

Exhibit A

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

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4 PASHA S. ANWAR, et al.,

5 Plaintiffs,

Civil Action No.

6 vs.

09-CV-0118 (VM)

7 FAIRFIELD GREENWICH LIMITED, et al.,

8 Defendants.

-----x

9
10 VIDEOTAPED DEPOSITION OF MICHAEL WIND

11 New York, New York

12 June 22, 2011
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23 Reported by:

24 KATHY S. KLEPFER, RMR, RPR, CRR, CLR

25 JOB NO. 39598

M. Wind

A. Well, based on the statement that they gave me each month.

Q. Other than that statement, did you see any documents or have any conversations with anybody that indicated that Citco was verifying the holdings every month?

A. No.

Q. And those monthly statements, those statements you started to receive after you invested, correct?

A. Starting in April.

Q. After your -- after you actually made the decision to invest and invested your money?

A. Right. I think the first statement I received was in April.

Q. Now, we've talked about a bunch of documents and Mr. Divine has marked a number of documents today. Sitting here today, other than what you've testified to so far, can you recall any documents that you received and relied upon prior to making your decision to invest in Greenwich Sentry Partners?

A. No.

Q. Prior to making your decision to

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invest in Greenwich Sentry Partners, did you ever visit the Website www.citco.com?

A. No.

Q. After you made your investment, did you visit the Website www.citco.com?

A. No.

Q. Now, if you will turn to Exhibit 24, and I know it's going to be difficult, but if you can find where your answers are. It's sort of I guess in the middle-ish of the page.

A. I have it.

Q. Now, if you'll look at your answer to question number 22, and if you'll just read that to yourself and let me know when you're ready. (Document review.)

A. Yes.

Q. All right. You indicate at the end of your answer that, "Dawson Bypass Trust is still reviewing records and will supplement its response on a rolling basis to the extent any additional responsive information becomes available."

Sitting here today are you aware of any additional responsive information to

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interrogatory number 22?

A. I don't think so.

Q. Just that particular question?

A. Yes. I don't think so.

Q. Have you ever seen a copy of the administration agreement between Citco Fund Services (Europe) and Greenwich Sentry Partners?

A. No.

MS. IZQUIERDO: I think that's all I have. Thank you.

THE WITNESS: Thank you.

MR. DECKINGER: Who's next?

MS. CRAWFORD: That's me.

MR. DECKINGER: This is show time now, right? We get to see this person?

MR. DIVINE: I think she said she could do without on video. Or are we doing vide?

MR. GLASSER: I think we're -- I think we're not doing the video up there.

MS. CRAWFORD: I think you have to get somebody from you're A/V Department to show our visual. So if you're comfortable, Mr.

Wind, with just hearing me instead of seeing

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me, I think it might be easier to proceed that way. Is that okay?

THE WITNESS: I would like to see you, but that's all right. I'll accept that.

MR. STEWART: We'll take the off-stage voice.

MS. CRAWFORD: In the interest of time.

EXAMINATION BY

MS. CRAWFORD:

Q. Well, I introduced myself earlier. I'm Amy Crawford from the law firm of Kirkland & Ellis, representing PricewaterhouseCoopers (Canada). Okay?

A. Okay.

Q. And again, we just need you to give a verbal answer as before, all right?

A. Yes.

Q. Thank you. And can we agree to the same ground rules as the ones that Mr. Divine set forth at the beginning of the day that, you know, if you can't hear me or if you don't understand my question, you'll ask me to repeat it or clarify, et cetera?

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1 M. Wind

2 A. That's okay. Yes.

3 Q. Okay. Now, I think we -- it was clear
4 earlier that the date of the Dawson Bypass Trust
5 investment was March 6, 2008. Do you recall
6 that?

