Milbank

June 13, 2017

CONTACTS

Charles Evans
Partner
+44-20-7615-3090
cevans@milbank.com

Katherine R. Goldstein
Partner
+1-212-530-5138
kgoldstein@milbank.com

William Charles
Associate
+44-20-7615-3076
wcharles@milbank.com

David Marcou
Associate
+1-212-530-5442
dmarcou@milbank.com

Litigation & Arbitration Group Client Alert: Privilege in cross-border investigations and litigation: *The Serious Fraud Office v ENRC Limited*

The prospect that a corporate which is the subject of a criminal investigation in the UK may have to disclose certain internal investigation materials (such as interview notes) has been raised in a recent decision of the English High Court, the ramifications of which are likely to be far-reaching.

In our previous Client Alert concerning *The RBS Rights Issue Litigation*, we considered the differences between English law legal advice privilege and US attorney-client privilege.[1] A further judgment, however, in proceedings brought by the UK Serious Fraud Office ("**SFO**") against Eurasian Natural Resources Corporation Ltd ("**ENRC**"), reinforces the divergence of approach between the US and the UK, with Mrs. Justice Andrews holding that several classes of documents, produced in the course of internal investigations, were not protected from disclosure under legal professional privilege (the "**Judgment**").[2] Unlike the decision in *RBS*, the Judgment examines the limits of English law litigation privilege, which we contrast below with its US law equivalent, the 'attorney work product doctrine'.

The Judgment comes against the background of an increasing willingness by UK authorities to contest claims to legal privilege. The Judgment makes clear the limits to the scope of litigation privilege and, as a result, raises the real risk that documents, which are privileged in one jurisdiction (e.g. the US) may have to be disclosed in another (e.g. the UK). This difference in approach may raise critical issues for corporates embarking on internal investigations, or responding to regulatory enquiries.

[1] "*Privilege in cross-border investigations and litigation: Implications of* The RBS Rights Issue Litigation *in the English High Court*"

[2] *The Director of the Serious Fraud Office v Eurasian Natural Resources Corporation Limited* [2017] EWHC 1017 (QB).

BACKGROUND TO THE JUDGMENT

Following receipt of an apparent whistleblower report in December 2010, ENRC, a multinational group operating in the mining and natural resources sectors, instructed lawyers to investigate allegations of corruption and financial wrongdoing, particularly concerning its operations in Kazakhstan and Africa. In addition, ENRC instructed forensic accountants to carry out a compliance-related review into various systems and controls.

In August 2011, following an article in the press concerning the allegations in the whistleblower report, the SFO contacted ENRC, proposed a meeting and highlighted its (2009) Self-Reporting Guidelines, while also making clear that it was not, at that stage, initiating a criminal investigation.

An extended period of investigation by ENRC and dialogue with the SFO followed, which culminated in February 2013, when ENRC sent an investigation report (but not underlying materials) to the SFO and, shortly thereafter, replaced its legal advisors. The SFO commenced a formal criminal investigation in April 2013, which remains ongoing.

THE DISPUTED DOCUMENTS

In the course of its investigation, the SFO issued notices requiring the disclosure of certain classes of documents (together, the "**Disputed Documents**"), as follows:

(i) notes taken by ENRC's lawyers of the evidence provided in the course of interviews with employees and former employees (and certain third parties), created between August 2011 and March 2013 (the "**Lawyers' Interview Notes**");

(ii) materials produced by the forensic accountants as part of their systems and controls review, from 2011 to 2013 (the "**Accountants' Materials**");

(iii) documents indicating or containing factual evidence presented by ENRC's lawyers to its Board in 2013 (the "**Board Updates**"); and

(iv) emails between a senior ENRC executive and ENRC's Head of M&A, who was also a qualified lawyer (the "**Executives' Emails**").[3]

[3] Paragraphs 25 to 36 of the Judgment.

