



Four Penn Center, 13th Floor
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2808
215-587-1000 Main
215-587-1444 Main Fax
www.postschell.com

Abraham Rein

arein@postschell.com
215-587-1057 Direct
215-320-4194 Direct Fax
File #: 171366

[date]

VIA OVERNIGHT DELIVERY

CONFIDENTIAL

[To: government agency]

Re: [matter] _____

[NOTE: Consult with an attorney before producing documents to a government agency or in connection with litigation or an investigation. As with any other substantive legal matter, there is no one-size-fits-all solution for a document production cover letter. Every situation is different: the rules differ, the circumstances differ, the emphasis and tone differs. This can affect every decision about something like a cover letter, from the law cited, to the words chosen, down even to the font used (for example, there may be circumstances where it's preferable to italicize portions of the letter to set them off from others, for a variety of reasons). What follows is not legal advice and cannot be relied on as legal advice, but an example of one possible approach, which may be appropriate in some circumstances; it is certainly not appropriate in all circumstances.]

[Salutation]:

Please find enclosed an encrypted thumb drive containing documents Bates labeled [x] through [y] in response to [description of request]. You will receive the password to the thumb drive under separate cover.

[Any substantive description of documents, discussion of the matter, etc., can be included here.]

[Client] is producing these non-privileged documents after taking reasonable steps to prevent the production of privileged or protected material under Federal Rule of Evidence 502 [and any analogous state rule or law]. Any disclosure of privileged material is inadvertent and does not operate as a waiver of the attorney-client privilege or work-product protection, or any other applicable privilege or protection. To the extent that non-responsive information has inadvertently been produced, we do not agree to any expansion in the scope of [the request].

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[Client] expressly reserves any and all privileges and immunities to which it is entitled under applicable law.

As these documents contain business, proprietary and/or personnel information, as well as health information protected pursuant to HIPAA and other healthcare-related privacy laws, they are exempt from disclosure under the Freedom of Information Act and section 708 of the Pennsylvania Right to Know Law, 65 P.S. § 67.708, and analogous federal and state laws. [Client] respectfully requests that the Government provide timely notice to [client] before it permits any disclosure of this information or data or any part or copies of this information or data.

[Client] produces these documents with the understanding and expectation that the Government will treat them as sensitive, private, and business/proprietary information, and will follow reasonable data security practices, in addition to complying with all applicable data security and privacy rules and regulations, with respect to the documents.

We respectfully request that you notify us without delay, using the contact information on this letter, if any of these documents, or anything else produced by [client] in connection with this investigation, is subject to unauthorized exposure or access.

Please contact me if you have any questions. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'AR' followed by a stylized flourish.

Abraham Rein

AJR/ajr