

EXHIBIT NO. 10

Squire Patton Boggs (US) LLP
555 South Flower Street, 31st Floor
Los Angeles, California 90071

O +1 213 624 2500
F +1 213 623 4581
squirepattonboggs.com

Gabriel Colwell

July 28, 2016

VIA FIRST CLASS MAIL & EMAIL: CRM.FOIA@USDOJ.GOV

Ken Courter
Attn.: John E. Cunningham, III
Chief, FOIA/PA Unit
Criminal Division
Department of Justice
Suite 1127, Keeney Building
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-00001

**Re: Request for Expedited Processing in Re: FOIA Request Dongkuk International, Inc.,
and Mr. Sae-Joo Chang - MOJ Letter**

Dear Mr. Courter and Mr. Cunningham:

I am writing to formally request expedited processing with regard to a particular record sought by Dongkuk International, Inc. and Mr. Sae-Joo Chang pursuant to their FOIA request filed on December 2, 2015 (CRM-300529172). An appeal of the Department of Justice's ("DOJ") failure to respond to this FOIA Request was also filed on June 30, 2016 (DOJ-AP-2016-003970). The record at issue in this request to expedite is the Request for Assistance letter sent by the Republic of Korea's Ministry of Justice ("MOJ") to the U.S. pursuant to Article 7 of the Treaty with the Republic of Korea on Mutual Legal Assistance in Criminal Matters ("MLAT") regarding its investigation into Mr. Chang, and to which the DOJ responded by letter on November 9, 2015. The DOJ's November 9, 2015 letter is enclosed hereto.

I have spoken with your department and Mr. Cunningham specifically, about the urgency in which we need disclosure of this document for an appeal of Mr. Chang's conviction in Korea for the offense of gambling in Las Vegas, Nevada, to be heard in September, 2016 and have received indications that this document may be withheld. As expressed in the attached certified statement, myself, and Mr. Chang's legal team in Korea, believe that this document may provide exculpatory evidence of the MOJ's violation of the MLAT in obtaining the conviction of Mr. Chang for gambling in Las Vegas. Thus, the failure to get the requested records in an expedited fashion will result in the loss of substantial due process rights. Please find my certified statement in support of this request attached.

We are only requesting expedited processing as to this one document, which should lessen any burden on the DOJ in processing this request.

45 Offices in 21 Countries

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Ken Courter

Attn.: John E. Cunningham, III

July 28, 2016

Thank you for your prompt attention to this matter.

Sincerely,

Squire Patton Boggs (US) LLP



Gabriel Colwell

1 Enclosure

1. Letter from Mr. Samer Korkor, DOJ Trial Attorney, to Mr. Jung Jinwoo, Republic of Korea's Ministry of Justice, dated November 9, 2015.

In re Freedom of Information Act Request of)
)
DONGKUK INTERNATIONAL, INC.)
AND MR. SAE-JOO CHANG,)
)
)

TO:

Ken Courter
Attn.: John E. Cunningham, III
Chief, FOIA/PA Unit
Criminal Division
Department of Justice
Suite 1127, Keeney Building
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Certified Statement in Support of Expedited Processing

In support of this request for expedited processing regarding the Republic of Korea (“Korea”) Ministry of Justice’s (“MOJ”) Request for Assistance letter in the MOJ’s investigation of Mr. Sae-Joo Chang, I, Gabriel Colwell, certify that this statement is true and correct, to the best of my knowledge and belief:

1. I am a partner in the law offices of Squire Patton Bogg (US) LLP and represent Mr. Chang and Dongkuk International, Inc., a California corporation.
2. In 2015, the MOJ initiated criminal proceedings against Mr. Chang, including prosecuting him for the Korean crime of “habitual gambling.”
3. To support its prosecution of Mr. Chang, the MOJ issued a Request for Assistance to the DOJ pursuant to the United States’ Treaty with the Republic of Korea on Mutual Legal Assistance in Criminal Matters (“MLAT”). Pursuant to certain limitations, the MLAT between the Republic of Korea and the United States provides mechanisms for gathering and exchanging information to be used to enforce criminal laws.
4. On or around November 9, 2015, the DOJ provided the Korean MOJ with evidence in response to that request for assistance that was then used to prosecute Mr. Chang in Korea for habitual gambling. The evidence provided and utilized by the Korean MOJ to prosecute Mr. Chang for this gambling offense was documents concerning Mr. Chang’s vacation to Las Vegas, Nevada ,where gambling is, of course, legal.
5. Nonetheless, Mr. Chang was convicted on November 19, 2015 in Korea for the offense of habitual gambling based on the records of his gambling in Las Vegas. He was

sentenced to 42 months incarceration and currently sits in prison while appealing the conviction and sentence.