Under the relevant statutory provisions, documents which are covered by privilege are not required to be disclosed to the SFO. ENRC argued that the Disputed Documents were subject to litigation privilege and/or legal advice privilege ("**LAP**"). Specifically, ENRC argued that litigation privilege (explained below) covered both the Lawyers' Interview Notes and the Accountants' Materials.[4] As to the Board Updates, ENRC's primary position was that these were subject to LAP, with litigation privilege asserted in the alternative. Finally, ENRC argued that the Executives' Emails were covered by LAP.[5]

LEGAL CONTEXT: LITIGATION PRIVILEGE

Under English law, litigation privilege covers communications between parties or their lawyers and third parties, for the purpose of obtaining information or advice in connection with existing or contemplated litigation when, at the time of the relevant communication, the following conditions are satisfied:

(i) litigation is in progress or reasonably in contemplation[6];

(ii) the communication is made with the sole or dominant purpose of conducting that anticipated litigation; and

(iii) the litigation must be adversarial, not investigative or inquisitorial.[7]

ENRC advanced the following arguments to justify its claim to litigation privilege (in summary):

(i) a criminal investigation by the SFO was sufficiently 'adversarial' to support a claim to litigation privilege;

(ii) adversarial litigation between ENRC and the SFO (whether in the form of an investigation or subsequent prosecution by the SFO) was reasonably in contemplation at the time the Disputed Documents were created; and

[4] ENRC also claimed, in the alternative, that the Lawyers' Interview Notes were subject to LAP.
[5] For the purposes of this update, we primarily focus on litigation privilege.
[6] *USA v Philip Morris* [2003] EWHC 3028 (Comm) at 46, the party claiming privilege must "*show that he was aware of circumstances which rendered litigation between himself and the particular person or class of persons a real likelihood rather than a mere possibility*".
[7] Paragraph 51 of the Judgment, per Lord Carswell in *Three Rivers District Council and others v Governor and Company of the Bank of England (No 6)* [2005] 1 AC 610 ("**Three Rivers (No 6)**"), at paragraph 102.

(iii) the Disputed Documents (other than the Executives' Emails) were created for the dominant purposes of that litigation.

THE DECISION ON LITIGATION PRIVILEGE

Adversarial Litigation

The Judge rejected ENRC's argument that a criminal investigation by the SFO should be treated as adversarial litigation. Rather, the Judge held that an SFO investigation was "*a preliminary step taken, and generally completed, before any decision to prosecute is taken.... Such an investigation is not adversarial litigation. The policy that justifies litigation privilege does not extend to enabling a party to protect itself from having to disclose documents to an investigator.*"[8]

Litigation a Real Likelihood

The Judge also decided that ENRC had failed to demonstrate that it was "*aware of circumstances which rendered litigation between itself and the SFO a real likelihood rather than a mere possibility*."[9] While ENRC did anticipate the SFO's investigation, it could not, the Judge held, be said that *prosecution* was also reasonably contemplated.

ENRC had argued that, once a criminal investigation was reasonably contemplated, then so too was a criminal prosecution. However, the Judge held that this was not "*necessarily*" the case: "*it is always possible that a prosecution might ensue, depending on what the investigation uncovers; but unless the person who anticipates the investigation is aware of circumstances that, once discovered, make a prosecution likely, it cannot be established that just because there is a real risk of an investigation, there is also a real risk of prosecution.*"[10] Rather, the Judge held, "*prosecution only becomes a real prospect once it is discovered that there is some truth in the accusations, or at the very least that there is some material to support the allegations of corrupt practices.*"[11]

Moreover, the Judge drew attention to the "*critical*" distinction between a criminal prosecution and civil litigation, specifically that the former "*cannot be started unless and until the prosecutor is satisfied that there is a sufficient evidential basis for prose-*

[8] Paragraphs 150 to 151 of the Judgment.
[9] Paragraph 149 of the Judgment.
[10] Paragraph 154 of the Judgment.
[11] Paragraph 155 of the Judgment.

