

EXHIBIT 5



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

June 21, 2018

Mr. James A. Hinds, Jr.
Managing Member
Hinds & Shankman, LLP
21257 Hawthorne Blvd., Second Floor
Torrance, CA 90503

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 18-01818-FOIA

Dear Mr. Hinds:

This letter responds to your request, dated and received in this office on May 1, 2018, for access to investigative records and certain communications requested in Items 1 through 20 of your request concerning Nova Oculus Partners, LLC, from January 1, 2008 through April 25, 2018. This letter also refers to our acknowledgment letter and/or e-mail communications of May 1, 2018, May 2, 2018 and May 4, 2018.

In response to our request for clarification on May 2, 2018, for the types of correspondence you are seeking, you responded on May 4, 2018, and stated in addition to correspondence pertaining to investigative records relating to Nova Oculus Partners, LLC, that you are also seeking the following e-mail messages.

1. All e-mails from the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents regarding Nova Oculus Partners, LLC, f/k/a The Eye Machine, LLC and referencing any of the following:

jbjarding@gmail.com;
Marshallmasko@amerivision.us;
Marshall.ameritech@gmail.com;
mtmbdg@aol.com;
blairmowery@msn.com;
blairmowery@amerivision.us; and
blair.ameritech@gmail.com.

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2. All e-mails from the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents regarding Nova Oculus Partners, LLC, f/k/a The Eye Machine, LLC and referencing any of the following domain names:

<http://www.gene.com>;
<http://www.regeneron.com>;
<http://www.casselmanlawgroup.com>;
<http://www.alcon.com>;
<http://www.bausch.com>; and
<http://www.hc-sc.gc.ca>

We will be unable to respond to your request within the Freedom of Information Act's twenty day statutory time period, as there are unusual circumstances which impact on our ability to quickly process your request. Therefore, we are invoking the 10 day extension. These unusual circumstances are: (a) the need to search for and collect records from an organization geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other offices having a substantial interest in either the determination or the subject matter of the records. For these reasons, we will process your case consistent with the order in which we received your request.

We have identified non-public records (approximately 1.469207 gigabytes of e-mail communications which is the equivalent of 35.3 boxes of records) concerning Nova Oculus Partners, LLC that may be responsive to your request. Please note that estimating the box equivalent of electronic data is not a precise measurement; consequently, the exact number of boxes may be more or less than estimated here.

Under the FOIA, you are considered a "Commercial Use" requester. As such, you are required to pay for search and review costs in accordance with our fee schedule.¹ Search and review time are charged in quarter hour increments at the rate of \$29.00/hour

¹In accordance with the fee provisions of the FOIA Improvement Act of 2016, all search time will be waived in this instance. Therefore, you will only be charged for review time.

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(SK-8 or below), \$61.00/hour (SK-9 to SK-13), and \$89.00/hour (SK-14 or above). The standard per hour cost for search and review time is \$61.00.

Typically, we estimate that each box may contain between 2,500-3,000 pages of records. The staff can generally review 50 pages of records in one hour. Therefore, we estimate that the time necessary to review the records for responsiveness and releasability could take between 1,765 to 2,118 hours (35.3 boxes X 2,500 pages = 88,250 pages/50 pages = 1,765 hours and 35.3 boxes X 3,000 pages = 105,900 pages/50 pages = 2,118 hours). Our preliminary estimate at this point to review the approximately 35.3 boxes of records is \$107,665.00 and \$129,198.00.

Since the records are voluminous, if requested, we would process them on our First-in, First-out (FIFO) track. Under 5 U.S.C. § 552(b)(6)(D)(i) agencies may provide for multi-track processing of requests for records based on the amount of work or time (or both) involved in processing requests. The SEC's regulation implementing multi-track processing is located at 17 CFR § 200.80(d)(5).

At present we anticipate that it may take thirty-six months or more before we can begin to process a request placed in our FIFO track.

If you are interested in having us place your request in our FIFO Track and/or would like to narrow the scope of your request, please write or call me by Friday, July 6, 2018 and identify the records of interest to you and your commitment to pay the review fees. Note, you will be charged fees even if the data located is subsequently determined to be exempt under the FOIA. If we do not hear from you by the date above, we will assume you are no longer interested in receiving the records and will remove the request from our pending caseload.

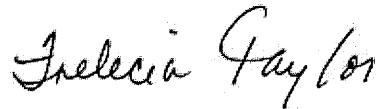
If you have any questions, please contact me at taylorf@sec.gov or (202) 551-8349. You may also contact me at foiapa@sec.gov or (202) 551-7900. You also have the right to seek assistance from Dave Henshall at (202) 551-7900 as a FOIA Public Liaison for this office, or contact the Office of

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Government Information Services (OGIS) for dispute resolution services. OGIS can be reached at 1-877-684-6448 or Archives.gov or via e-mail at ogis@nara.gov.

Sincerely,

A handwritten signature in cursive script that reads "Felecia Taylor".

Felecia Taylor
FOIA Lead Research Specialist