

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES
FTC DOCKET NO. D09423**

ADMINISTRATIVE LAW JUDGE: JAY L. HIMES

IN THE MATTER OF:

NATALIA LYNCH

APPELLANT

AUTHORITY'S STATUS UPDATE



Allison J. Farrell
Senior Litigation Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

June 3, 2024

DELIVERED VIA EMAIL

Hon. Jay L. Himes
Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Oalj@ftc.gov

**BEFORE THE FEDERAL TRADE COMMISSION OFFICE
OF ADMINISTRATIVE LAW JUDGES**

Re: In the Matter of Natalia Lynch, Docket No. 09423

Dear Judge Himes:

I am writing to provide a status update on this matter, as ordered in your Order Memorializing Bench Rulings, dated May 20, 2024 (the “**May 20 Order**”). Some of what is discussed in this update is related to information contained in the document referred to as the “Unredacted Document.” We have not redacted any of the relevant information in this letter or its enclosures and because of this, have not submitted this letter for e-filing and public disclosure on the Federal Trade Commission website. However, we are able to produce a redacted copy if necessary for e-filing.

As you ordered in the May 20 Order, counsel for the parties met and conferred by videoconference on May 22, 2024 to discuss certain matters that arose during the *in camera* session held on May 20, 2024 (the “**May 22 Meeting**”). During this meeting, counsel for all parties agreed



on the form of the protective order for the “Unredacted Document” and the joint motion for entry of protective order was served and filed the following day.

During the May 22, 2024 Meeting, counsel for the Appellant indicated that they had a number of additional requests arising from their review of the Unredacted Document and other documents produced by HISA and HIWU (“the **Authority**”) in response to the May 1, 2024 Subpoena for Production of Documentary Material for Trial. Following a high-level discussion of these requests, which included requests for new categories of documents, and in order to ensure accuracy and completeness in its responses, counsel for the Authority asked for a written list of the requests. Counsel for the Appellant refused to provide such a list.

I sent counsel for the Appellant a letter on May 24, 2024 indicating that we anticipated producing substantive responses to some of the requests and again asked for a full list in writing. This letter is attached as Exhibit “A”. Counsel for the Appellant sent a letter containing an itemized list of seven requests on May 28, 2024. This letter is attached as Exhibit “B”.

On May 31, 2024, I provided a written response from the Authority to each of the seven requests. This letter is attached as Exhibit “C”. Although the Authority believes that the requests largely fell outside of the scope of the evidentiary hearing and the subpoena issued on May 1, 2024, we nonetheless provided substantive responses to each.

On June 1, 2024, I received an email from counsel for the Appellant which said, in part: “[w]e are disappointed that, after you informed us on our May 22 meet and confer that you anticipated producing documents in response to at least some of our requests, you have now—nine days later—sent a response indicating that you plan to produce almost nothing at all”. Counsel also requested a second meeting on June 3, 2024. This email is attached as Exhibit “D”.

I responded the next day, on June 2, 2024, and re-iterated that we responded as we believed we could, given our obligations under the ADMC Program, and that we were available early in the day on June 3 for a second meeting. This email is attached as Exhibit “E”. Later in the evening on June 2, 2024, I received another email from counsel for the Appellant. This email is attached as Exhibit “F”. This email was inflammatory and contained a number of misrepresentations and unfounded and inaccurate accusations, including with respect to the substance of the discussion during the May 22 Meeting, and the nature of our responses provided in my letter dated May 31, 2024.

I responded on the morning of June 3, 2024, and advised that in light of the concerning inaccuracies contained in counsel for the Appellant’s email, we would prefer to confer in writing and by email so as to avoid any further misunderstandings or misrepresentations. This email is



attached as Exhibit “G”. I also provided our position as to the substantive nature of the responses contained in my letter dated May 31, 2024, and suggested that we continue to confer throughout the day by email to jointly prepare a briefing schedule and a status update. In particular, we requested information as to what they would like to brief to assist us in preparing the schedule together.

Counsel for the Appellant responded shortly thereafter and indicated that they were not willing to discuss matters over email. This email is attached as Exhibit “H”.

Given the above, we believe further efforts to meet and confer will not be fruitful at this time. We therefore respectfully request that a hearing date be set for this matter. Counsel for the Appellant has indicated that they would like the opportunity to provide further written briefs, although they have not informed us of the issues they intend to address in these briefs. We do not believe that this is necessary, but, if a briefing schedule is set, we respectfully request time to file a responding expert report and time to respond to any issues raised. If necessary, we can provide a written motion requesting leave to file any such responses.

