

EXHIBIT PP

Alison Cohen

From: Martin P. Russo [mrusso@gkblaw.com]
Sent: Monday, October 25, 2010 2:46 PM
To: 'Stoelting, David'; 'Mehraban, Lara'; 'McGrath, Kevin'
Cc: acohen@gkblaw.com; 'Martin H. Kaplan'
Subject: Discovery Responses

Lady and Gentlemen:

Please call me this afternoon to discuss the SEC's position with respect to Smith and McGinn's interrogatories and document requests. We have attempted to call each of you, but were unsuccessful. We would like to meet and confer on two issues so that we can include them on tomorrow's conference call with Judge Homer if necessary. I am sure the Court would appreciate the efficiency of not having to hold another conference. With respect to the former, our position is that the names and contact information of persons with whom the SEC has discussed our clients or the subject matter of this litigation is not privileged in any way. Please advise whether you will amend your responses to provide this information. With respect to the latter, Rule 26 requires that a party asserting privilege as a ground for not producing a document provide a privilege log so that the requesting party and the Court may assess the claim of privilege. You have failed to provide a log at this time. Please advise whether you will provide one shortly.

Best,

Marty

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