cution and the public interest test is also met", whereas there is no such bar on the commencement of civil proceedings.[12]

In other words, the threshold for criminal prosecution to be reasonably in prospect was considered higher than for civil litigation: "[c]*riminal proceedings cannot be reasonably contemplated unless the prospective defendant knows enough about what the investigation is likely to unearth, or has unearthed, to appreciate that it is realistic to expect a prosecutor to be satisfied that it has enough material to stand a good chance of securing a conviction.*"[13] ENRC did not, however, produce any evidence to suggest that it had such knowledge or, in fact, "*anything more tangible than a fear that* [a prosecution] *might emerge.*"[14]

Dominant Purpose

The Judge held that, on the evidence before the Court, none of the Disputed Documents was created for the dominant purpose of deployment in, or obtaining legal advice relating to the conduct of, the anticipated criminal proceedings (*i.e.*, even if those proceedings had been anticipated by ENRC).

"*At no stage*", the Judge stated, "*was the purpose of the internal investigation anything to do with the conduct of future criminal proceedings that might be brought against ENRC... in the event that evidence of criminal conduct emerged, and attempts to persuade the SFO to engage in a civil settlement failed.*"[15] Rather, the focus of the internal investigation was "*to find out if there was any truth in the whistleblower's allegations...*" and "*on trying to prepare for an investigation by a regulator or investigatory body (including, but by no means limited to, the SFO).*"[16]

Further, even if the dominant purpose of the factual information contained in the relevant Disputed Documents related to legal advice about how to deal with the SFO, the Judge decided that such factual information would not be subject to litigation privilege because "[a]*voidance of a criminal investigation cannot be equated with the conduct of a defence to a criminal prosecution*".[17] The Judge reasoned that "[o]*nce ENRC had committed itself to what it regarded as engagement in a self-reporting process any legal advice... in consequence of the fruits of the internal investigation... would have*

[12] Paragraph 160 of the Judgment.
[13] *Ibid.*
[14] Paragraph 161 of the Judgment.
[15] Paragraph 169 of the Judgment.
[16] Paragraph 165 of the Judgment.
[17] Paragraph 166 of the Judgment.

been directed towards... the avoidance *of, rather than the conduct of, the allegedly contemplated adversarial litigation*".[18]

In any event, it appeared that certain documents were created in order to be shown to the SFO. The Judge held that "*documents created with the specific purpose or intention of showing them to the potential adversary in litigation are not subject to litigation privilege. It does not matter whether the reason why they are going to be shown to the adversary is to persuade him to settle, or not to bring proceedings in the first place.*"[19]

As a result of the analysis summarised above, ENRC's claims to litigation privilege in respect of the Lawyers' Interview Notes, the Accountants' Materials and the Board Updates all failed.

THE DECISION ON LEGAL ADVICE PRIVILEGE

ENRC argued, in the alternative, that the Lawyers' Interview Notes, the Board Updates and the Executives' Emails were subject to LAP.

LAP covers all confidential communications between lawyers and their clients (0r their agents) for the purpose of giving or obtaining legal advice. The (related) privilege which covers "*lawyers' working papers*" may attach to lawyers' drafts, memoranda and other working papers, made by the lawyer for his own use in advising his client or for his client's use. However, the English courts have (unlike in the US) adopted a highly restrictive approach to identifying the "*client*" for the purposes of LAP such that, in a corporate context, the "*client*" is limited to those authorized by the corporate to obtain legal advice on its behalf. This approach has, most recently (and in the context of cross-border internal and regulatory investigations), been confirmed in the *RBS* judgment, as explained in greater detail in our recent Client Alert referred to above.[20]

Applying the judgment in *RBS*, the Judge held that the Lawyers' Interview Notes were not subject to LAP: the interviewees could not be said to be members of the "*client*" for these purposes; and lawyers' notes of those interviews will not be privileged unless they