7 A. Yes.

8 Q. That's the date that the wire transfer
9 occurred; is that correct?

10 A. That is -- I think you're right, yes.

11 Q. And that was the only investment that
12 the Dawson Bypass Trust made, isn't that right?

13 A. That is correct.

14 Q. And the Dawson's Bypass Trust never
15 redeemed any of its \$500,000 investment, right?

16 A. That is correct.

17 Q. Now, do you know who the auditor of
18 Greenwich Sentry Partners' financial statements
19 was at the time of your -- of the Dawson's
20 Bypass Trust's initial investment?

21 A. I don't think so, no.

22 Q. Now, earlier when Mr. Divine asked you
23 why you invested in Greenwich Sentry Partners,
24 you talked about stable returns, a good rate of
25 return, the fund's historical performance, et

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1 M. Wind

2 cetera. Do you remember that?

3 A. Yes.

4 Q. But you never inquired with Mr. Glover
5 or anybody else about the funds' auditors before
6 you invested, correct?

7 A. That's correct.

8 Q. And you didn't rely on anything that
9 PwC (Canada) did in making a decision to invest,
10 did you?

11 A. Not at the time, no.

12 Q. Is it your testimony that you relied
13 on something PwC (Canada) did after you made the
14 decision to invest?

15 A. Well, when you say "rely on," I had
16 already made the investment, and then some way
17 or another I was able -- someone sent me, and I
18 assume it was probably Glover or someone from
19 Fairfield, sent me the Pricewaterhouse financial
20 statements for 2007 and '06 and I saw where you
21 listed your investments or the investments of
22 the, excuse me, of the partnership.

23 Q. Okay. So sometime after you invested,
24 you received the year-end audited financial
25 statements of Greenwich Sentry Partners for the
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2 years 2006 and 2007, correct?

3 A. Yes.

4 Q. So you didn't rely on anything that
5 PwC (Canada) did to -- in making the decision to
6 invest?

7 A. Not at that -- not back then, no.
8 Before I made the investment.

9 Q. You didn't contact -- you didn't
10 contact PwC (Canada) before you invested, right?

11 A. That is correct, did not.

12 Q. You didn't receive any materials from
13 PwC (Canada) before you invested, right?

14 A. I don't think so, other than that
15 statement that I mentioned.

16 MS. CRAWFORD: Okay. Jacob, can you
17 take number 6 and pass it around and have
18 the court reporter mark a copy.

19 (Exhibit 43, a document bearing Bates
20 Nos. Dawson 67 through 81, marked for
21 identification, as of this date.)

22 BY MS. CRAWFORD:

23 Q. Mr. Wind, you've been handed what has
24 been marked as Exhibit 43, and this is Dawson 67
25 through 81. Do you see that?

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1 M. Wind

2 A. Yes.

3 Q. And what is this document?

4 A. It's a financial statement prepared by
5 Pricewaterhouse on -- concerning Greenwich
6 Sentry Partners, LP.

7 Q. Is this a document that you were
8 referring to having received when you referenced
9 audited financial statements of Greenwich Sentry
10 Partners?

11 A. Yes.

12 Q. And is this the only document that you
13 received that had PricewaterhouseCoopers' name
14 on it, as far as you know?

15 A. That is correct.

16 Q. So this is the only audit report that
17 you have seen for Greenwich Sentry Partners,
18 right?

19 A. Yes.

20 Q. And it's the only audit report you
21 have seen for any of the Fairfield funds, isn't
22 that true?

23 A. That is correct.

24 Q. Now, are you familiar with the fact
25 that PricewaterhouseCoopers is actually a number
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1 M. Wind

2 of various accounting firms located in a number
3 of different countries?

4 A. Not really.

5 Q. You don't have any idea which of the
6 PricewaterhouseCoopers firms actually audited
7 Greenwich Sentry Partners, do you?

8 A. Well, the only way I could -- I could
9 tell, now that you bring it up, is the day --
10 the address that's there, which shows Toronto,
11 Canada, and I would figure that would be the
12 ones.