Finally, there is an additional issue that we would like to address. One of the documentary requests made by the Appellant was for the “full investigative file for Bruno Tessore.” The Authority refused this request on grounds of relevance, including because this was a request previously made by the Appellant in her motion for issuance of a subpoena *duces tecum* that was not granted by Your Honor, and because of the prejudice that may result to the pending case against Mr. Tessore. There is, however, one document related to Mr. Tessore that, out of an abundance of caution, we would like to present to the court for guidance with respect to responsiveness and confidentiality. We will be filing a motion for an *in camera* review of this document to determine whether it should be produced and, if so, the scope of applicable redactions to the document.

Thank you very much for your attention to this matter. We are available for a case conference before Your Honor at any point and, if needed, would be happy to provide further information on any of the points raised above.

Yours very truly,

A handwritten signature in black ink that reads 'Allison Farrell'. The signature is written in a cursive, flowing style.

Allison J. Farrell
Senior Litigation Counsel



Encls.: Exhibit A – Letter from A Farrell to C Boehning dated May 24, 2024
Exhibit B – Letter from C Boehning to A Farrell dated May 28, 2024
Exhibit C – Letter from A Farrell to C Boehning dated May 31, 2024
Exhibit D – Email from G May to A Farrell dated June 1, 2024
Exhibit E – Email from A Farrell to G May dated June 2, 2024
Exhibit F – Email from C Boehning to A Farrell dated June 2, 2024
Exhibit G – Email from A Farrell to C Boehning dated June 3, 2024
Exhibit H – Email from C Boehning to A Farrell dated June 3, 2024

cc: Michelle Pujals – *Horseracing Integrity & Welfare Unit*
James Bunting – *Tyr LLP*
Bryan H. Beauman and Rebecca C. Price – *Sturgill, Turner, Barker & Moloney, PLLC*
H. Christopher Boehning and Grant S. May – *Paul, Weiss, Rifkin, Wharton & Garrison LLP*

EXHIBIT A



Allison J. Farrell
Senior Litigation Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

May 24, 2024

DELIVERED VIA EMAIL

H. Christopher Boehning
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
(212) 373-3061
cboehning@paulweiss.com

Re: *Meet and Confer Follow Up*
HIWU v. Lynch, FTC Docket No. D09423

Mr. Boehning,

I am writing in response to our “meet and confer” video conference on May 22, 2024 regarding perceived issues that you have raised about document production on appeal.

During our “meet and confer,” you identified numerous additional documents and/or data to which you claim you are now entitled based upon HIWU’s production of the “Unredacted Document.” To avoid confusion and for the sake of completeness, we asked you at the conclusion of our “meet and confer” to email us a list of the documents and data you now seek. You refused to provide the Agency with this courtesy and told us you had no time for “make work” and insisted that we rely on any notes we took during the call as you said you did not want to prepare a list if HIWU was not inclined to produce any additional documents.

That said, we understood you to also say that if HIWU is inclined to produce some or all of what you were seeking you would provide us with a list. While it remains our view that if for



no other reason than accuracy and cooperation a detailed list should have been provided as requested, we have considered what we understand the requests to be based on our call and can advise that we anticipate producing substantive responses to some of what you are seeking. To ensure there is no misalignment on your requests, we ask again that you please set out in writing the additional documents you seek and we will respond item by item.

Sincerely,

A handwritten signature in black ink that reads "Allison Farrell". The signature is written in a cursive, flowing style.

Allison J. Farrell
Senior Litigation Counsel

EXHIBIT B

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064
TELEPHONE (212) 373-3000

BEIJING
HONG KONG
LONDON
LOS ANGELES
SAN FRANCISCO
TOKYO
TORONTO
PUBLIC
WASHINGTON, DC
WILMINGTON

Direct Dial: (212) 373-3061

Email: cboehning@paulweiss.com

May 28, 2024

VIA EMAIL

James Bunting
Tyr LLP
488 Wellington Street West, Suite 300-302
Toronto, Ontario, Canada M5V1E3

Allison J. Farrell
Horse Integrity and Welfare Unit
4801 Main Street, Sute 350
Kansas City, MO 64112



Re: In the Matter of Natalia Lynch (FTC Docket No. D09423)

Dear Counsel:

We write to respond to your May 24, 2024 letter. As you know, at the *In Camera* Session before Judge Himes on May 20, 2024, the Authority agreed to roll back redactions on a document it had produced to us in response to a subpoena. The Authority produced an unredacted version of that document shortly after the hearing (the “Unredacted Document”). As contemplated by Judge Himes’s May 20, 2024 Order Memorializing Bench Rulings, we met and conferred with you on May 22, 2024 to discuss additional information we believe the Authority should provide in light of the information reflected on the Unredacted Document and other information in the Authority’s recent document production.