[18] Paragraph 168 of the Judgment. The Judge also held that the evidence did not support a "*dual purpose*" for the documents, such that they could be said to have been generated for the purpose of persuading the SFO not to prosecute and, if that failed, to assist in mounting a defence in criminal proceedings.
[19] Paragraph 170 of the Judgment. The Judge drew a distinction in this regard between a situation in which a party might create privileged documents for the dominant purpose of anticipated litigation while also anticipating that it might elect to waive privilege in certain circumstances, and the position in *ENRC*.
[20] [2016] EWHC 3161 (Ch).

would "*give a clue as to legal advice or any aspect of legal advice given to ENRC*" (which ENRC failed to produce evidence to substantiate).[21]

The claim to LAP in respect of the Executives' Emails also failed, on the basis that the evidence established that the legally qualified executive was engaged by ENRC, and was acting at the time, not as a lawyer, but as a 'man of business'. Therefore, LAP did not extend to the emails in question, "*even if legal advice was being sought and was given in the exchange*".[22]

The claim to LAP was, however, successful in respect of the Board Updates. The updates in question could "*properly... be characterised as a record of the confidential solicitor-client dialogue for the purpose of giving and receiving legal advice*".[23] However, the Judge also confirmed the narrow limits of this claim: LAP extended only to what the lawyer in question said to his client at the relevant meeting and it did not extend to any investigation report or other underlying materials used to produce the Board Updates.

US LAW: THE KEY DIFFERENCES

The attorney work product doctrine, which is the closest US law equivalent to litigation privilege, is a broader and more inclusive source of protection for documents generated and information gathered in the course of an internal investigation.

The work product doctrine, codified in Federal Rule of Civil Procedure 26(b)(3), which formalized the principles established in *Hickman v. Taylor*,[24] protects from discovery the "*mental impressions, conclusions, opinions, or legal theories*" of counsel.[25] While the Rule, by its own terms, only applies to "*documents and tangible things that are prepared . . . by or for another party or its representative*," courts have consistently interpreted work product protections to encompass an attorney's "*intangible*" work product.[26] "*Intangible*" work product includes an attorney's thoughts, recollections, and other "*unrecorded*" work product.

[21] Paragraph 180 of the Judgment.
[22] Paragraph 190 of the Judgment.
[23] Paragraph 186 of the Judgment.
[24] 329 U.S. 495, 511 (1947).
[25] Fed. R. Civ. P. 26(b)(3)(B).
[26] Fed. R. Civ. P. 26(b)(3)(A); *In re Cendant Corp. Sec. Litig.*, 343 F.3d 658, 665 (3d Cir. 2003).

Many categories of documents generated in the course of an internal investigation regularly receive protection under the work product doctrine.[27] For example, interview notes and memoranda prepared by counsel — the same materials at issue in *Hickman* and, with respect to the Lawyers' Interview Notes, in the Judgment — are often construed as archetypal attorney work product and, therefore, are protected from discovery.[28]

The applicability of the work product doctrine in US courts turns on whether the materials "*are prepared in anticipation of litigation*".[29] Most courts address this inquiry by applying the "*because of*" test,[30] which asks whether "*in light of the nature of the document and the factual situation in the particular case, the document can fairly be said to have been prepared or obtained* because of *the prospect of litigation*."[31] But the "*because of*" test does not require a litigant to show that a document was prepared to "*aid*" in the litigation, "*much less* primarily *to aid or* exclusively *to aid in litigation*."[32] Thus, US doctrine does not contain the same or similar "*dominant purpose*" analysis as is conducted in England. Indeed, work product protection in the US is frequently extended to documents prepared for mixed business and litigation purposes.[33]

Moreover, as part of the "*because of*" analysis, some courts question whether the party asserting the work product privilege anticipated a "*real possibility*" of litigation, and if

[27] The protection conferred on these materials is significant and difficult to overcome. Once a court finds that the work product doctrine applies, a party seeking production of protected materials must show "*that it has substantial need for the materials . . . and cannot, without undue hardship, obtain their substantial equivalent by other means.*" Fed. R. Civ. P. 26(b)(3)(A)(ii).

