

# **EXHIBIT 16**

202.777.8953 (t)  
202.347.8429 (f)Bowen Building  
875 15th Street, NW, Suite 725  
Washington DC 20005415.956.2828 (t)  
415.956.6457 (f)  
www.rjo.comRobert Dollar Building  
311 California Street, 10th Fl.  
San Francisco CA 94104**ROGERS JOSEPH O'DONNELL**Lisa N. Himes  
202.777.8953 (d)  
lhimes@rjo.com

December 21, 2018

**VIA EMAIL AND FEDERAL EXPRESS**Office of FOIA Services of the Securities and Exchange Commission  
Station Place, 100 F. Street, N.E.  
Mail Stop 2465  
Washington, D.C. 20549  
foiapa@sec.gov**Re: Freedom of Information Act Appeal – Request No. 18-01818-FOIA**

To Whom It May Concern:

On behalf of clients, Peter Pocklington, Lantson E. Eldred, Nova Oculus Partners, LLC, f/k/a The Eye Machine, LLC, and AMC Holdings Co., LLC (collectively referred to as “Clients”),<sup>1</sup> this letter serves as an appeal of the adverse determination by the Securities and Exchange Commission (“SEC”) in the above-referenced FOIA case.

**Background**

On April 30, 2018, Hinds & Shankman LLP submitted on behalf of our Clients the attached FOIA Request (“Request”) to the SEC via the online portal. *See* Exhibit 1. The SEC acknowledged receipt of the Request on May 1, 2018 and assigned the Request tracking number 18-01818-FOIA. *See* Exhibit 2.

On May 2, 2018, the SEC responded requesting clarification of the Request. *See* Exhibit 3. James A. Hinds, Jr., counsel for our Clients, responded on May 4, 2018 providing clarification and adding certain email messages to the Request. *See* Exhibit 4.

On June 21, 2018, Felecia Taylor, FOIA Lead Research Specialist at the SEC FOIA Office, stated that the SEC would be unable to respond to the Request within the statutory time period due to “unusual circumstances” and invoked the ten-day extension. *See* Exhibit 5. She also informed our Clients that the SEC identified non-public records concerning Nova Oculus Partners, LLC that may be responsive to the Request. *See id.* Ms. Taylor applied an estimate for reviewing e-mail communications based on an alleged “equivalent of 35.3 boxes of records” and preliminary estimate of review costs between “\$107,655.00 and \$129,198.00.” *See id.* She also stated that the Request would be processed in the agency’s First-in, First-out (“FIFO”) track and “anticipate[d] that it may take thirty-six months or more before [the agency could] process a request placed in [its] FIFO track.” *See id.*

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<sup>1</sup> DTR Holdings, LLC is no longer an active corporate entity.

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On July 6, 2018, Mr. Hinds responded to Ms. Taylor's June 21, 2018 letter and requested a meet and confer to discuss the scope of the request, the proposed cost, and the timing of responding to the Request. *See* Exhibit 6. Mr. Hinds sent another letter to Ms. Taylor on July 25, 2018 reiterating our Clients' request for a meet and confer to try to resolve the issues regarding the Request. *See* Exhibit 7.

Mr. Hinds had a conference call with Ms. Taylor and David Henshall of the SEC FOIA Office on July 30, 2018. A few days later, on August 6, 2018, Mr. Hinds sent a follow-up letter to Ms. Taylor and Mr. Henshall confirming the agreement on the call to modify the descriptions of documents initially requested in the April 30, 2018 Request, and he provided the modified requests. *See* Exhibit 8.

Mr. Hinds and Ms. Taylor emailed on August 15, 2018 regarding the modified requests and the types of searches that the SEC could conduct. *See* Exhibit 9. Ms. Taylor conveyed her discussions with the SEC's Office of Information Technology ("OIT") regarding the types of searches. *See id.*

On August 24, 2018, Mr. Hinds responded to Ms. Taylor's email of August 15, 2018 and proposed new search requests based on the information Ms. Taylor learned from OIT. *See* Exhibit 10. Ms. Taylor responded to the letter on August 27, 2018, stating that the agency would request that OIT conduct a search and they would notify Mr. Hinds of the volume of records located. *See* Exhibit 11.

Mr. Hinds sent a letter to Ms. Taylor and Mr. Henshall on September 11, 2018 following up on his August 24, 2018 correspondence regarding the number of "hits" generated in the SEC's search. *See* Exhibit 12.

On September 12, 2018 and September 21, 2018, Mr. Hinds communicated via email with Ms. Taylor's colleague, Jeffrey Oval, the FOIA Branch Chief, regarding the remaining issues with the Request, and Mr. Oval conveyed results from OIT showing the number of "hits" (or e-mails) that were generated using the search terms and dates in Mr. Hinds' August 24, 2018 letter. *See* Exhibit 13.

Mr. Hinds, Ms. Taylor, and Mr. Oval spoke on a conference call on September 27, 2018. Mr. Hinds then sent another amended request to Ms. Taylor and Mr. Oval. *See* Exhibit 14. This amended request is the subject of this appeal, and it requests the following records:

1. Jan 1, 2013 through the present, for the e-mail address of Marshallmasko@amerivision.us. (80 records located)
2. Jan 1, 2013 through the present, for the e-mail address of Marshall.ameritech@gmail.com. (79 records located)

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3. Jan 1, 2013 through the present, for the e-mail address for blairmowery@amerivision.us. (88 records located)
4. Jan 1, 2013 through the present, for the e-mail address for blair.ameritech@gmail.com (122 records located)
5. Jan 1, 2008 through the present, "Wasserman, Comden, Casselman & Esensten" (241 records located)
6. Jan 1, 2013 through the present, "Amerivision and International" (880 records located)
7. June 2011 through June 2012, "David and Casselman" (further modification following earlier search)

*See id.*

On October 10, 2018, Mr. Ovall responded to the September 27, 2018 amended request. *See* Exhibit 15. In his response, he stated that the SEC was "withholding records that may be responsive to your request under 5 U.S.C. § 552(b)(7)(A)." *See id.* Mr. Ovall asserted that the "exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities." *See id.*

Mr. Ovall further explained that the agency had not determined if other exemptions apply and reserved the right to assert other exemptions when Exemption 7(A) no longer applies. *See id.* Mr. Ovall stated that our Clients had the right to appeal his decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6) and 17 C.F.R. § 200.80(f)(1).

### **Argument**

The SEC's withholdings in its October 10, 2018 denial letter are entirely without merit and our Clients therefore appeal this adverse determination.

Under Exemption 7(A), the SEC is required to demonstrate that the materials were compiled for law enforcement purposes and the disclosure of such records "could reasonably be expected to interfere with enforcement proceedings." *See* 5 U.S.C. § 552(b)(7)(A); *see also* *Sussman v. United States Marshals Serv.*, 494 F.3d 1106, 1113-14 (D.C. Cir. 2007). The SEC has utterly failed to do so here.

Additionally, under Exemption 7(A), an agency must show that the withheld material "relates to a 'concrete prospective law enforcement proceeding.'" *Juarez v. DOJ*, 518 F.3d 54, 59 (D.C. Cir. 2008) (quoting *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 232 (1978)). The SEC has failed to provide any information, let alone satisfy this significant requirement.

