

KERRY W. KIRCHER
GENERAL COUNSEL

WILLIAM PITTARD
DEPUTY GENERAL COUNSEL

TODD B. TATELMAN
ASSISTANT COUNSEL

MARY BETH WALKER
ASSISTANT COUNSEL

ELENI M. ROUMEL
ASSISTANT COUNSEL

ISAAC B. ROSENBERG
ASSISTANT COUNSEL

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF GENERAL COUNSEL
219 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6532
(202) 225-9700
FAX: (202) 226-1360

June 20, 2014

VIA S.D.N.Y. CM/ECF

The Honorable Paul G. Gardephe
United States District Court for the Southern District of New York
40 Foley Square, Room 2204
New York City, New York 10007

MEMO ENDORSED

The briefing schedule proposed by the parties is adopted by the Court.

SO ORDERED:

Paul G. Gardephe

Paul G. Gardephe, U.S.D.J.

Re: Case No. 14 Misc. 00193 – *Securities and Exchange Committee v. Committee on Ways and Means of the U.S. House of Representatives and Brian Sutter*

Dated: June 20, 2014

Dear Judge Gardephe:

We represent (i) the Committee on Ways and Means (“Committee”) of the United States House of Representatives and (ii) Brian Sutter, Staff Director for the Committee’s Subcommittee on Health. The Committee and Mr. Sutter are respondents in the above-referenced action, filed today by the Securities and Exchange Commission (“SEC”).

The Court today issued an Order to Show Cause (June 20, 2014) (ECF No. 6) similar to that requested by the SEC. The Committee and Mr. Sutter now seek to modify the briefing schedule imposed by that order.¹ The SEC consents to the relief requested by this letter motion.²

More particularly, the Committee and Mr. Sutter, with the consent of the SEC, seek the following, modified briefing schedule:

- July 4, 2014: Committee and Mr. Sutter file their opposition to the SEC’s application.
- July 11, 2014: SEC files its reply in support of its application.
- Date Convenient for the Court: Oral argument, if any, on the SEC’s application.

¹ The Committee and Mr. Sutter seek this relief without waiving, and while expressly preserving, all of their arguments, including those regarding jurisdiction and venue.

² This afternoon, this office contacted SEC counsel to confer regarding this letter motion; in a telephone conversation, those counsel (Sanjay Wadhwa, Esquire and Amanda L. Straub, Esquire) agreed to the relief requested herein.

Hon. Paul G. Gardephe

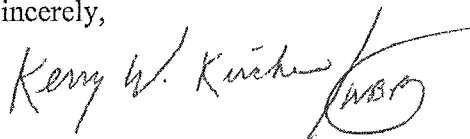
June 20, 2014

Page 2

The Committee and Mr. Sutter seek this modified briefing schedule because (i) the SEC's effort to compel the production of the Committee's and Mr. Sutter's documents, and Mr. Sutter's testimony, raises serious constitutional issues, including under the Speech or Debate Clause, U.S. Const. art. I, § 6, cl. 1, *see, e.g., Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 503, 509 (1975) (Clause protects "absolute[ly]" all congressional activities that fall "within the legitimate legislative sphere"); (ii) this office already is occupied with a brief due next week in the United States Court of Appeals for the District of Columbia Circuit, among many other activities; and, in any event, (iii) the SEC has yet even to serve either of respondents.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink that reads "Kerry W. Kircher". The signature is written in a cursive style with a large, sweeping flourish at the end that loops back under the name.

Kerry W. Kircher

cc: Sanjay Wadhwa, Esquire (*via electronic mail*)
Amanda L. Straub, Esquire (*via electronic mail*)
Matthew G. Kaiser, Esquire (*via electronic mail*)