

EXHIBIT A

Hosford, Elizabeth (CIV)

From: Brian Barnes <BBarnes@cooperkirk.com>
Sent: Friday, February 17, 2017 8:29 AM
To: Hosford, Elizabeth (CIV)
Cc: Bezak, Reta E. (CIV); Schiavetti, Anthony F. (CIV)
Subject: RE: Fairholme - status report due on 2/21
Attachments: 2-17-17 Fairholme Proposed JSR on Future Proceedings.docx

Hi Liz,

We think it's necessary to apply the teaching of the ruling on our motion to compel to the remaining documents the Government has withheld for privilege. (I note that the Government was ultimately ordered to produce 48 of the 52 documents challenged that were not withheld under the Presidential Communications Privilege.) We also think that resolution of our motion to compel may make it appropriate to reopen previous depositions in which Government counsel directed witnesses not to answer questions on the basis of claims of privilege and believe that the rules entitle us to take a tenth deposition.

I've attached a draft JSR that reflects how we propose the case should proceed. Please let me know if the Government is willing to reconsider its position, but otherwise I think it will be necessary for us to file a JSR that outlines the parties' competing views and proposals.

Best regards,

Brian W. Barnes
Cooper & Kirk, PLLC
(202) 220-9623

From: Hosford, Elizabeth (CIV) [mailto:Elizabeth.Hosford@usdoj.gov]
Sent: Wednesday, February 15, 2017 4:56 PM
To: Brian Barnes <BBarnes@cooperkirk.com>
Cc: Bezak, Reta E. (CIV) <Reta.E.Bezak@usdoj.gov>; Schiavetti, Anthony F. (CIV) <Anthony.F.Schiavetti@usdoj.gov>
Subject: Fairholme - status report due on 2/21

Brian – I'm writing to touch base about the joint status report that is due on Tuesday, February 21. Given that discovery has concluded, we would suggest that the parties file a report proposing a schedule for briefing the motions to dismiss that is consistent with the schedule we outlined in the status report filed in January 2016 (attached).

Thanks.

Liz

Elizabeth M. Hosford
Assistant Director
Commercial Litigation Branch

Civil Division
Department of Justice
Attn: Classification Unit
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 616-0332