[28] *Hickman v. Taylor*, 329 U.S. 495, 509-13 (1947); *Baker v. Gen. Motors Corp.*, 209 F.3d 1051, 1054 (8th Cir. 2000); *In re Gen. Motors LLC Ignition Switch Litig.*, 80 F. Supp. 3d 521, 532 (S.D.N.Y. 2015) ("*interview notes and memoranda produced in the course of [an] internal investigation[] have long been considered classic attorney work product*"); *cf. S.E.C. v. NIR Grp., LLC*, 283 F.R.D. 127, 135 (E.D.N.Y. 2012) (SEC attorney's interview notes and memorandum were "*highly protected work product of which production may not be demanded*"); *but cf. Rigas v. United States*, 2016 WL 4486187, at *2-3 (S.D.N.Y. Aug. 24, 2016).

[29] Fed. R. Civ. P. 26(b)(3)(A).

[30] *United States v. Deloitte LLP*, 610 F.3d 129, 136 (D.C. Cir. 2010) (affirming a "*because of*" test and collecting authority). Notably, however, the First and Fifth Circuits apply alternative and more restrictive tests. The Fifth Circuit asks whether the "*primary motivating purpose*" of the preparation of the document was the prospect of future litigation. *United States v. El Paso Co.*, 682 F.2d 530, 542-43 (5th Cir. 1982). The First Circuit's "*for use in litigation*" test, which is narrower than the "*because of*" standard, holds that only "*work done in anticipation of or for trial . . . is protected*" by the work-product doctrine. *United States v. Textron Inc. & Subsidiaries*, 577 F.3d 21, 30 (1st Cir. 2009).

[31] *United States v. Adlman*, 134 F.3d 1194, 1202 (2d Cir. 1998).

[32] *In re Gen. Motors LLC Ignition Switch Litig.*, 80 F. Supp. 3d at 532.

[33] *Deloitte LLP*, 610 F.3d at 138; *United States v. Roxworthy*, 457 F.3d 590, 598–99 (6th Cir. 2006); *Adlman*, 134 F.3d at 1201–02.

that subjective belief was "*objectively reasonable*."[34] The inquiry does not, however, typically require the identification of a specific claim for work product protection to be invoked,[35] much less "*a real risk of prosecution*."[36] Thus, the "*in anticipation of litigation*" standard appears to be a more lenient test than litigation privilege's "*reasonably in contemplation*" test in most circumstances.

One consequence of these differences is that the Judgment appears to create a higher bar for application of litigation privilege in matters that may result in criminal prosecution, whereas the availability of work product protection in US courts is coextensive in criminal and civil matters, irrespective of whether a decision has been made by the government to commence a prosecution or by a party to initiate civil litigation.[37] Furthermore, while US courts will often look for more than an inchoate concern about litigation, frequently requiring a showing that the documents at issue would not have been prepared "*in the ordinary course of business*" or "*in essentially similar form irrespective of the litigation*"[38], they do not require there to be a formal adversarial proceeding (as opposed to an investigation or inquisition) before finding that documents were prepared "*in anticipation of litigation*."[39] Indeed, the initiation of a government investigation has frequently been found to satisfy the "*in anticipation of*" requirement.[40]

Finally, it is worth noting that the Lawyers' Interview Notes, which were not accorded protection under LAP, would likely be protected under the US doctrine of attorney-client privilege. That is due, in part, to the fact that US law takes a broader view of the "*client*" than English law, as was recently analyzed in the *RBS* judgment referred to above.