ROGERS JOSEPH O'DONNELL ROGERS JOSEPH O'DONNELL

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Moreover, any withholding under Exemption 7(A) requires specific information about how the disclosure “would interfere with the investigation.” *Sussman*, 494 F.3d at 1114; *see also United Am. Fin., Inc. v. Potter*, 531 F. Supp. 2d 29, 40 (D.D.C. 2008). In addition, regardless of whether the agency identifies categories of documents or particular documents in providing this specific information, the agency must itself review each and every document. *See Bevis v. Dep’t of State*, 801 F.2d 1386, 1389 (D.C. Cir. 1986). Once again, the agency has failed to satisfy this requirement.

Furthermore, the SEC has not demonstrated how the disclosure of these records would reveal the focus of such an investigation, as required. *See Sussman*, 494 F.3d at 1114; *see also see also Campbell v. Dep’t of Health & Human Servs.*, 682 F.2d 256, 265 (D.C. Cir. 1982). In fact, the SEC has not identified any information that would in any way satisfy this requirement.

The SEC also must segregate and disclose any portions of records that are not exempt. *See* 5 U.S.C. § 552(b). The SEC has the “burden of reasonable segregability under the FOIA” and has failed to even address this issue, let alone satisfy its burden. *See Gavin v. SEC*, No. 04-4522 (PAM/JSM), 2005 U.S. Dist. LEXIS 27542, at \*14 (D. Minn. 2005).

Accordingly, as there are numerous, specific requirements and the SEC has failed to comply with any of these requirements, its adverse determination is entirely without merit and must be reversed.

Please respond to this appeal as soon as possible and in accordance with 17 C.F.R. § 200.80(f)(1) to ensure that our Clients are able to properly pursue all available remedies as promptly as possible.

Best regards,



Lisa N. Himes

cc: James A. Hinds, Jr., Esq.

# EXHIBIT 1

**U.S. Securities and Exchange Commission**

**Thank you for taking the time to submit your request.**

**Your request was received on April 30, 2018. If you need to change or cancel your request, please email us at [foiapa@sec.gov](mailto:foiapa@sec.gov). DO NOT RESPOND TO THIS NOTICE!**

If you do not receive a response after thirty business days from when we received your request you have the right to seek dispute resolution services from an SEC FOIA Public Liaison or the Office of Government Information Services (OGIS). A list of SEC FOIA Public Liaisons can be found on our agency website at <https://www.sec.gov/oso/contact/foia-contact.html>. OGIS can be reached at 1-877-684-6448 or <https://ogis.archives.gov/?p=/ogis/index.html>.

Please note that all companies, foreign and domestic, are required to file registration statements, periodic reports and other filings electronically through EDGAR. Anyone can access and download this information for free by accessing [www.sec.gov](http://www.sec.gov) SEC Filings and Forms (EDGAR) or [Company Search](#).

Further, the Commission is not a research service. Please use a securities industry research service for voluminous or commercial requests.

*Please save this page for your records.*

**Request received from:**

Mr. James A. Hinds Esq.  
21257 Hawthorne Blvd.  
Second floor  
Torrance, California 90503  
United States

(310) 316-0500  
[jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)  
Hinds & Shankman, LLP

**Request:**

COMP\_NAME: Nova Oculus Partners, LLC  
DOC\_DATE: January 1, 2008 through April 25, 2018  
TYPE: Investigations  
ATTACHMENT: SEC FIOA Request 4.30.18 JAH.doc  
FEE\_AUTHORIZED: Other Amount \$: 1000.00  
FEE\_WAIVER\_REQUESTED: NO  
EXPEDITED\_SERVICE\_REQUESTED: NO

[http://www.sec.gov/forms/request\\_public\\_docs](http://www.sec.gov/forms/request_public_docs)

April 30, 2018

839.003

**VIA E-MAIL REQUEST**

Securities Exchange Commission  
FOIA Requester Service Center

Re: Freedom of Information Act Request

To Whom It May Concern:

On behalf of 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, Hinds & Shankman, LLC makes this request for the records described below pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

We request that you 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 also ask that you forward information related to any individual request without waiting until all records are located (i.e., please provide records on a rolling basis). If you determine that a record contains material exempt from disclosure, please review it for possible discretionary disclosure. In addition, we request that you produce any and all segregable portions of the record in question. Please notify the undersigned when responsive records are either furnished or specifically identified and denied for release. If no records exist for any request, please provide written confirmation of same.

We further request that, pursuant to 5 U.S.C. § 552(a)(3)(B), your agency produce responsive documents in the native electronic format in which the document was created. To the extent that your agency is unable to produce the responsive documents in the requested format, we request that your agency confirm that the record does not exist in native format and produce the documents in the following format, listed in accordance with our preference: **(1)** PDF format; or **(2)** paper copy. While the burden is on the government to produce all documents within the required time period, we are willing to discuss and agree upon the means and sequence of production to facilitate government compliance with the law.

To the extent that you determine that any subject document will not be disclosed because it meets any of the criteria in the FOIA for nondisclosure, you are requested to identify such documents in accordance with the requirements of *Vaughn v. Rosen*, 523



## **HINDS & SHANKMAN, LLP**

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F.2d 1136 (D.C. Cir. 1975). To the extent that you determine that any subject document will not be disclosed because it is classified in accordance with document classification procedures of your Department, request is hereby made that such document be declassified or redacted sufficiently to enable useful review and inclusion of its identifying characteristics under *Vaughn v. Rosen*.

### **REQUESTED DOCUMENTS**

Please provide the following records<sup>1</sup> to the undersigned:

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 Genentech-Roche, whose local address is 1 Antibody Way, Oceanside, CA 92056.
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 Regeneron Biotechnology Company, whose local address is 777 Old Saw Mill River Road, Tarrytown, NY 10591.
3. 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 & Esenstein, LLP whose local address is 5567 Reseda Boulevard, Suite 330, Tarzana, California 91356.
4. 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 Novartis USA, whose local address is 250 Massachusetts Avenue, Cambridge, MA 02139.
5. 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 Alcon Laboratories, whose local address is 15800 Alton Pkwy. Irvine, CA 92618.
6. 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 Bausch & Lomb Corporation whose local address is 10574 Acacia St., Rancho Cucamonga, CA 91730.

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<sup>1</sup> An "agency record" includes "the products of data compilation, such as all books, papers, maps, photographs, and machine readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law in connection with the transaction of public business and in DA possession and control at the time the FOIA request is made." 32 CFR § 518.7(b).

## **HINDS & SHANKMAN, LLP**

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7. 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.
8. 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 Health Canada.
9. All communications regarding treatment of macular degeneration for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
10. All communications regarding Vanessa Puleo for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
11. All communications regarding Yolanda C. Velazquez for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
12. All communications regarding Robert A. Vanetten for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
13. 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 regarding Terrence J. Walton.
14. All communications regarding AMC Holdings Co., LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
15. 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.
16. 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.

**HINDS & SHANKMAN, LLP**

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17. 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.
18. All communications regarding DTR Holdings, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
19. All communications regarding Cobra Chemical, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
20. All communications regarding Gold Star Resources, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.

We are willing and able to pay all reasonable and applicable fees in connection with this request as required under statute and regulation. We request prior notice only if you determine that such costs will exceed \$1,000. Please feel free to contact me by phone ((310) 316-0500) or by e-mail (jhinds@jhindsllp.com) if you have any questions about this request or need further information.

