

EXHIBIT 6



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July 6, 2018

839.003

VIA E-MAIL AND FIRST CLASS MAIL

Ms. Felecia Taylor
FOIA Lead Research Specialist
U.S. Securities & Exchange Commission
Office of FOIA Services
100 F Street, NE
Washington, DC 20549-2465
TaylorF@SEC.GOV
folapa@sec.gov

Re: Freedom of Information Act Request, No. 18-01818-FOIA

Dear Ms. Taylor:

As part of our May 1, 2018-FOIA request made on behalf of our clients, Peter Pockington, Lantson E. Eldred, Nova Oculus Partners, LLC, f/k/a The Eye Machine, LLC, DTR Holdings, LLC, and AMC Holdings Co., LLC (hereinafter collectively referred to as the "Clients"), we requested explicitly described documents and records pursuant to the Freedom of Information Act, 5 U.S.C. § 552. As part of the our May 1-FOIA request, we request that the SEC adhere to the time limitations set forth in 5 U.S.C. § 552(a)(6)(A). See also, 32 C.F.R. § 286.8. We lastly requested that pursuant to 5 U.S.C. § 552(a)(3)(B), the SEC produce responsive documents in the native electronic format in which the document was created. While the burden is on the government to produce all documents within the required time period, we expressed our willingness to discuss and agree upon the means and sequence of production to facilitate government compliance with the law.

On June 21, 2018, the SEC responded to our FOIA request by in essence stating as follows:

- (1) The SEC was be unable to respond to our request within the Freedom of Information Act's twenty (20) business day statutory time period, as there are "unusual circumstances which impact on our ability to quickly process your request. Therefore, [the SEC] are invoking the 10 day extension." Even with the extra 10-days the SEC's response was late.

HINDS & SHANKMAN, LLP

Ms. Felecia Taylor
Securities Exchange Commission
July 6, 2018
Page 2 of 5

- (2) The SEC considered our FIOA request to be a "Commercial Use" request (which we contest). As such, the SEC stated that we were required to pay for search and review costs in accordance with the SEC fee schedule. However, at the same time the SEC stated that in accordance with the fee provisions of the FOIA Improvement Act of 2016, all search time will be waived in this instance. Therefore, we were to be charged only for review time. Thereafter, the SEC quoted us rates to "search and review" electronic data found in response to our FIOA request in quarter hour increments, with a "standard per hour cost for search and review time is \$61.00."
- (3) The SEC then provided a "preliminary estimate to review the approximately 35.3 boxes of records at \$107,665.00 and \$129,198.00."
- (4) Lastly the SEC anticipated that "it may take thirty-six months or more before [the SEC] can begin to process a request placed in our First-in, First-out (FIFO) track."

We write to request that the SEC meet and confer with us regarding: (1) the scope of our FOIA request; (2) the proposed cost of responding to our FOIA request; and (3) the timing of responding to our FOIA request. We base the urgency of request to meet and confer on the fact that the SEC has sued our cClients before the United States District Court for the Central District of California, in a matter entitled: *Securities & Exchange Commission v. Peter H. Pocklington, et al.*, Case No. 5:18-cv-00701-JGB-SP. Every day that the SEC's civil matter continues, our Clients are continuously defamed, and the SEC's suit damages the ability of Nova Oculus Partners, LLC to operate and bring to market its boundary-expanding technology.

The issues we are prepared to address at our meet and confer are the following:

- (1) **The Timetable For Review And Production.** The SEC contends that it could begin the process of responding to our FIOA request "thirty-six months or more" from today under the SEC's FIFO track. It is nearly impossible to imagine a more nonsensical and unreasonable schedule. In effect, the SEC time table is a functional "denial" of our FIOA request. Under 5 U.S.C. § 552(a)(6)(B)-(C) agencies can no longer delay responding to FOIA requests because of "exceptional circumstances" simply as a result of predictable request workload. We will propose a new expedited rolling review production schedule.
- (2) **The Proposed Charges For The Review And Production.** The SEC's "preliminary estimate to review the approximately 35.3 boxes of records at

HINDS & SHANKMAN, LLP

Ms. Felecia Taylor
Securities Exchange Commission
July 6, 2018
Page 3 of 5

\$107,665.00 and \$129,198.00" is violative of controlling regulations. The SEC's June 21-response to our May 1-FOIA request was untimely. 5 U.S.C. § 552(a)(6)(A)(i). The SEC's untimely response allows our Clients an administratively appeal since the untimely response is a "constructive denial." We are prepared to take an appeal from the SEC's "constructive denial" of our FIOA request. Additionally, we should not be required to pay anything under these circumstances. 5 U.S.C. § 552(a)(4)(A)(viii).

