

BUTZEL LONG

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February 21, 2020

[REDACTED], Esq.
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007

Re: Interlochen Center for the Arts
Grand Jury Subpoenas dated February 6 & 10, 2020

Dear [REDACTED]:

As you know, I represent Interlochen Center for the Arts ("Interlochen") in connection with its response to the two subpoenas issued by your office. Enclosed please find executed custodian certifications along with a confidential document production on behalf of Interlochen in response to the subpoenas duces tecum that was served by your office on the custodian of records for Interlochen. The enclosed flash drive includes those responsive documents with a bates range as follows:

- INT000001 – INT000293 responsive to February 6, 2020 Subpoena; and
- INT000294 – INT000631 responsive to February 10, 2020 Subpoena.

The files are encrypted and the password will be sent to you via email.

Consistent with our prior communications, Interlochen is committed to cooperating fully with your office.

* * *

The submission of this letter and the materials enclosed herewith is without prejudice to, and with full reservation of, all privileges, rights, and protections. Interlochen requests that this letter and the materials attached hereto be treated as exempt from disclosure, under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and as confidential pursuant to 28 C.F.R. § 16.8.

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EFTA00088556

We submit these materials to you with the understanding that your office's request for this information is relevant and materials to a valid law enforcement purpose. We further submit these materials to you with the understanding that they will remain confidential unless and until they are made public by the Court.

Finally, we submit these materials to you with the understanding that, in the event that any privileged or work-product protected documents are produced, inadvertent or otherwise, your office will promptly destroy each copy of any such document that is in the possession, custody, or control of the United States. *See, e.g.,* Fed. R. Civ. P. 26(b)(5)(B).

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'G. Donnini', with a long horizontal line extending to the left and a shorter one to the right.

George B. Donnini

Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is PATRICK M. KESSEL.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Grand Jury Subpoena, dated February 6, 2020, and signed by Assistant United States Attorney [REDACTED], requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/19/20.
(date)

Patrick M. Kessel
(signature of declarant)

PATRICK M. KESSEL VP FINANCE & OPERATIONS
(name and title of declarant)

Interlochen Center for the Arts
(name of business)
4000 M-137 HIGHWAY
INTERLOCHEN MI 49643
(business address)

Definitions of terms used above:

As defined in Fed. R. Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed. R. Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

Declaration of Custodian of Records

Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby declare:

My name is PATRICK M. KESSEL
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration.

I am in receipt of a Grand Jury Subpoena, dated February 10, 2020, and signed by Assistant United States Attorney [REDACTED], requesting specified records of the business named below. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records provided herewith and in response to the Subpoena:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity; and
- (3) were made by the regularly conducted business activity as a regular practice.

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