Very truly yours,  
HINDS & SHANKMAN, LLP

James Andrew Hinds, Jr., Managing Member

JAH:

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

# EXHIBIT 2



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

Office of FOIA Services

May 01, 2018

Mr. James Hinds  
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 is an acknowledgment of your FOIA request dated and received in this office on May 01, 2018, regarding Nova Oculus Partners, LLC.

Your request has been assigned tracking number 18-01818-FOIA. Your request will be assigned to a Research Specialist for processing and you will be notified of the findings as soon as possible. If you do not receive a response after thirty business days from when we received your request, you have the right to seek dispute resolution services from an SEC FOIA Public Liaison or the Office of Government Information Services (OGIS). A list of SEC FOIA Public Liaisons can be found on our agency website at <https://www.sec.gov/oso/contact/foia-contact.html>. OGIS can be reached at 1-877-684-6448 or [Archives.gov](http://Archives.gov) or via email at [ogis@nara.gov](mailto:ogis@nara.gov).

In the interim, if you have any questions about your request, you may contact this office by calling (202) 551-7900, or sending an e-mail to [foiapa@sec.gov](mailto:foiapa@sec.gov). Please refer to your tracking number when contacting us.

For additional information, please visit our website at [www.sec.gov](http://www.sec.gov) and follow the FOIA link at the bottom.

Sincerely,

Office of FOIA Services

# EXHIBIT 3

**Lisa N. Himes**

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**From:** Taylor, Felecia <TaylorF@SEC.GOV>  
**Sent:** Wednesday, May 2, 2018 4:23 PM  
**To:** James A. Hinds  
**Subject:** 18-01818-FOIA (Nova Oculus Partners, LLC)  
**Attachments:** 18-01818-FOIA - Request Description.pdf

Mr. Hinds,

The FOIA Office is processing your request (copy attached) for access to various records described in items 1 through 20 of your request, from January 1, 2008 through April 25, 2018, concerning Nova Oculus Partners, LLC, further known as The Eye Machine, LLC. Based on my interpretation of your request, it appears you are only seeking correspondence pertaining to investigative records relating to Nova Oculus Partners, LLC. If my interpretation is incorrect, please let me know as soon as possible and clarify the types of records you are seeking. Note, if you are seeking correspondence unrelated to investigations, please provide me with the e-mail domains of the persons or companies of interest to you.

If you have any questions, please do not hesitate to contact me.

Thank you,

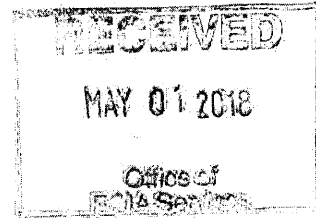
Felecia Taylor  
FOIA Lead Research Specialist  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
(202) 551-8349 - telephone number  
(202) 772-9337 - fax number

18-01818-FOIA

**foiapa**

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**From:** Request@ip-10-170-21-173.ec2.internal  
**Sent:** Monday, April 30, 2018 6:51 PM  
**To:** foiapa  
**Subject:** Request for Document from Hinds, James  
**Attachments:** SEC FIOA Request 4.30.18 JAH.doc



Mr. James A. Hinds Esq.  
21257 Hawthorne Blvd.  
Second floor  
Torrance, California 90503  
United States

(310) 316-0500  
[jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)  
Hinds & Shankman, LLP

Request:  
COMP\_NAME: Nova Oculus Partners, LLC  
DOC\_DATE: January 1, 2008 through April 25, 2018  
TYPE: Investigations  
ATTACHMENT: SEC FIOA Request 4.30.18 JAH.doc  
FEE\_AUTHORIZED: Other Amount \$: 1000.00  
FEE\_WAIVER\_REQUESTED: NO  
EXPEDITED\_SERVICE\_REQUESTED: NO



May 1, 2018

839.003

**VIA E-MAIL REQUEST**

Securities Exchange Commission  
FOIA Requester Service Center

Re: Freedom of Information Act Request

To Whom It May Concern:

On behalf of 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, Hinds & Shankman, LLC makes this request for the records described below pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

We request that you 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 also ask that you forward information related to any individual request without waiting until all records are located (i.e., please provide records on a rolling basis). If you determine that a record contains material exempt from disclosure, please review it for possible discretionary disclosure. In addition, we request that you produce any and all segregable portions of the record in question. Please notify the undersigned when responsive records are either furnished or specifically identified and denied for release. If no records exist for any request, please provide written confirmation of same.

We further request that, pursuant to 5 U.S.C. § 552(a)(3)(B), your agency produce responsive documents in the native electronic format in which the document was created. To the extent that your agency is unable to produce the responsive documents in the requested format, we request that your agency confirm that the record does not exist in native format and produce the documents in the following format, listed in accordance with our preference: **(1)** PDF format; or **(2)** paper copy. While the burden is on the government to produce all documents within the required time period, we are willing to discuss and agree upon the means and sequence of production to facilitate government compliance with the law.

To the extent that you determine that any subject document will not be disclosed because it meets any of the criteria in the FOIA for nondisclosure, you are requested to identify such documents in accordance with the requirements of *Vaughn v. Rosen*, 523

## **HINDS & SHANKMAN, LLP**

Securities Exchange Commission

May 1, 2018

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F.2d 1136 (D.C. Cir. 1975). To the extent that you determine that any subject document will not be disclosed because it is classified in accordance with document classification procedures of your Department, request is hereby made that such document be declassified or redacted sufficiently to enable useful review and inclusion of its identifying characteristics under *Vaughn v. Rosen*.

### **REQUESTED DOCUMENTS**

Please provide the following records<sup>1</sup> to the undersigned:

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 Genentech-Roche, whose local address is 1 Antibody Way, Oceanside, CA 92056.
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 Regeneron Biotechnology Company, whose local address is 777 Old Saw Mill River Road, Tarrytown, NY 10591.
3. 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.
4. 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 Novartis USA, whose local address is 250 Massachusetts Avenue, Cambridge, MA 02139.
5. 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 Alcon Laboratories, whose local address is 15800 Alton Pkwy. Irvine, CA 92618.
6. 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 Bausch & Lomb Corporation whose local address is 10574 Acacia St., Rancho Cucamonga, CA 91730.

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<sup>1</sup> An "agency record" includes "the products of data compilation, such as all books, papers, maps, photographs, and machine readable materials, inclusive of those in electronic form or format, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law in connection with the transaction of public business and in DA possession and control at the time the FOIA request is made." 32 CFR § 518.7(b).

## **HINDS & SHANKMAN, LLP**

Securities Exchange Commission

May 1, 2018

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7. 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.
8. 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 Health Canada.
9. All communications regarding treatment of macular degeneration for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
10. All communications regarding Vanessa Puleo for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
11. All communications regarding Yolanda C. Velazquez for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
12. All communications regarding Robert A. Vanetten for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
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15. 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.
16. 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.

**HINDS & SHANKMAN, LLP**

Securities Exchange Commission  
May 1, 2018  
Page 4 of 4

17. 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.
18. All communications regarding DTR Holdings, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
19. All communications regarding Cobra Chemical, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.
20. All communications regarding Gold Star Resources, LLC for the period of January 1, 2008 through April 25, 2018, between the SEC and its staff, employees, and agents and any third-party.

We are willing and able to pay all reasonable and applicable fees in connection with this request as required under statute and regulation. We request prior notice only if you determine that such costs will exceed \$1,000. Please feel free to contact me by phone ((310) 316-0500) or by e-mail (jhinds@jhindslaw.com) if you have any questions about this request or need further information.