In that meet and confer, which was attended by three lawyers representing the Authority, we detailed the additional information we sought from the Authority. By letter dated May 24, 2024, you asked that we follow-up with a “detailed list” of our requests in writing. We regret the undue delay caused by this gratuitous request, especially in light of Judge Himes’s order that we provide a status report by June 3, 2024, but nonetheless, in the interest of moving forward, we write to list the information we requested during the meet and confer:

- 1) The full investigative file for Ms. Lynch.
- 2) The full investigative file for Bruno Tessore.

- 3) 
- 4) Documents related to the “Atypical Finding Policy Notice” regarding Ms. Lynch, which is referenced in Ms. Lynch’s Supplemental Exhibit 4, including the ensuing investigation by HIWU Investigator Kevin O’Donnell referenced in that document and any additional lab results or testing supporting or concerning the “Atypical Finding Policy Notice.”
- 5) 
- 6) Information regarding the provenance of the Unredacted Document, including who participated in its creation and on what date.
- 7) Please also advise regarding whether you are withdrawing Dr. Cole’s report and testimony from the record before Judge Himes. If not, please also let us know if you are still refusing to make Dr. Cole available to testify at the evidentiary hearing.

We look forward to your response. We are available to meet and confer, including to discuss appropriate protective orders to govern the production of documents that the Authority believes are sensitive. We reserve all rights, including to make additional requests based on our continuing review of this new evidence.

Sincerely,

/s/ H. Christopher Boehning

H. Christopher Boehning

cc: Michelle Pujals, General Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street, Suite 350
Kansas City, Missouri 64112

EXHIBIT C



Allison J. Farrell
Senior Litigation Counsel
Horseracing Integrity & Welfare Unit
4801 Main Street
Suite 350
Kansas City, MO 64112-2749

May 31, 2024

DELIVERED VIA EMAIL

H. Christopher Boehning
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
(212) 373-3061
cboehning@paulweiss.com

Re: *HIWU v. Lynch*, FTC Docket No. D09423

Mr. Boehning,

I am writing in response to your letter dated May 28, 2024, in which you provided a list of additional documentary requests your client is making of HISA and HIWU resulting from the *in camera* inspection of the document referred to as the “Unredacted Document”. Although HISA and HIWU are of the opinion that this proceeding is not the proper forum for such requests, in the interest of advancing this proceeding, HISA and HIWU have provided responses to your client’s requests below.

1. The full investigative file for Ms. Lynch

HISA and HIWU refuse this request. It is HISA and HIWU’s position that this request is an impermissible request for overly broad discovery that is not allowed under the ADMC Program Rules or under any applicable federal statute, and one that has already been rejected by Judge Himes. In any event, there are no further investigate records in Ms. Lynch’s file for her anti-doping rule violation.



2. The full investigative file for Bruno Tessore

HISA and HIWU refuse this request. The upcoming evidentiary hearing was expressly limited by Judge Himes in his March 24, 2024 Order (the “**March 24 Order**”) to “presenting evidence and argument probative of the likelihood that the presence of Altrenogest in Motion to Strike on June 24, 2023 arose from “cross-” (or “environmental”) contamination from trainer Tessore’s Monmouth Park barn or any horse stalled in that barn during the period June 19-24, 2024.” The document subpoena issued by Judge Himes reflects this narrow scope and is limited in time to “documents created during, or that otherwise relate or refer to, the period June 19 through 24, 2023[.]”

HIWU and HISA have already produced documents that fall within the scope of the ALJ's document subpoena. The positive test for Mr. Tessore’s horse Tenebris did not occur during the specified time period of June 19-24, 2023. To the extent that you seek to rely on the existence of the positive test for Altrenogest in Tenebris’ Sample, HIWU and HISA are willing to stipulate to that fact.

