

June 14, 2010

Via Email & Mail

Mr. Joseph Cassano
c/o Mr. Jim Walden
Gibson Dunn
200 Park Avenue
New York, NY 10166

Re: Treatment of Joseph Cassano Non-Public Information

Dear Mr. Walden:

On behalf of the Financial Crisis Inquiry Commission ("the Commission"), I write to memorialize our understanding with respect to the treatment of the interview of Joseph Cassano ("Mr. Cassano ") by the Commission staff on the 25th and your SEC submission, a copy of which will be provided to the Commission by you on behalf of Mr. Cassano.

When you provide information to the Commission please indicate what is truly "non-public" to allow the Commission to track Mr. