.gov](mailto:osbornes@sec.gov)



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**From:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>

**Sent:** Monday, March 20, 2023 3:14 PM

**To:** Osborne, Sonja <[OsborneS@SEC.GOV](mailto:OsborneS@SEC.GOV)>

**Cc:** Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>

**Subject:** FW: FOIA Request No. 23-00207-FOIA

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Ms. Osborne, I am re-sending the below email in hopes of putting it at the top of your inbox. I anxiously look forward to your response.

Thank you,  
Barrett

**Barrett R. Howell**

Partner

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**From:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>

**Sent:** Friday, March 17, 2023 10:15 AM

**To:** [OsborneS@SEC.gov](mailto:OsborneS@SEC.gov)

**Cc:** Meyer, Ryan J. <[ryan.meyer@katten.com](mailto:ryan.meyer@katten.com)>

**Subject:** FW: FOIA Request No. 23-00207-FOIA

Ms. Osborne:

Forgive me if I missed it, but I do not have a record of receiving the requested transcripts by March 16<sup>th</sup>, as you represented during our February 16<sup>th</sup> phone conversation. Could you please let me know the status of my request? And again, I apologize in advance if I missed notification of production of the transcripts.

I look forward to your response.

Kind regards,  
Barrett

**Barrett R. Howell**

Partner

**Katten**

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**From:** Howell, Barrett R. <[barrett.howell@katten.com](mailto:barrett.howell@katten.com)>

**Sent:** Thursday, February 16, 2023 2:27 PM

**To:** [OsborneS@SEC.gov](mailto:OsborneS@SEC.gov)

**Subject:** FOIA Request No. 23-00207-FOIA

Ms. Osborne,

Thank you again for taking the time to speak with me on the phone earlier today regarding the transcripts requested in connection with the above-referenced FOIA request. I am profoundly appreciative of your help and per our conversation, I look forward to receiving the requested information on or before March 16, 2023. In the meantime, if there is anything I can do to help facilitate the process, please do not hesitate to contact me.



Very kind regards,  
Barrett

**Barrett R. Howell**

Partner

**Katten**

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