Because the case against Mr. Tessore is still pending, production of the “full investigative file” would prejudice HIWU’s ability to fairly and effectively adjudicate that case and would violate the confidentiality rights of Mr. Tessore.

Finally, there is a record in Tessore’s investigative file relating to his pending anti-doping rule violation that we do not believe to be responsive to the subpoena. Out of an abundance caution, however, we will be filing a motion with Judge Himes for an in camera review to determine whether this record should be produced and if so the scope of the applicable redactions.

- 3. [Redacted]

It is HIWU’s position that this request does not fall within the scope of the evidentiary hearing as set out the March 24 Order, [Redacted]



[Redacted text block]

[Redacted text block]

- 4. Documents related to the "Atypical Finding Policy Notice" regarding Ms. Lynch, which is referenced in Ms. Lynch's Supplemental Exhibit 4, including the ensuing investigation by HIWU Investigator Kevin O'Donnell referenced in that document and any additional lab results or testing supporting or concerning the "Atypical Finding Policy Notice."

The reference to an "Atypical Finding Policy Notice" in the investigative report of Mr. O'Donnell dated August 11, 2023 is an error. There was no Atypical Finding ("AF") nor was there an AF Policy Notice created or delivered to Ms. Lynch. Ms. Lynch's case resulted from an Adverse Analytical Finding ("AAF"), as can be seen in the Certificate of Analysis, dated July 11, 2023, contained in the A Sample Laboratory Documentation Package produced by Industrial Laboratories (Appeal Book at 535). This AAF led to the Equine Anti-Doping Notice ("EAD Notice") letter delivered to Ms. Lynch on July 20, 2023. There are no documents responsive to this request.

- 5. [Redacted text block]

[Redacted text block]

[Redacted text block]



6. Information regarding the provenance of the Unredacted Document, including who participated in its creation and on what date.

HISA and HIWU have searched their records and can provide you with the following information: [REDACTED]

7. Please also advise regarding whether you are withdrawing Dr. Cole's report and testimony from the record before Judge Himes. If not, please also let us know if you are still refusing to make Dr. Cole available to testify at the evidentiary hearing.

HISA will not be withdrawing Dr. Cole's report or testimony from the record. Contrary to your assertion, HISA has not refused to make Dr. Cole available to testify. Rather, HISA indicated that it would not be calling Dr. Cole, and your motion requesting a subpoena *ad testificandum* to compel her testimony was denied by Judge Himes. HISA will, however, tender an expert in pharmacology in response to Dr. Barker to address the single theory of contamination in respect of which Judge Himes has permitted an evidentiary hearing.

We are available to meet and confer to discuss the above responses.

Sincerely,

A handwritten signature in black ink that reads 'Allison Farrell'.

Allison J. Farrell
Senior Litigation Counsel

cc: Grant S. May – Paul Weiss
James Bunting & Anna White – Tyr LLP
Michelle Pujals – HIWU

EXHIBIT D

From: [May, Grant](#)
To: [Allison Farrell](#); [James Bunting](#); [Anna White](#); [Michelle Pujals](#)
Cc: [Boehning, Christopher](#)
Subject: [EXT]: RE: Correspondence from meet and confer
Date: June 1, 2024 11:28:32 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.gif](#)
[image004.gif](#)
[image005.png](#)
[image006.gif](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

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Counsel:

We are disappointed that, after you informed us on our May 22 meet and confer that you anticipated producing documents in response to at least some of our requests, you have now—nine days later—sent a response indicating that you plan to produce almost nothing at all.

Please advise on your availability for a meet and confer on Monday so that we can discuss your response and the status update we owe to Judge Himes that day.

Best,

Grant S. May | Associate

Paul, Weiss, Rifkind, Wharton & Garrison LLP

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3654 (Direct Phone) | +1 212 492 0654 (Direct Fax)

gmay@paulweiss.com | www.paulweiss.com

From: Allison Farrell <afarrell@hiwu.org>

Sent: Friday, May 31, 2024 6:15 PM

To: May, Grant <gmay@paulweiss.com>; James Bunting <jbunting@tyrllp.com>; Anna White <awhite@tyrllp.com>; Michelle Pujals <mpujals@hiwu.org>

Cc: Boehning, Christopher <cboehning@paulweiss.com>

Subject: Re: Correspondence from meet and confer

Grant - please see attached.

Thank you.