[34] *In re Professionals Direct Ins. Co.*, 578 F.3d 432, 439 (6th Cir. 2009); *In re Sealed Case*, 146 F.3d 881, 884 (D.C. Cir. 1998).
[35] *In re Sealed Case*, 146 F.3d at 884.
[36] Paragraph 154 of the Judgment.
[37] *United States v. Nobles*, 422 U.S. 225, 238 (1975); *In re Sealed Case*, 146 F.3d at 884 ("The interests articulated in *Hickman* are present in both criminal and civil cases."); *In re Grand Jury Subpoena*, 599 F.2d 504, 506 (2d Cir. 1979) (where, following an internal investigation conducted at the direction of external counsel, a corporate made a voluntary disclosure of the results of that investigation to the SEC, the work product doctrine protected notes and memoranda prepared in the course of that investigation from a Grand Jury subpoena).
[38] *In re Gen. Motors LLC Ignition Switch Litig.*, 80 F. Supp. 3d at 532 (citing *Schaeffler v. United States*, 22 F. Supp. 3d 319, 335 (S.D.N.Y. 2014)).
[39] *S.E.C. v. Nacchio*, 2007 WL 219966, at *6 (D. Colo. Jan. 25, 2007); *cf. SafeCard Servs., Inc. v. S.E.C.*, 926 F.2d 1197, 1203 (D.C. Cir. 1991).
[40] *Nacchio*, 2007 WL 219966, at *6 (citing cases).

CONCLUSIONS AND PRACTICAL ADVICE

Whilst it is important to note the specific facts and circumstances underlying the Judgment, and the inability of ENRC to produce compelling evidence on certain points, it is significant that the Judge held, on the evidence before her, that: (i) a criminal investigation did not amount to "*adversarial litigation*"; (ii) a criminal investigation would not generally lead to a criminal prosecution becoming reasonably in the contemplation of the investigation subject (unless particular evidence of misconduct had come to light); and (iii) where a party has indicated that it intends to co-operate in a self-reporting procedure, it will be difficult (absent cogent evidence) for that party to claim that documents generated in the course of its internal investigations were produced for the dominant purpose of defending or conducting adversarial litigation.[41]

Although we understand that ENRC is seeking permission to appeal from the Court of Appeal, pending any re-assessment in a senior court, the Judgment points to significant difficulties in claiming litigation privilege over internal investigation materials, even where a criminal investigation has been threatened or commenced.

In relation to non-criminal investigations, for example enforcement proceedings by the UK Financial Conduct Authority ("**FCA**"), the Judgment raises at least the prospect that "*adversarial litigation*" will not be in reasonable contemplation unless and until (at the earliest) the FCA Regulatory Decisions Committee has decided to issue a Warning Notice.

Taken together with the approach to LAP confirmed in the *RBS* judgment, it is clear that corporates undertaking an internal investigation would be well-advised to proceed only with caution, in full knowledge of the potential limitations of English law privilege. Moreover, the Judgment is likely to be of particular concern to institutions involved in litigation or regulatory investigations in the US, given the possible impact that the disclosure of documents in English proceedings may have on the ability to maintain privilege over such documents in US proceedings.

Against this background, over and above standard measures for protecting privilege in investigations, there are a number of practical steps worth taking in order to maximize the prospect of maintaining privilege over such materials.

- **Cross-border implications**: the different approaches to legal privilege across different jurisdictions mean that this issue should be kept under review throughout an investigation.

[41] *I.e.,* the aim of *avoiding* a criminal investigation did not equate to the aim of *defending* a criminal prosecution.

- **Litigation privilege:** to assist any claim to litigation privilege, a corporate should: (i) record and analyse all communications with, and actions taken by, the relevant authorities to assist in determining when adversarial proceedings can be said reasonably to be in prospect; and (ii) document the purpose for which particular investigation materials are produced (*i.e.*, to support a claim that the dominant purpose was adversarial litigation).

- **LAP**: it remains critical to determine, and keep under review, which individuals (or groups) within a corporate are authorised to request and receive legal advice.

