

Procedural Order 2 – March 24, 2022

This order addresses procedural matters that have arisen in the Inquiry.

Document Production

I order that Participants will not be getting access to the Participants' Relativity Database of documents unless and until material production has been completed. Whether material production has been met will be determined by the Commission.

Confidentiality and Privilege Claims

I order that the following process be implemented regarding confidentiality ("C") and privilege ("P") claims. Every Friday, the Commission will send each producing party a report identifying the documents they have produced that have been tagged as relevant to date (for the initial report) and that week (for subsequent reports). Parties will have until 6 p.m. on Monday to identify to the Commission which of those documents they are asserting privilege or confidentiality claims over. The remainder will be immediately available for use by the Commission and may be uploaded to the Participants' Relativity Database to which participants will eventually be granted access, at the discretion of the Commission. In addition to the foregoing, the Commission may also reach out to producing parties with interim reports as needed. A response must then be delivered within 24 hours. This process is being implemented to enable the disclosure of documents to participants and witnesses on a timely basis, including for the purpose of formal interviews.

Where a producing party has produced records that may engage the interests of another party or parties, the producing party is responsible for notifying the other affected parties of its production of the records and ascertaining their position on production.

For those records that have been held back by producing parties, or that parties identify in their weekly report as being the subject of a confidentiality application or privilege claim, deadlines for bringing the confidentiality and privilege claims are set as follows:

- Applications and claims must be made by April 8, 2022, for documents produced up to that date.
- Applications and claims must be made by May 2, 2022, for documents produced between April 8 and April 29 and for any other materially relevant records held back from production to the Commission.

This process will allow the Commission to respond to those claims and enable the disclosure of documents to participants and witnesses on a timely basis.

Ken Rubin Standing Application

I am satisfied that Mr. Rubin has adequately explained why he missed the deadline for applying for standing. I am also satisfied that Mr. Rubin's information and contributions will further the conduct of the Inquiry. Therefore, I order that he be granted standing limited to the ability to make a single written submission, of no more than 25 pages, at a time designated by the Commission.

C. William Hourigan, Commissioner