Allison J. Farrell, Esq. | Senior Litigation Counsel

EXHIBIT E

From: [Allison Farrell](#)
To: [May, Grant](#); [James Bunting](#); [Anna White](#); [Michelle Pujals](#)
Cc: [Boehning, Christopher](#)
Subject: [EXT]: Re: Correspondence from meet and confer
Date: June 2, 2024 1:04:17 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.gif](#)
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[image009.png](#)
[image010.png](#)
[image011.png](#)

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Grant - we comprehensively evaluated all your requests and are responding as we believe we can given our obligations under the Protocol.

Our schedule is very tight tomorrow and we need to meet at 8am to avoid a late-day meeting. Please let us know if 8am won't work and we will propose a time late day.

Thank you,
Allison

Allison J. Farrell, Esq.
Senior Litigation Counsel
www.hiwu.org

From: May, Grant <gmay@paulweiss.com>
Sent: Saturday, June 1, 2024 11:28:24 AM
To: Allison Farrell <afarrell@hiwu.org>; James Bunting <jbunting@tyrllp.com>; Anna White <awhite@tyrllp.com>; Michelle Pujals <mpujals@hiwu.org>
Cc: Boehning, Christopher <cboehning@paulweiss.com>
Subject: RE: Correspondence from meet and confer

Counsel:

We are disappointed that, after you informed us on our May 22 meet and confer that you anticipated producing documents in response to at least some of our requests, you have now—nine days later—sent a response indicating that you plan to produce almost nothing at all.

Please advise on your availability for a meet and confer on Monday so that we can discuss your response and the status update we owe to Judge Himes that day.

Best,
Grant S. May | Associate

EXHIBIT F

From: [Boehning, Christopher](#)
To: [Allison Farrell](#); [May, Grant](#); [James Bunting](#); [Anna White](#); [Michelle Pujals](#)
Subject: [EXT]: RE: Correspondence from meet and confer
Date: June 2, 2024 7:39:37 PM
Attachments: [image001.jpg](#)
[image002.png](#)
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[image006.gif](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

CAUTION: This e-mail originated from outside of the firm. Do not click links or open attachments unless you recognize the sender and know that the content is safe.

Allison,

Please circulate an invitation for 8 a.m. As for your responses, we stand on the record.

At our meet and confer, you and Mr. Bunting made clear you were intent on providing nothing in response to our requests. When we noted that, you then sought to hide your true intent by asking for a written list (of items we had clearly spelled out during the meet and confer) claiming that a writing was necessary for a full response. I expressed concern at the time that the request for a written list was simply a delay tactic and that, if you didn't agree with our requests, we should agree to disagree and set a briefing schedule for Judge Himes. Despite that admonition, you doubled down on that fabrication in your "for the record" letter, written after the meet and confer, when you stated that you intended to provide substantive responses to some of the requests.

Instead, after considerable delay, you have provided nothing of substance in response. And you have again misrepresented the positions you took, particularly with respect to Dr. Cole.

We have already noted our concerns about your conduct below and on this appeal. For that reason, we would encourage Ms. Pujals to attend the meet and confer. If she cannot, I will reach her separately tomorrow to ensure that she understands the full scope of relief we intend to seek and the basis of our concerns.

We reserve all rights.

Best,

Chris

H. Christopher Boehning | Partner

Paul, Weiss, Rifkind, Wharton & Garrison LLP

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3061 (Direct Phone) | +1 917 459 3220 (Cell)

EXHIBIT G

From: [Allison Farrell](#)
To: [Boehning, Christopher](#); [May, Grant](#); [James Bunting](#); [Anna White](#); [Michelle Pujals](#)
Subject: [EXT]: RE: Correspondence from meet and confer
Date: June 3, 2024 7:25:21 AM
Attachments: [image014.jpg](#)
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[image017.gif](#)
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[image022.png](#)
[image023.png](#)
[image024.png](#)
[image001.png](#)

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Chris:

We have your email. The assertions in it are largely inaccurate and therefore concerning. We have significant reservations about participating in further telephone or video calls with you when what is discussed is misstated, as you have done in your email below. As for your view of the responses, we did provide substantive responses to several of your requests, as we indicated we would. This includes:

Request 1: While the Agency viewed this request as impermissible, it has confirmed that there are no further records to produce in response to this request.

Request 2: The Agency advised that it would be seeking *in camera* review of a document by Judge Himes in connection with this request.

Request 4: The Agency provided a substantive response explaining that there was no “Atypical Finding,” and the investigative note contains an error. As a result, there is nothing to produce in response to this request.

