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W Moran Letter to Gary Cohen re Use of Dow Kim Interview

William M. Moran

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November 12, 2010

VIA FIRST CLASS MAIL

Gary J. Cohen, Esq.
General Counsel
Financial Crisis Inquiry Commission
1717 Pennsylvania Avenue., NW, Suite 800
Washington, DC, 20006

Re: Treatment of Confidential Interview Materials

William M. Moran
Partner
T. 212.609.6816
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Dear Mr. Cohen:

We represent Do Woo "Dow" Kim. Thank you for your letter dated November 5, 2010, notifying us of the possible use of confidential materials from the FCIC's interview with Mr. Kim.

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Although we have no objection to the release of these materials after 12 years, consistent with the Presidential Records Act, we believe that immediate publication of the materials used in the interview will unfairly prejudice Mr. Kim. The interview contained confidential information relating to Mr. Kim as well as his personal relationships with other parties; discussions of highly sensitive and proprietary business and financial investment information, including internal business strategy; board of director meetings and materials; private and privileged conversations with regulators; and conversations regarding employee evaluation and performance. Such disclosure would provide information into personal and private affairs, as well as internal business procedures and analyses not otherwise available to the public. Moreover, Mr. Kim would be greatly disadvantaged in the on-going litigation if these materials are released immediately.

BOSTON

HARTFORD

NEW YORK

NEWARK

PHILADELPHIA

If the FCIC determines that the materials would need to be released sooner than 12 years, we respectfully request that the FCIC identify with specificity which portions of Mr. Kim's interview it anticipates releasing. A general release of the materials without sufficient context or forewarning would unfairly prejudice Mr. Kim. A specific notice of the materials to be released would avoid such prejudice and provide a reasonable basis upon which to raise relevant arguments in favor of confidentiality. Before any final decision is made regarding the release of materials from Mr. Kim's interview, we respectfully request an opportunity to discuss our concerns with you further.

STAMFORD

If you have any questions, please contact me at 212-609-6816. Thank you.

WILMINGTON

Very truly yours,


William M. Moran