Very truly yours,  
HINDS & SHANKMAN, LLP

James Andrew Hinds, Jr., Managing Member

JAH:

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

# EXHIBIT 4

**Lisa N. Himes**

---

**From:** James A. Hinds <JHinds@jhindsllaw.com>  
**Sent:** Friday, May 4, 2018 12:04 PM  
**To:** 'TaylorF@SEC.GOV'  
**Subject:** 18-01818-FOIA (Nova Oculus Partners, LLC)  
  
**Importance:** High

In response to your e-mail of Wednesday, May 02, 2018 1:23 P.M., you are correct in interpreting my initial request as seeking correspondence pertaining to investigative records relating to Nova Oculus Partners, LLC. However, in response to your inquiry I have developed the following additional information which is to include as part of the pending Nova Oculus FOIA request.

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.

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:

- A. <http://www.gene.com>;
- B. <http://www.regeneron.com>;
- C. <http://www.casselmanlawgroup.com>;
- D. <http://www.alcon.com>;
- E. <http://www.bausch.com>; and
- F. <http://www.hc-sc.gc.ca>.

If you have any questions, please do not hesitate to contact me.

Thank you,

James Andrew Hinds, Jr., Managing Member  
Hinds & Shankman, LLP  
21257 Hawthorne Boulevard  
2<sup>nd</sup> Floor  
Torrance, CA 90503

Tel: (310) 316-0500  
Fax: (310) 792-5977

E-mail: [jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)

Web: [www.jhindslaw.com](http://www.jhindslaw.com)

CONFIDENTIALITY NOTICE: The information contained in this e-mail transmission is intended only for use of the individual or entity named above. This e-mail transmission, and any documents, files, previous e-mail transmissions or other information attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient of this e-mail transmission, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or other use of this transmission or any of the information contained in or attached to it is strictly prohibited. If you have received this e-mail transmission in error, please immediately notify us by return e-mail transmission or by telephone at (310) 316-0500, and destroy the original e-mail transmission and its attachments without reading it or saving it in any manner. Thank you.

# 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](mailto:jbjarding@gmail.com);  
[Marshallmasko@amerivision.us](mailto:Marshallmasko@amerivision.us);  
[Marshall.ameritech@gmail.com](mailto:Marshall.ameritech@gmail.com);  
[mtmbdg@aol.com](mailto:mtmbdg@aol.com);  
[blairmowery@msn.com](mailto:blairmowery@msn.com);  
[blairmowery@amerivision.us](mailto:blairmowery@amerivision.us); and  
[blair.ameritech@gmail.com](mailto:blair.ameritech@gmail.com).

Mr. James A. Hinds, Jr.  
June 21, 2018  
Page 2

18-01818-FOIA

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.<sup>1</sup> Search and review time are charged in quarter hour increments at the rate of \$29.00/hour

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<sup>1</sup>In 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.

Mr. James A. Hinds, Jr.  
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Page 3

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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.

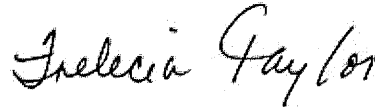
If you have any questions, please contact me at [taylorf@sec.gov](mailto:taylorf@sec.gov) or (202) 551-8349. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You also have the right to seek assistance from Dave Henshall at (202) 551-7900 as a FOIA Public Liaison for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

Mr. James A. Hinds, Jr.  
June 21, 2018  
Page 4

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

Sincerely,

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

Felecia Taylor  
FOIA Lead Research Specialist

# EXHIBIT 6



**HINDS**  
**SHANKMAN** LLP  
ATTORNEYS · COUNSELORS

JAMES ANDREW HINDS, JR.  
PAUL R. SHANKMAN  
RACHEL M. SPOSATO\*  
\*Also admitted in Massachusetts

21257 HAWTHORNE BLVD.  
2ND FLOOR  
TORRANCE, CA 90503  
TEL: 310.316.0500  
FAX: 310.792.5977

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**

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July 6, 2018  
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- (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**

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Securities Exchange Commission  
July 6, 2018  
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\$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  
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3. All communications regarding Peter H. Pocklington for the period of January 1, 2008 through April 25, 2018, between the SEC and is 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 is 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 is 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 is staff, employees, and agents and [Marshallmasko@amerivision.us](mailto:Marshallmasko@amerivision.us).
7. Any and all references for the period of January 1, 2008 through April 25, 2018, between the SEC and is staff, employees, and agents and [Marshall.ameritech@gmail.com](mailto:Marshall.ameritech@gmail.com).
8. Any and all references for the period of January 1, 2008 through April 25, 2018, between the SEC and is staff, employees, and agents and [blairmowery@amerivision.us](mailto:blairmowery@amerivision.us).
9. Any and all references for the period of January 1, 2008 through April 25, 2018, between the SEC and is staff, employees, and agents and [blair.ameritech@gmail.com](mailto: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).

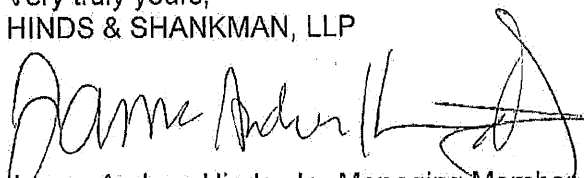
Please contact Mayra Duran in my office to schedule the date and time for our meeting.

**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)

# EXHIBIT 7



JAMES ANDREW HINDS, JR.  
PAUL R. SHANKMAN  
RACHEL M. SPOSATO\*

\*Also admitted in Massachusetts

HINDS  
&  
SHANKMAN<sub>LLP</sub>  
ATTORNEYS · COUNSELORS

21257 HAWTHORNE BLVD.  
2ND FLOOR  
TORRANCE, CA 90503  
TEL: 310.316.0500  
FAX: 310.792.5977

July 25, 2018

839.003

**VIA E-MAIL ONLY**

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  
foiapa@sec.gov

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

Dear Ms. Taylor:

This is a follow-up to my letter to you date July 6, 2018 (copy attached). For the record we made a May 1, 2018-FOIA request 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"). On June 21, 2018, the SEC responded to our FOIA. In response to the SEC we wrote 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 our request to meet and confer on the fact that the SEC has sued the Clients before the United States District Court for the Central District of California, in a matter entitled: *Securities & Exchange Commission v. Peter H. Pockington, et al.*, Case No. 5:18-cv-00701-JGB-SP.

Our Clients have run out of patience. We have been instructed to commence litigation against the SEC if we are unable to come to some accord on the SEC's response to our FOIA request and request to meet and confer. We are looking at a very short timetable to attempt to resolve our FIOA request issues. We are available to meet and confer with the SEC on any of the following dates and times:

- July 30 (between 10:00 a.m. and 11:00 a.m. or after 3:00 p.m. (PDT));
- July 31 (after 3:00 p.m. (PDT));
- August 1 (after 10:30 a.m. (PDT));

**HINDS & SHANKMAN, LLP**

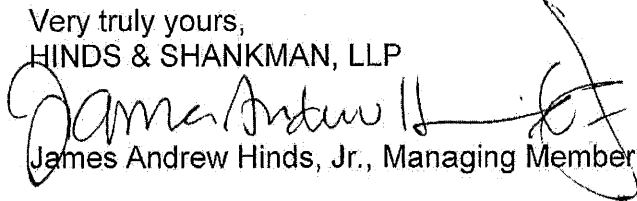
Ms. Felecia Taylor  
Securities Exchange Commission  
July 25, 2018  
Page 2 of 2

- August 6 (after 11:00 a.m. (PDT)).