- (3) **Retrieval Of Electronic Records.** Under 5 U.S.C. § 552(a)(2)(D), records which are subject to FOIA shall be made available under the Act when the records are maintained in electronic format. This clarifies existing practice by making the statute explicit on this point. Hence, we take issue with the SEC's contention that e-mail communication can or should be reduced to boxes of hard data, or that the review of the requested documents will cost between "\$107,665.00 and \$129,198.00." Retrieval of e-mails should be reviewed and produced without substantial research time, review time, or cost to our Clients.

An additional effect of the 2007 Amendments was to impose consequences on agencies that do not act in good faith or otherwise fail to comport with FOIA's requirements. See, S. Rep. No. 110-59. To underscore Congress's belief in the importance of the statutory time limit, the 2007 Amendments declare that "[a]n agency shall not assess search fees . . . if the agency fails to comply with any time limit" of FOIA. 5 U.S.C. § 552(a)(4)(A)(viii) (emphasis added).

As part of the proposed meet and confer process, we are prepared to narrow our initial request to the SEC, without in any way waiving the May 1-FOIA request. The proposed new scope of our initial request would be as follows:

1. All communications regarding Nova Oculus Partners, LLC, f/k/a The Eye Machine, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and Casselman Law Group f/k/a Wasserman, Comden, Casselman & Esensten, LLP whose local address is 5567 Reseda Boulevard, Suite 330, Tarzana, California 91356.
2. All communications regarding Nova Oculus Partners, LLC, f/k/a The Eye Machine, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and Amerivision International, Inc., whose local address is 3800 American Blvd., Suite 1130, Bloomington, MN 55431.

HINDS & SHANKMAN, LLP

Ms. Felecia Taylor
Securities Exchange Commission
July 6, 2018
Page 4 of 5

3. All communications regarding Peter H. Pocklington for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
4. All communications regarding Lantson E. Eldred for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
5. All communications regarding Eva S. Pocklington for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
6. Any and all references for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and Marshallmasko@amerivision.us.
7. Any and all references for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and Marshall.ameritech@gmail.com.
8. Any and all references for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and blairmowery@amerivision.us.
9. Any and all references for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and blair.ameritech@gmail.com.

We are available to meet and confer with the SEC on any of the following dates and times:

- July 9 (between 9:00 a.m. and 10:30 a.m. or after 3:00 p.m. (PDT));
- July 10 (all day);
- July 11 (after 10:30 a.m.);
- July 12 (between 9:00 a.m. and 10:30 a.m. or after 3:00 p.m. (PDT));
- July 16 (after 10:30 a.m.); and
- July 18 (all day).

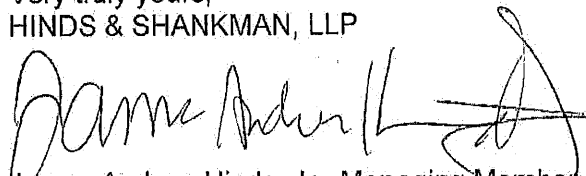
Please contact Mayra Duran in my office to schedule the date and time for our meeting.

HINDS & SHANKMAN, LLP

Ms. Felecia Taylor
Securities Exchange Commission
July 6, 2018
Page 5 of 5

Until this matter is resolved to the satisfaction of our Clients, we respectfully reserve all rights in the matter.

Very truly yours,
HINDS & SHANKMAN, LLP



James Andrew Hinds, Jr., Managing Member

JAH:

cc: Clients (via e-mail)
Becky James, Esq. (via e-mail)
Rachel M. Sposato, Esq. (i/h)