13 Q. Before I drew this to your attention,
14 that was not something that you were aware of,
15 is that fair?

16 A. That Toronto Pricewaterhouse had done
17 the audit?

18 Q. As opposed to another
19 PricewaterhouseCoopers office or firm or entity?

20 A. I can't -- I'm not sure if -- if I,
21 what do you call, was aware of that.

22 Q. Now, do you see the date of this
23 document at the top of Dawson 67?

24 A. April 18, 2008?

25 Q. So in fact this report was issued

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1 M. Wind

2 after you -- after the initial investment of the
3 Dawson Bypass Trust, which was made on March 6,
4 2008, correct?

5 A. Yes.

6 Q. When did you find out that
7 PricewaterhouseCoopers was the auditor of
8 Greenwich Sentry Partners?

9 A. When I received this report.

10 Q. Now, you stated that you believe that
11 you received this report from Harvey Glover or
12 someone else at Greenwich Sentry Partners,
13 correct?

14 A. Yes.

15 Q. You don't have any reason to believe
16 that you were actually mailed this document from
17 PricewaterhouseCoopers, do you?

18 A. I don't think -- I'm almost sure -- I
19 don't know. No, probably not.

20 Q. And why do you say that?

21 A. Well, because I don't know if
22 Pricewaterhouse would have been aware that I was
23 a partner. It really didn't pertain to my
24 investment in March of 2008, and this refers to
25 2007.

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1 M. Wind

2 Q. And this document isn't addressed to
3 the Dawson Bypass Trust or to you or to any
4 individual limited partner, correct?

5 A. Say that again?

6 Q. Let me put it this way: This document
7 says, "To the partners of Greenwich Sentry
8 Partners, LP," do you see that?

9 A. Yes.

10 Q. It's not addressed to the Dawson
11 Bypass Trust, right?

12 A. That is correct.

13 Q. It doesn't have your name on it
14 either, right?

15 A. That is right.

16 Q. It doesn't have a mailing address for
17 you or the trust, right?

18 A. Yes, you're right.

19 Q. Did you read the audit opinion on page
20 57, Dawson 57, when you received it?

21 A. I looked at it, yes.

22 Q. Are you aware of any other statements
23 by PricewaterhouseCoopers (Canada) regarding
24 these financial statements?

25 A. No.

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1 M. Wind

2 Q. What did this information -- strike
3 that. Is it your testimony that you relied on
4 this report in continuing to hold your
5 investment in Greenwich Sentry Partners?

6 A. I didn't think I testified to that,
7 no.

8 Q. Did you rely on this report in
9 continuing to hold your investment in Greenwich
10 Sentry Partners?

11 A. Not really. I don't think so,
12 although it -- at least I was able to see that
13 there, you know, that there was assets there and
14 that you had, you know, that you were auditing
15 it.

16 Q. Did you understand that
17 PricewaterhouseCoopers was the auditor of
18 Greenwich Sentry Partners' financial statements?

19 A. Say that again. I missed who they
20 represent.

21 Q. Fair to say that you understood that
22 PricewaterhouseCoopers was the auditor of
23 Greenwich Sentry Partners' financial statements,
24 right?