- **Lawyers' notes of non-privileged communications (e.g. interviews with non-client employees)**: such notes should be drafted very carefully, in the knowledge that they may well not be privileged. We provided, and would repeat here, certain specific practical advice to maximise a claim to LAP over such documents in our Client Alert concerning the *RBS* judgment.

- **Third party advisors**: it may be advisable, where possible, to delay engaging third parties, such as forensic accountants, in relation to an internal investigation, until it can be documented that adversarial litigation (e.g. a criminal prosecution) is in reasonable contemplation.

- **Advice**: overall, corporates facing investigations in the US and UK, or where the facts in issue appear reasonably likely to involve these and/or other jurisdictions, would be well-served by instructing counsel with clear knowledge and experience of cross-border privilege issues.

LITIGATION & ARBITRATION GROUP

Please feel free to discuss any aspects of this Client Alert with your regular Milbank contacts or any of the members of our Litigation & Arbitration Group.

If you would like copies of our other Client Alerts, please visit our website at www.milbank.com and choose “Client Alerts” under “News.”

LONDON
10 Gresham Street, London EC2V 7JD

Tom Canning	tcanning@milbank.com	+44-20-7615-3047
Charles Evans	cevans@milbank.com	+44-20-7615-3090
Julian Stait	jstait@milbank.com	+44-20-7615-3005

NEW YORK
28 Liberty Street, New York, NY 10005

Wayne M. Aaron	waaron@milbank.com	+1-212-530-5284
Antonia M. Apps	aapps@milbank.com	+1-212-530-5357
Thomas A. Arena	tarena@milbank.com	+1-212-530-5828
George S. Canellos Global Head of Litigation	gcanellos@milbank.com	+1-212-530-5792
James G. Cavoli	jcavoli@milbank.com	+1-212-530-5172
Scott A. Edelman *Firm Chairman*	sedelman@milbank.com	+1-212-530-5149
Christopher J. Gaspar	cgaspar@milbank.com	+1-212-530-5019
David R. Gelfand	dgelfand@milbank.com	+1-212-530-5520
Joseph S. Genova	jgenova@milbank.com	+1-212-530-5532
Katherine R. Goldstein	kgoldstein@milbank.com	+1-212-530-5138
Robert C. Hora	rhora@milbank.com	+1-212-530-5170
Atara Miller	amiller@milbank.com	+1-212-530-5421
Sean M. Murphy	smurphy@milbank.com	+1-212-530-5688
Daniel Perry *Practice Group Leader*	dperry@milbank.com	+1-212-530-5083
Tawfiq S. Rangwala	trangwala@milbank.com	+1-212-530-5587
Stacey J. Rappaport	srappaport@milbank.com	+1-212-530-5347
Fiona A. Schaeffer	fschaeffer@milbank.com	+1-212-530-5651
Jed M. Schwartz	jschwartz@milbank.com	+1-212-530-5283

Alan J. Stone	astone@milbank.com	+1-212-530-5285
Errol B. Taylor	etaylor@milbank.com	+1-212-530-5545
Fredrick M. Zullow	fzullow@milbank.com	+1-212-530-5533

WASHINGTON, DC
International Square Building, 1850 K Street, NW, Suite 1100, Washington, DC 20006

David S. Cohen	dcohen2@milbank.com	+1-202-835-7517
Andrew M. Leblanc	aleblanc@milbank.com	+1-202-835-7574
Michael D. Nolan	mnolan@milbank.com	+1-202-835-7524
Aaron L. Renenger	arenenger@milbank.com	+1-202-835-7505

LOS ANGELES
2029 Century Park East, 33rd Floor Los Angeles, CA 90067-3019

Robert J. Liubicic	rliubicic@milbank.com	+1-424-386-4525
Jerry L. Marks	jmarks@milbank.com	+1-424-386-4550
Mark C. Scarsi	mscarsi@milbank.com	+1-424-386-4580