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

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:

Enclosure

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

# EXHIBIT 8



**HINDS**  
&  
**SHANKMAN** LLP  
ATTORNEYS · COUNSELORS

JAMES ANDREW HINDS, JR.  
PAUL R. SHANKMAN  
RACHEL M. SPOSATO\*

\*Also admitted in Massachusetts

21257 HAWTHORNE BLVD.  
2ND FLOOR  
TORRANCE, CA 90503  
TEL: 310.316.0500  
FAX: 310.792.5977

August 6, 2018

839,003

**VIA E-MAIL AND FIRST CLASS MAIL**

Ms. Felecia Taylor  
Mr. David D. Henshall  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
TaylorF@SEC.GOV  
foiapa@sec.gov  
HenshallD@SEC.GOV

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

Dear Ms. Taylor and Mr. Henshall:

As part of our July 30-conference call, and 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"), agreed to modify the descriptions of the document and things initially requested as part of our May 1-FOIA request and our July 6, 2018-letter. This agreement was facilitated during our conference call today, and is designed to give the SEC better or clearer search terms. Without in any way waiving all of the requirements set forth in 5 U.S.C. § 552(a)(6)(A), 32 C.F.R. § 286.8 and 5 U.S.C. § 552(a)(3)(B), we provide the SEC with the following search terms which can be used to initially search the SEC data bases.

1. Any and all references in the SEC data bases for the period of January 1, 2013 through the present, for the e-mail address of Marshallmasko@amerivision.us.
2. Any and all references in the SEC data bases for the period of January 1, 2013 through the present, for the e-mail address of Marshall.ameritech@gmail.com.
3. Any and all references in the SEC data bases for the period of January 1, 2013 through the present, for the e-mail address of blairmowery@amerivision.us.
4. Any and all references in the SEC data bases of the period of January 1, 2013 through the present, for the e-mail address for blair.ameritech@gmail.com.

## **HINDS & SHANKMAN, LLP**

Ms. Felecia Taylor  
Mr. David D. Henshall  
August 6, 2018  
Page 2 of 3

5. Search for any and all references in the SEC data bases "Peter w/3 Pocklington" for the period of January 1, 2008 through the present.
6. Search for any and all references in the SEC data bases "Lantson w/3 Eldred" for the period of January 1, 2008 through the present.
7. Search for any and all references in the SEC data bases "Eva w/3 Pocklington" for the period of January 1, 2013 through the present.
8. Search for any and all references in the SEC data bases "Nova w/1 Oculus" for the period of January 1, 2013 through the present.
9. Search for any and all references in the SEC data bases "Eye w/1 Machine" for the period of January 1, 2013 through the present.
10. Search for any and all references in the SEC data bases "David w/2 Casselman" for the period of January 1, 2008 through the present.
11. Search for any and all references in the SEC data bases "Wasserman, Comden, Casselman & Esensten" for the period of January 1, 2008 through the present.
12. Search for any and all references in the SEC data bases "Paul w/2 Cohen" for the period of January 1, 2013 through the present.
13. Search for any and all references in the SEC data bases "Amerivision w/2 International" for the period of January 1, 2013 through the present.

With the exception of the search for Paul Cohen, we believe that each of the other names and phrases is sufficiently unique that the SEC data bases should have only a few relevant hits. Based on our July 30-conference call, we have employed standard "Boolean connectors" as employed by LEXIS/NEXIS. Our assumption is that the SEC employs these same principles and that the searches as presently set out above will ignore certain "noise words" for the purpose of determining proximity.

Please note that the time periods for these revised search requests are **not** all the same. While most are for the period January 1, 2013 through the present, several go back as far as 2008. These time periods are of crucial importance to our Clients.

It is our understanding that you will share these revised search terms with the SEC's FOIA search staff. Once these revised search terms are tested, you will arrange for a follow-up conference call to discuss the level of success, the proposed time frame to



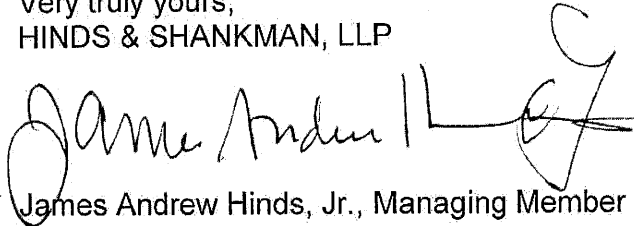
**HINDS & SHANKMAN, LLP**

Ms. Felecia Taylor  
Mr. David D. Henshall  
August 6, 2018  
Page 3 of 3

complete the revised search, and the issues, if any, of proceeding with this project. Based on our July 30--conversation, we understand that the SEC's FOIA search staff generally requires up to 10-business days to complete its initial investigation of revised search terms. Hence, we will be looking forward to a call from your office during the week of August 20, 2018.

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)

# EXHIBIT 9

**Lisa N. Himes**

---

**From:** Taylor, Felecia <TaylorF@SEC.GOV>  
**Sent:** Wednesday, August 15, 2018 1:28 PM  
**To:** James A. Hinds  
**Cc:** Henshall, David D.; Becky S. James (BJames@JamesAA.com) (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** RE: Freedom of Information Act Request, No. 18-01818-FOIA

Thank you.

---

**From:** James A. Hinds [mailto:JHinds@jhindslaw.com]  
**Sent:** Wednesday, August 15, 2018 12:49 PM  
**To:** Taylor, Felecia  
**Cc:** Henshall, David D.; Becky S. James (BJames@JamesAA.com) (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** RE: Freedom of Information Act Request, No. 18-01818-FOIA

Thank you for the prompt response. We will get back to you by Friday with our suggested search changes.

James Andrew Hinds, Jr., Managing Member  
Hinds & Shankman, LLP  
21257 Hawthorne Boulevard  
2<sup>nd</sup> Floor  
Torrance, CA 90503

Tel: (310) 316-0500  
Fax: (310) 792-5977

E-mail: [jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)

Web: [www.jhindslaw.com](http://www.jhindslaw.com)

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---

**From:** Taylor, Felecia [mailto:TaylorF@SEC.GOV]  
**Sent:** Wednesday, August 15, 2018 8:07 AM  
**To:** James A. Hinds  
**Cc:** Henshall, David D.; Becky S. James (BJames@JamesAA.com) (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** FW: Freedom of Information Act Request, No. 18-01818-FOIA  
**Importance:** High

Mr. Hinds,

We have consulted with our Office of Information Technology (OIT) in reference to items 5-10 and 12-13 of the attached letter, and have been advised that we cannot conduct proximity searches ("Peter w/3 Pocklington") at this time. However, we can conduct searches using the Boolean operator AND, which may yield a large number of results. For example, OIT conducted a cursory search of item 9, but the test search yielded over 100,000 hits for the words "Eye" AND "Machine." With this information in mind, please let me know how you wish to proceed.

If you have any questions, please contact me.

Thank you,

Felecia Taylor  
FOIA Lead Research Specialist  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
(202) 551-8349 - telephone number  
(202) 772-9337 - fax number

---

**From:** James A. Hinds [mailto:JHinds@jhindslaw.com]  
**Sent:** Monday, August 06, 2018 2:41 PM  
**To:** foiapa; Taylor, Felecia; Henshall, David D.  
**Cc:** Becky S. James (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** Freedom of Information Act Request, No. 18-01818-FOIA  
**Importance:** High

Letter dated today.