25 A. Yes. I wasn't aware that they were --

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<p style="text-align: right;">Page 290</p> <p>1 M. Wind</p> <p>2 firm that discovered Madoff's Ponzi scheme</p> <p>3 before December 11, 2008, right?</p> <p>4 A. There were people I think sending out</p> <p>5 signals that there might have been something</p> <p>6 wrong, but no, I think you're -- I think you're</p> <p>7 right. I don't think any accounting firm</p> <p>8 stepped in and said that -- that there was</p> <p>9 something wrong.</p> <p>10 Q. Do you think they failed to step in</p> <p>11 even though they knew that there was a Ponzi</p> <p>12 scheme going on?</p> <p>13 A. Well, they should have.</p> <p>14 Q. That's not what you -- fair to say</p> <p>15 that no accounting firm discovered the Ponzi</p> <p>16 scheme before December of 2008, right?</p> <p>17 MR. DECKINGER: I object. That</p> <p>18 requires speculation. Foundation.</p> <p>19 Q. Do you know, sir, of any accounting</p> <p>20 firm that discovered the Madoff fraud before</p> <p>21 December 11, 2008?</p> <p>22 A. None that I -- that I know about.</p> <p>23 Q. And no regulatory agencies discovered</p> <p>24 Madoff's Ponzi scheme before December 11, 2008</p> <p>25 either, did they?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 291</p> <p>1 M. Wind</p> <p>2 MR. DECKINGER: Again, I object.</p> <p>3 Speculation. Foundation.</p> <p>4 A. Apparently not from the information</p> <p>5 that I have taken out of the newspapers.</p> <p>6 Q. Have you read in the newspapers about</p> <p>7 the S.E.C.'s investigation of Bernie Madoff</p> <p>8 prior to December 11, 2008?</p> <p>9 A. No. Is that the F.C.C., did you say,</p> <p>10 the Federal Communication people?</p> <p>11 Q. No, the S, "S" as in Sam, E.C.</p> <p>12 A. S.E.C., the securities. No, I wasn't</p> <p>13 aware.</p> <p>14 Q. The S.E.C. didn't discover Madoff's</p> <p>15 Ponzi scheme before December 11, 2008, right?</p> <p>16 MR. DECKINGER: Objection.</p> <p>17 Foundation. Speculation.</p> <p>18 Q. Well, it's common sense, sir, that the</p> <p>19 S.E.C. didn't discover the fraud prior to</p> <p>20 Madoff's confession on December 11, 2008?</p> <p>21 A. Right. That's what I understand.</p> <p>22 Q. But it's your contention that PwC</p> <p>23 (Canada) should have discovered the Madoff Ponzi</p> <p>24 scheme, right?</p> <p>25 A. That's correct.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 292</p> <p>1 M. Wind</p> <p>2 Q. So what specifically do you think that</p> <p>3 PwC (Canada) should have discovered?</p> <p>4 A. They should have discovered and made</p> <p>5 sure that the assets were -- were legitimate.</p> <p>6 You listed them all.</p> <p>7 Q. And so it's your contention that</p> <p>8 PricewaterhouseCoopers (Canada) had the</p> <p>9 obligation to essentially audit Bernard Madoff?</p> <p>10 A. They weren't auditing Madoff. They</p> <p>11 were auditing Greenwich Security -- Greenwich</p> <p>12 Sentry Partners and the assets that they owned.</p> <p>13 Q. And is there anything in your</p> <p>14 accounting background that you can specifically</p> <p>15 refer to when you say that</p> <p>16 PricewaterhouseCoopers (Canada) had this</p> <p>17 obligation?</p> <p>18 A. Well, don't you believe that they had</p> <p>19 the obligation? I mean, they certified. I</p> <p>20 mean, they gave an opinion.</p> <p>21 MS. CRAWFORD: I move to strike that</p> <p>22 as nonresponsive.</p> <p>23 A. Repeat your question then.</p> <p>24 Q. Mr. Wind --</p> <p>25 MS. CRAWFORD: Madame Court Reporter,</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 293</p> <p>1 M. Wind</p> <p>2 can you repeat the question, please?</p> <p>3 (Record read.)</p> <p>4 A. Well, I've done many audits and on a</p> <p>5 lot of different corporations and companies, and</p> <p>6 when we give an opinion, we make sure that the</p> <p>7 assets are there, and in this case, obviously</p> <p>8 they weren't there.</p> <p>9 Q. And you do that often by receiving</p> <p>10 confirmations from third parties; is that right?</p> <p>11 A. Sometimes, yes. Other times, we'll</p> <p>12 actually ask for the securities, to look at</p> <p>13 them.</p> <p>14 MS. CRAWFORD: I have nothing further.</p> <p>15 MS. PIERCE: That leaves me.</p> <p>16 MR. DECKINGER: I'm sorry. Do we have</p> <p>17 a count on the time?</p> <p>18 THE VIDEOGRAPHER: 6:10.</p> <p>19 MR. DECKINGER: 6:10?</p> <p>20 THE VIDEOGRAPHER: Yes.</p> <p>21 EXAMINATION BY</p> <p>22 MS. PIERCE:</p> <p>23 Q. Mr. Wind, I introduced myself earlier,</p> <p>24 but for the record, my name is Betsy Pierce.</p> <p>25 I'm with the firm of Hughes Hubbard & Reed and</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