Request 5: [REDACTED]

Request 6: As requested, the Agency provided information relating to the provenance of the document in question.

The fact that you find the responses provided unsatisfactory does not make anything a fabrication. Your attacks are unwelcome and unfair.

Given the circumstances, we consider it better to avoid the opportunity for any further misunderstandings or misrepresentations and for correspondence to proceed in writing. If you advise

what you intend to brief, we can collaborate over email on a briefing schedule and submit it jointly to Judge Himes. We can do the same for the status update that needs to be submitted today.

As for the involvement of Ms. Pujals, given the very serious nature of the allegations that you have made, you can be assured that she is aware of your claims and they have been thoroughly considered by the Agency. HIWU has retained additional counsel to respond to these issues should you persist in raising them, and you will be receiving a letter about this shortly.



From: Boehning, Christopher <cboehning@paulweiss.com>

Sent: Sunday, June 2, 2024 7:39 PM

To: Allison Farrell <afarrell@hiwu.org>; May, Grant <gmay@paulweiss.com>; James Bunting <jbunting@tyrllp.com>; Anna White <awhite@tyrllp.com>; Michelle Pujals <mpujals@hiwu.org>

Subject: RE: Correspondence from meet and confer

Allison,

Please circulate an invitation for 8 a.m. As for your responses, we stand on the record.

At our meet and confer, you and Mr. Bunting made clear you were intent on providing nothing in response to our requests. When we noted that, you then sought to hide your true intent by asking for a written list (of items we had clearly spelled out during the meet and confer) claiming that a writing was necessary for a full response. I expressed concern at the time that the request for a written list was simply a delay tactic and that, if you didn't agree with our requests, we should agree to disagree and set a briefing schedule for Judge Himes. Despite that admonition, you doubled down on that fabrication in your "for the record" letter, written after the meet and confer, when you stated that you intended to provide substantive responses to some of the requests. Instead, after considerable delay, you have provided nothing of substance in response. And you have again misrepresented the positions you took, particularly with respect to Dr. Cole.

We have already noted our concerns about your conduct below and on this appeal. For that reason, we would encourage Ms. Pujals to attend the meet and confer. If she cannot, I will reach her separately tomorrow to ensure that she understands the full scope of relief we intend to seek and the basis of our concerns.

We reserve all rights.

Best,

Chris

EXHIBIT H

From: [Boehning, Christopher](#)
To: [Allison Farrell](#); [May, Grant](#); [James Bunting](#); [Anna White](#); [Michelle Pujals](#)
Subject: [EXT]: RE: Correspondence from meet and confer
Date: June 3, 2024 7:32:41 AM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.gif](#)
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[image011.png](#)
[image012.png](#)

CAUTION: This e-mail originated from outside of the firm. Do not click links or open attachments unless you recognize the sender and know that the content is safe.

Allison,

We were directed to meet and confer. An email exchange does not suffice. But if you insist, we reserve all rights and will take appropriate steps.

Best,

Chris

H. Christopher Boehning | Partner
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas | New York, NY 10019-6064
+1 212 373 3061 (Direct Phone) | +1 917 459 3220 (Cell)
cboehning@paulweiss.com | www.paulweiss.com

From: Allison Farrell <afarrell@hiwu.org>
Sent: Monday, June 3, 2024 7:25 AM
To: Boehning, Christopher <cboehning@paulweiss.com>; May, Grant <gmay@paulweiss.com>; James Bunting <jbunting@tyrllp.com>; Anna White <awhite@tyrllp.com>; Michelle Pujals <mpujals@hiwu.org>
Subject: RE: Correspondence from meet and confer

Chris:

We have your email. The assertions in it are largely inaccurate and therefore concerning. We have significant reservations about participating in further telephone or video calls with you when what is discussed is misstated, as you have done in your email below. As for your view of the responses, we did provide substantive responses to several of your requests, as we indicated we would. This includes:

Request 1: While the Agency viewed this request as impermissible, it has confirmed that there are no

CERTIFICATE OF SERVICE

Pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), a copy of this Status Update is being served on June 5, 2024, via Administrative E-File System and by emailing a copy to:

Hon. Jay L. Himes
Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington DC 20580
Via e-mail: Oalj@ftc.gov

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington, DC 20580
Via email: electronicfilings@ftc.gov

H. Christopher Boehning and Grant S. May
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1285 Avenue of the Americas
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