James Andrew Hinds, Jr., Managing Member  
Hinds & Shankman, LLP  
21257 Hawthorne Boulevard  
2<sup>nd</sup> Floor  
Torrance, CA 90503

Tel: (310) 316-0500  
Fax: (310) 792-5977

E-mail: [jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)

Web: [www.jhindslaw.com](http://www.jhindslaw.com)

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# EXHIBIT 10



JAMES ANDREW HINDS, JR.  
PAUL R. SHANKMAN  
RACHEL M. SPOSATO\*

\*Also admitted in Massachusetts

**HINDS**  
&  
**SHANKMAN** LLP  
ATTORNEYS · COUNSELORS

21257 HAWTHORNE BLVD.  
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TORRANCE, CA 90503  
TEL: 310.316.0500  
FAX: 310.792.5977

August 24, 2018

839.003

**VIA E-MAIL AND FIRST CLASS MAIL**

Ms. Felecia Taylor  
Mr. David D. Henshall  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
TaylorF@SEC.GOV  
foiapa@sec.gov  
HenshallD@SEC.GOV

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

Dear Ms. Taylor and Mr. Henshall:

In response to your e-mail of August 15, 2018, and 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 have assessed the descriptions of the document and things initially requested as part of our May 1-FOIA request and our letters of July 6, 2018 and August 6, 2018. This letter is our formal response to your August 15-e-mail.

I note that your August 15- e-mail did not reference to or comment on our Requests ## 1 through 4 contained in our August 6, 2018-letter. We therefore assume that the SEC has no problem with a search of these e-mail addresses. We would like to know before the end of this month how many hits were generated for a search of these items.

Accepting that the SEC cannot at this time conduct Boolean proximity searches, we now provide the SEC with the following revised search terms which can be used to initially search the SEC data bases. We have replaced Boolean proximity searches with a simple "and." We have also eliminated several requests which contained terms which might be deemed to be generic and thus problematic for a simple Boolean search.

1. Any and all references in the SEC data bases for the period of January 1, 2013 through the present, for the e-mail address of Marshallmasko@amerivision.us.

## **HINDS & SHANKMAN, LLP**

Ms. Felecia Taylor  
Mr. David D. Henshall  
August 24, 2018  
Page 2 of 3

2. Any and all references in the SEC data bases for the period of January 1, 2013 through the present, for the e-mail address of Marshall.ameritech@gmail.com.
3. Any and all references in the SEC data bases for the period of January 1, 2013 through the present, for the e-mail address of blairmowery@amerivision.us.
4. Any and all references in the SEC data bases of the period of January 1, 2013 through the present, for the e-mail address for blair.ameritech@gmail.com.
5. Search for any and all references in the SEC data bases "Peter and Pocklington" for the period of January 1, 2008 through the present.
6. Search for any and all references in the SEC data bases "Lantson and Eldred" for the period of January 1, 2008 through the present.
7. Search for any and all references in the SEC data bases "Eva and Pocklington" for the period of January 1, 2013 through the present.
8. Search for any and all references in the SEC data bases "Nova and Oculus" for the period of January 1, 2013 through the present.
9. Search for any and all references in the SEC data bases "David and Casselman" for the period of January 1, 2008 through the present.
10. Search for any and all references in the SEC data bases "Wasserman, Comden, Casselman & Esensten" for the period of January 1, 2008 through the present.
11. Search for any and all references in the SEC data bases "Amerivision and International" for the period of January 1, 2013 through the present.

Please note that the time periods for these revised search requests are **not** all the same. While most are for the period January 1, 2013 through the present, several go back as far as 2008. These time periods are of crucial importance to our Clients.

It is our understanding that you will share these revised search terms with the SEC's FOIA search staff. Once these revised search terms are tested, you will arrange for a follow-up conference call to discuss the level of success, the proposed time frame to complete the revised search, and the issues, if any, of proceeding with this project. Based on our July 30-conversation, we understand that the SEC's FOIA search staff generally requires up to 10-business days to complete its initial investigation of revised search terms. Hence, we will be looking forward to a call from your office during the week of September



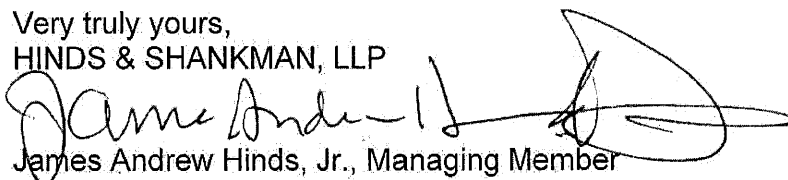
**HINDS & SHANKMAN, LLP**

Ms. Felecia Taylor  
Mr. David D. Henshall  
August 24, 2018  
Page 3 of 3

10, 2018. However, as noted above, as to our Requests ## 1 through 4 contained in our August 6, 2018-letter, we require a response from the SEC by Friday, August 28, 2018.

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)

# EXHIBIT 11

**Lisa N. Himes**

---

**From:** Taylor, Felecia <TaylorF@SEC.GOV>  
**Sent:** Monday, August 27, 2018 8:31 AM  
**To:** James A. Hinds  
**Cc:** Henshall, David D.; Becky S. James (BJames@JamesAA.com) (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** FW: Freedom of Information Act Request, No. 18-01818-FOIA  
**Attachments:** 20180824144550613.pdf  
  
**Importance:** High

Mr. Hinds,

Thank you for the attached letter. We will refer the entire request to our Office of Information Technology and request that they conduct a search of Microsoft Outlook for items 1 through 11. Once we receive a response from the staff, we will notify you of the volume of records located as a result of the search.

In the interim, if you have any questions, please let me know.

Thank you,

Felecia Taylor  
FOIA Lead Research Specialist  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
(202) 551-8349 - telephone number  
(202) 772-9337 - fax number

---

**From:** James A. Hinds [mailto:JHinds@jhindslaw.com]  
**Sent:** Friday, August 24, 2018 5:45 PM  
**To:** Taylor, Felecia; Henshall, David D.  
**Cc:** Becky S. James (BJames@JamesAA.com) (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** RE: Freedom of Information Act Request, No. 18-01818-FOIA  
**Importance:** High

Letter dated today.

James Andrew Hinds, Jr., Managing Member  
Hinds & Shankman, LLP  
21257 Hawthorne Boulevard  
2<sup>nd</sup> Floor  
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---

**From:** Taylor, Felecia [mailto:TaylorF@SEC.GOV]  
**Sent:** Wednesday, August 15, 2018 8:07 AM  
**To:** James A. Hinds  
**Cc:** Henshall, David D.; Becky S. James (BJames@JamesAA.com) (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** FW: Freedom of Information Act Request, No. 18-01818-FOIA  
**Importance:** High

Mr. Hinds,

We have consulted with our Office of Information Technology (OIT) in reference to items 5-10 and 12-13 of the attached letter, and have been advised that we cannot conduct proximity searches ("Peter w/3 Pocklington") at this time. However, we can conduct searches using the Boolean operator AND, which may yield a large number of results. For example, OIT conducted a cursory search of item 9, but the test search yielded over 100,000 hits for the words "Eye" AND "Machine." With this information in mind, please let me know how you wish to proceed.

If you have any questions, please contact me.