M. Wind
 we represent PricewaterhouseCoopers (Netherlands).
 You recall the questions that you were asked just a moment ago by counsel for PwC (Canada), PricewaterhouseCoopers (Canada), about the fact that PricewaterhouseCoopers is a large organization made up of different firms internationally. So, based on that, do you understand, then, that PricewaterhouseCoopers (Netherlands) is a different defendant than PricewaterhouseCoopers (Canada) --

A. Now I do.

Q. -- in this litigation.

I'm going to ask some similar questions to the questions that were asked by counsel for PricewaterhouseCoopers (Canada), but I'll be sure to specifically address them to PricewaterhouseCoopers (Netherlands). I just wanted to make sure that you understand when I ask those questions, I'm speaking about PricewaterhouseCoopers (Netherlands).

You testified about the audit report, Exhibit 43, that you received. You received that document from Mr. Glover, you believe?

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M. Wind

A. Yes.

Q. And is it correct the testimony that you have given today, pretty much everything that you received or everything you received related to your investment in Greenwich Sentry Partners you probably received from Mr. Glover?

A. Yes.

Q. So then is it fair to say that you did not receive anything from PricewaterhouseCoopers (Netherlands)?

A. That's correct.

Q. Related to your investment?

A. That's correct.

Q. And would you agree that you didn't rely on anything from PricewaterhouseCoopers (Netherlands) when making your investment?

A. Before I answer that, could you explain to me, when you say you represent Pricewaterhouse (Netherlands), in what capacity was Pricewaterhouse (Netherlands) representing who?

Q. In this litigation, PricewaterhouseCoopers (Netherlands) did audit some firm or some funds within the Fairfield

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M. Wind
 Greenwich Group, but I'll represent to you that PricewaterhouseCoopers did not audit Greenwich Sentry Partners.

A. All right.

Q. So I'll repeat the question, which is: In making your investment in Greenwich Sentry Partners, did you rely on anything from PricewaterhouseCoopers (Netherlands)?

A. No.

Q. Do you, in your capacity as trustee of Dawson Bypass Trust, have you ever had any contact with anyone from PricewaterhouseCoopers (Netherlands)?

A. No.

Q. And in your capacity as trustee in making that investment in Greenwich Sentry Partners, have you ever had any contact with anyone at PricewaterhouseCoopers (Netherlands)?

A. No.

MS. PIERCE: I think that's all I have. Thank you.

MR. DECKINGER: Anybody else? No? We would like to take a break.

MR. STEWART: Take a short break and

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M. Wind

we'll come back with a few cross -- I mean direct, redirect, partly direct, or whatever you want to call it.

THE VIDEOGRAPHER: The time is 6:57 P.M. We're going off the record.
 (Recess.)

THE VIDEOGRAPHER: The time is 7:26 P.M. We're back on the record.

EXAMINATION BY
 MR. DECKINGER:

Q. Okay. Mr. Wind, we're going to start with Pricewaterhouse. We're going to go in reverse order.

Could you turn to document 43, please, Exhibit 43, rather, and can you describe what that is?

A. It's a financial statement presented by PricewaterhouseCoopers of Toronto, of Canada.

Q. Before today, did you know or were you aware that there was a difference between PricewaterhouseCoopers, full stop, PricewaterhouseCoopers (Canada), PricewaterhouseCoopers (Netherlands)?