6. His appeal is scheduled to be heard on September 20, 2016 by the Supreme Court in Korea. Records relevant to that appeal need to be produced to counsel for Mr. Chang in Korea in August, 2016 to ensure consideration by the high court.
7. Critical to Mr. Chang's appeal, and potentially a drastic reduction in his sentence, is a copy of the Korean MOJ's Request for Assistance that procured the evidence used against him in the Korean proceedings.
8. Under Korean law and the MLAT, the Korean MOJ had an affirmative duty to disclose the grounds on which it sought the assistance and the purposes for which the information or evidence would be used. Indeed, Article 7 of the MLAT demarcates clear limitations on the use of information obtained pursuant to a request for assistance and does not permit a Requesting State to "use any information or evidence obtained under this Treaty in any investigation, prosecution, or proceeding other than that described in the request without the prior consent of the Requested State." MLAT, Article 7.
9. Therefore, the Korean MOJ could not request information from the DOJ and say that it would be used for one purpose and then use it to punish Mr. Chang for gambling if it did not first inform and obtain the United States' consent to do so.
10. Korean counsel informs undersigned counsel that none of the evidence obtained pursuant to the Request for Admission could be used to prosecute Mr. Chang for habitual gambling if the MOJ violated the MLAT by failing to inform the DOJ of its true intentions or failing to obtain the DOJ's consent to use the evidence to so prosecute Mr. Chang.
11. The stated grounds provided by the MOJ in seeking assistance from the DOJ to investigate Mr. Chang could provide critical exculpatory evidence in Mr. Chang's criminal case in Korea and lead to the high court overturning his conviction for habitual gambling.
12. As such, Mr. Chang's substantial due process rights will be impaired unless expedited review of his FOIA request as to this particular document is not granted.



Gabriel Colwell

SQUIRE PATTON BOGGS (US) LLP
555 South Flower Street, 31st Floor
Los Angeles, California 90071
Telephone: (213) 624-2500
Facsimile: (213) 623-4581
gabriel.colwell@squirepb.com

Dated: July 28, 2016



U.S. Department of Justice

Criminal Division
Office of International Affairs

Washington, D.C. 20530

MDR, JMO:SK/lfc
182-50468

November 9, 2015

BY HAND DELIVERY

JUNG Jinwoo, Director
International Criminal Affairs Division
Ministry of Justice
Government Complex
1 Jungang-dong, Gwachoon 427-720
Seoul, Republic of Korea

Re: Request for Assistance from Korea in the Matter of CHANG Sae Joo

Dear Mr. JUNG:

Pursuant to your request for assistance in the above-referenced matter, enclosed please find partial evidence received from the United States Attorney's Office for the Central District of California. The evidence consists of a cover letter prepared by AUSA Charles E. Pell, dated October 22, 2015, with 8 DVDs. Although AUSA Pell indicates in his letter that there are 10 DVDs, the other two DVDs will be sent to us at a later date, and we will forward them onward to you immediately.

Pursuant to Article 7 of the Treaty with the Republic of Korea on Mutual Legal Assistance Criminal Matters, entered into force May 23, 1997, authorization of the use of this material is limited to the purposes for which assistance has been requested and granted. Should you anticipate the need to use the materials for any other purpose (i.e., a use not stated in the request for assistance and/or approved in the grant of assistance), please consult this office to ascertain whether authorization approval can be secured.

Should you have questions, please do not hesitate to contact me at (202) 598-2772, or Leanne Cox at (202) 514-0030.

Sincerely,

Mary D. Rodriguez
Acting Director

By:


Samer Korkor
Trial Attorney

Enclosures