Thank you,

Felecia Taylor  
FOIA Lead Research Specialist  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
(202) 551-8349 - telephone number  
(202) 772-9337 - fax number

---

**From:** James A. Hinds [mailto:JHinds@jhindslaw.com]  
**Sent:** Monday, August 06, 2018 2:41 PM  
**To:** foia; Taylor, Felecia; Henshall, David D.  
**Cc:** Becky S. James (BJames@JamesAA.com); Rachel M. Sposato  
**Subject:** Freedom of Information Act Request, No. 18-01818-FOIA  
**Importance:** High

Letter dated today.

James Andrew Hinds, Jr., Managing Member  
Hinds & Shankman, LLP  
21257 Hawthorne Boulevard  
2<sup>nd</sup> Floor  
Torrance, CA 90503

Tel: (310) 316-0500  
Fax: (310) 792-5977

E-mail: [jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)

Web: [www.jhindslaw.com](http://www.jhindslaw.com)

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# EXHIBIT 12



**HINDS**  
&  
**SHANKMAN** LLP  
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JAMES ANDREW HINDS, JR.  
PAUL R. SHANKMAN  
RACHEL M. SPOSATO\*  
\*Also admitted in Massachusetts

September 11, 2018

839.003

**VIA E-MAIL AND FIRST CLASS MAIL**

Ms. Felecia Taylor  
Mr. David D. Henshall  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
taylorf@sec.gov; foiapa@sec.gov  
henshalld@sec.gov

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

Dear Ms. Taylor and Mr. Henshall:

This letter is a follow-up to my recent letter dated August 24, 2018. As part of my August 24-letter, I referenced our requests numbers 1 through 4 contained in our August 6, 2018-letter to the SEC FOIA Office. We requested that the SEC notify us by the end of August to know how many hits were generated for a search of these limited items. We are still waiting for a response to this request.

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

Dictated but not read

James Andrew Hinds, Jr., Managing Member

JAH:

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

# EXHIBIT 13



**Lisa N. Himes**

---

**From:** Ovall, Jeffery L. <OvallJ@SEC.GOV>  
**Sent:** Friday, September 21, 2018 2:22 PM  
**To:** James A. Hinds  
**Cc:** BJames@JamesAA.com; Mayra Duran; Taylor, Felecia; Rachel M. Sposato  
**Subject:** RE: 18-01818-FOIA

Thanks, Mr. Hinds. I'll discuss with Ms. Taylor on Monday to see what time works for her. I'm okay with anytime on the 27<sup>th</sup>, but we'll get back to you next week with a confirmed time.

Regarding your question about processing records responsive to Items 1 to 4 vs. Items 5 to 11; judging by the lower number of responsive hits/emails for Items 1 to 4, we can presume they would be quicker to process. But we can discuss on the 27<sup>th</sup>.

Thanks

---

**From:** James A. Hinds [mailto:JHinds@jhindslaw.com]  
**Sent:** Friday, September 21, 2018 1:48 PM  
**To:** Ovall, Jeffery L.  
**Cc:** BJames@JamesAA.com; Mayra Duran; Taylor, Felecia; Rachel M. Sposato  
**Subject:** RE: 18-01818-FOIA  
**Importance:** High

Thank you Mr. Ovall for your response. We are processing the SEC FOIA response and would like to hold a brief conference call with you and Felecia Taylor next week to fully understand the stated estimate of "36 months or more before we begin to process the request." Going into this call we will need to confirm that the SEC FOIA search for items ## 1-4 can still be completed on a much shorter time line than the review and analysis of items ## 5-11. Mr. Sposato and I are open on the 27<sup>th</sup>, all day for a call. Please give us a time which would work for the two of you. Thanks.

James Andrew Hinds, Jr., Managing Member  
Hinds & Shankman, LLP  
21257 Hawthorne Boulevard  
2<sup>nd</sup> Floor  
Torrance, CA 90503

Tel: (310) 316-0500  
Fax: (310) 792-5977

E-mail: [jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)

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delivering it to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, or other use of this transmission or any of the information contained in or attached to it is strictly prohibited. If you have received this e-mail transmission in error, please immediately notify us by return e-mail transmission or by telephone at (310) 316-0500, and destroy the original e-mail transmission and its attachments without reading it or saving it in any manner. Thank you.

---

**From:** Ovall, Jeffery L. [mailto:OvallJ@SEC.GOV]  
**Sent:** Friday, September 21, 2018 5:48 AM  
**To:** James A. Hinds  
**Cc:** BJames@JamesAA.com; Mayra Duran; Taylor, Felecia  
**Subject:** FW: 18-01818-FOIA

Good morning, Mr. Hinds. I'm working with Ms. Taylor on your FOIA request since her previous branch chief retired a couple weeks ago.

In response to your August 24, 2018 letter, we received the results from our Office of Information Technology yesterday, showing the number of "hits" (or emails) that were generated using the search terms and dates cited in your letter. The results are shown below. We estimate that each e-mail may contain between one and ten pages, and if the email contains an attachment, its page-count could be much larger. As such, your request still qualifies for processing under the Complex Track, which we estimate may take 36 months or more before we begin to process the request. Please review the information below and let us know how you wish to proceed.

1. Jan 1, 2013 through the present, for the e-mail address of [Marshallmasko@amerivision.us](mailto:Marshallmasko@amerivision.us). – **80**
2. Jan 1, 2013 through the present, for the e-mail address of [Marshall.ameritech@gmail.com](mailto:Marshall.ameritech@gmail.com). – **79**
3. Jan 1, 2013 through the present, for the e-mail address for [blairmowery@amerivision.us](mailto:blairmowery@amerivision.us). – **88**
4. Jan 1, 2013 through the present, for the e-mail address for [blair.ameritech@gmail.com](mailto:blair.ameritech@gmail.com). – **122**
5. Jan 1, 2008 through the present, "Peter and Pocklington" – **9,476**
6. Jan 1, 2008 through the present, "Lantson and Eldred" – **4,045**
7. Jan 1, 2013 through the present, "Eva and Pocklington" – **2,408**
8. Jan 1, 2013 through the present, "Nova and Oculus" – **16,392**
9. Jan 1, 2008 through the present, "David and Casselman" – **17,459**
10. Jan 1, 2008 through the present, "Wasserman, Comden, Casselman & Esenstein" – **241**
11. Jan 1, 2013 through the present, "Amerivision and International" – **880**

If you have any questions, please do not hesitate to contact Ms. Taylor or myself. We will need a determination from your office by **Sept. 28**, whether to place your request into our Complex track. If we don't hear from you by then, we will administratively close your request. This does not preclude you from submitting a new FOIA request at any time.

Thank you,

*Jeff Ovall*

FOIA Branch Chief  
FOIA/Privacy Act Office  
Securities and Exchange Commission  
100 F Street, NE  
Room 2738, Station Place 2  
Washington, DC 20549  
Phone (202) 551-6376  
[Ovallj@sec.gov](mailto:Ovallj@sec.gov)

---

**From:** James A. Hinds [<mailto:JHinds@jhindslaw.com>]  
**Sent:** Wednesday, September 12, 2018 1:07 PM  
**To:** Taylor, Felecia  
**Cc:** Rachel M. Sposato; Becky S. James ([BJames@JamesAA.com](mailto:BJames@JamesAA.com)) ([BJames@JamesAA.com](mailto:BJames@JamesAA.com))  
**Subject:** RE: Freedom of Information Act Request

Thank you for the prompt response. However, I recall during our conference call you indicated that the Office of Information Technology's review generally takes 10-days. We are well past the 10-day mark which is why we are requested an update. I also understood that the search for items ## 1-4, which were not revised by my letter of August 24, could be completed quicker than the review and analysis of items ## 5-11 where revisions were made to the search parameters. Please keep us posted on your progress.

James Andrew Hinds, Jr., Managing Member  
Hinds & Shankman, LLP  
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2<sup>nd</sup> Floor  
Torrance, CA 90503

Tel: (310) 316-0500  
Fax: (310) 792-5977

E-mail: [jhinds@jhindslaw.com](mailto:jhinds@jhindslaw.com)

Web: [www.jhindslaw.com](http://www.jhindslaw.com)

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---

**From:** Taylor, Felecia [<mailto:TaylorF@SEC.GOV>]  
**Sent:** Wednesday, September 12, 2018 7:41 AM  
**To:** Mayra Duran; James A. Hinds  
**Cc:** Rachel M. Sposato; Becky S. James ([BJames@JamesAA.com](mailto:BJames@JamesAA.com)) ([BJames@JamesAA.com](mailto:BJames@JamesAA.com))  
**Subject:** FW: Freedom of Information Act Request

Ms. Duran and Mr. Hinds,

We are still consulting with our Office of Information Technology (OIT) for records responsive to items 1 thru 11, as requested in your letter dated August 24, 2018. As soon as we complete our consultation, you will be notified immediately of our findings. On August 27, 2018, your entire request including items 1 through 4 (same records requested in your August 6, 2018 letter) were referred to OIT for processing.

If you have any additional questions or concerns, please do not hesitate to contact me.

Thank you,

Felecia Taylor  
FOIA Lead Research Specialist  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
(202) 551-8349 - telephone number  
(202) 772-9337 - fax number

---

**From:** Mayra Duran [mailto:mduran@jhindslaw.com]  
**Sent:** Tuesday, September 11, 2018 12:49 PM  
**To:** Taylor, Felecia; foiapa; henshalld@sec.gov  
**Cc:** Rachel M. Sposato; James A. Hinds; bjames@jamesaa.com  
**Subject:** Freedom of Information Act Request

Please see attached letter dated today.

Thank you,

Mayra Duran  
Hinds & Shankman, LLP  
21257 Hawthorne Blvd., Second Floor  
Torrance, California 90503  
Telephone: (310) 316-0500 / Fax: (310) 792-5977

E-mail: [mduran@jhindslaw.com](mailto:mduran@jhindslaw.com)  
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transmission or by telephone at (310) 316-0500, and destroy the original e-mail transmission and its attachments without reading it or saving it in any manner. Thank you.

# EXHIBIT 14



JAMES ANDREW HINDS, JR.  
PAUL R. SHANKMAN  
RACHEL M. SPOSATO\*

\*Also admitted in Massachusetts

**HINDS**  
*&*  
**SHANKMAN**<sub>LLP</sub>  
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September 27, 2018

839.003

**VIA E-MAIL AND FIRST CLASS MAIL**

Ms. Felecia Taylor  
Mr. Jeffrey Ovall  
U.S. Securities & Exchange Commission  
Office of FOIA Services  
100 F Street, NE  
Washington, DC 20549-2465  
taylorf@sec.gov; foiapa@sec.gov  
henshalld@sec.gov

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

Dear Ms. Taylor and Mr. Ovall:

This letter is a follow-up to our conference call of today in which we discussed Jeffrey's e-mail of September 21, 2018, which identified the number of potential "hits" identified by the SEC based on my August 24, 2018-letter. I believe that we are getting close to identifying the scope of an acceptable FOIA request that meets the need of our Clients.

Based on today's conversation, our Clients are prepared to narrow the scope of our requests as follows and to make what we hope is now a non-Complex Track Request. As to the following identified Requests, we request that the SEC proceed immediately with processing the following items:

1. Jan 1, 2013 through the present, for the e-mail address of Marshallmasko@amerivision.us. – **80**
2. Jan 1, 2013 through the present, for the e-mail address of Marshall.ameritech@gmail.com. – **79**
3. Jan 1, 2013 through the present, for the e-mail address for blairmowery@amerivision.us. – **88**
4. Jan 1, 2013 through the present, for the e-mail address for blair.ameritech@gmail.com. – **122**

## **HINDS & SHANKMAN, LLP**

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Mr. Jeffrey Ovall  
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10. Jan 1, 2008 through the present, "Wasserman, Comden, Casselman & Esensten" – **241**

11. Jan 1, 2013 through the present, "Amerivision and International" – **880**

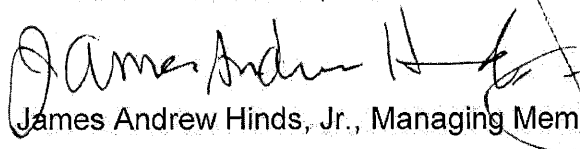
As to these six (6) Requests, we hope to hear back from you by October 15, 2018, with the hard box count for these six (6) Requests and a hard time estimate for production of these files.

As to Request No. 9 (Jan 1, 2008 through the present, "David and Casselman" – **17,459**), we are prepared to further modify this Request so the scope is limited to June 2011 through June 2012. With this substantial revision in the Request directed to "David and Casselman" we hope to bring this now-modified Request into the non-Complex Track Request category. As to this now revised Request No. 9, we hope to hear back from you by October 15, 2018, with the hard box count for Request No 9 and a hard estimate for production of these files.

As to the balance of the Requests contained in my August 24, 2018-letter, our Clients have agreed to withdraw their Request Nos. 5, 6, 7, and 8 as identified in Jeffrey's e-mail of September 21, 2018. This should substantially limit the scope of the work requested of the SEC.

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)



# EXHIBIT 15



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

Office of FOIA Services

October 10, 2018

Mr. James Hinds  
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 amended request, dated and received in this office on September 27, 2018, seeking information concerning Nova Oculus Partners, LLC, et al. Your letter is a follow-up to our telephone conference in which we discussed the e-mail of September 21, 2018, referencing the number of potential "hits" identified by the SEC based on your August 24, 2018 letter.

We are withholding records that may be responsive to your request under 5 U.S.C. § 552(b)(7)(A). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities. Since Exemption 7(A) protects the records from disclosure, we have not determined if other exemptions apply. Therefore, we reserve the right to assert other exemptions when Exemption 7(A) no longer applies.

It is the general policy of the Commission to conduct its investigations on a non-public basis. Thus, subject to the provisions of FOIA, the Commission does not disclose the existence or non-existence of an investigation or information gathered unless made a matter of public record in proceedings brought before the Commission or in the courts. Accordingly, the assertion of this exemption should not be construed as an indication by the Commission or its staff that any violations of law have occurred with respect to any person, entity, or security.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90)

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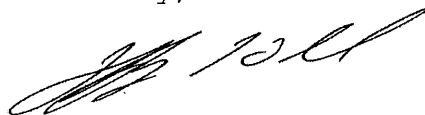
18-01818-FOIA

calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at [https://www.sec.gov/forms/request\\_appeal](https://www.sec.gov/forms/request_appeal), or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

If you have any questions, please contact Felecia Taylor of my staff at [taylorf@sec.gov](mailto:taylorf@sec.gov) or (202) 551-8349. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Jeffery Ovall  
FOIA Branch Chief

Enclosure

## ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov). Information concerning services offered by OGIS can be found at their website at [Archives.gov](http://Archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.