A. No.

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<p style="text-align: right;">Page 322</p> <p>1 M. Wind</p> <p>2 MR. DECKINGER: We're not going to let</p> <p>3 him discuss anything about what was said in</p> <p>4 the content of those communications. We</p> <p>5 object on the grounds of attorney-client</p> <p>6 privilege.</p> <p>7 MR. DIVINE: Gotcha.</p> <p>8 MS. GARTHWAITE: And we would like to</p> <p>9 just preserve an objection to that claim of</p> <p>10 privilege.</p> <p>11 MR. DIVINE: We would join in that</p> <p>12 objection.</p> <p>13 MS. IZQUIERDO: We would join.</p> <p>14 MR. DIVINE: I think everybody would</p> <p>15 join.</p> <p>16 MR. DECKINGER: I think all the</p> <p>17 defendants have joined in the objection to</p> <p>18 our objection.</p> <p>19 MR. DIVINE: I concur. Anybody else</p> <p>20 have anything they want to say?</p> <p>21 (Continued on the next page to include</p> <p>22 the jurat.)</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 323</p> <p>1 M. Wind</p> <p>2 MR. STEWART: At least we all agreed</p> <p>3 on something.</p> <p>4 MR. DIVINE: All right. I think we</p> <p>5 can go off the record.</p> <p>6 THE VIDEOGRAPHER: The time is 8:18</p> <p>7 P.M. We're going off the record.</p> <p>8 oOo</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p style="text-align: center;">_____ MICHAEL WIND</p> <p>19</p> <p>20 Subscribed and sworn to</p> <p>21 before me this day</p> <p>22 of 2011.</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 324</p> <p>1 M. Wind</p> <p>2</p> <p>3 CERTIFICATE</p> <p>4 STATE OF NEW YORK)</p> <p>5 : ss</p> <p>6 COUNTY OF NEW YORK)</p> <p>7 I, Kathy S. Klepfer, a Registered</p> <p>8 Merit Reporter and Notary Public within and</p> <p>9 for the State of New York, do hereby</p> <p>10 certify:</p> <p>11 That MICHAEL WIND, the witness whose</p> <p>12 deposition is herein before set forth, was</p> <p>13 duly sworn by me and that such deposition is</p> <p>14 a true record of the testimony given by such</p> <p>15 witness.</p> <p>16 I further certify that I am not</p> <p>17 related to any of the parties to this action</p> <p>18 by blood or marriage and that I am in no way</p> <p>19 interested in the outcome of this matter.</p> <p>20 In witness whereof, I have hereunto</p> <p>21 set my hand this 28th day of June, 2011.</p> <p>22</p> <p>23 _____</p> <p>24 KATHY S. KLEPFER, RPR, RMR, CRR, CLR</p> <p>25</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 325</p> <p>1 M. Wind</p> <p>2 INDEX</p> <p>3 TESTIMONY OF M. WIND: PAGE</p> <p>4 Examination by Mr. Divine 7, 319</p> <p>5 Examination by Ms. Izquierdo 258</p> <p>6 Examination by Ms. Crawford 265</p> <p>7 Examination by Ms. Pierce 293</p> <p>8 Examination by Mr. Deckinger 297</p> <p>9 EXHIBITS: PAGE</p> <p>10 Exhibit 1, Plaintiffs' Supplemental Initial 23</p> <p>11 Disclosures, Subject to November 2, 2010</p> <p>12 Amended Stipulation and Order Governing</p> <p>13 Confidentiality, D.E. #560</p> <p>14 Exhibit 2, a document bearing Bates Nos. 25</p> <p>15 Dawson 0000117 through 142</p> <p>16 Exhibit 3, a document bearing Bates Nos. 32</p> <p>17 Dawson 0000242 through 280</p> <p>18 Exhibit 4, a document bearing Bates Nos. 68</p> <p>19 Dawson 0000206 through 207</p> <p>20 Exhibit 5, a document bearing Bates Nos. 74</p> <p>21 Dawson 0000238 through 240</p> <p>22 Exhibit 6, a document bearing Bates Nos. 76</p> <p>23 Dawson 0000234 through 237</p> <p>24 Exhibit 7, a document bearing Bates Nos. 77</p> <p>25 Dawson 0000210 through 211</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>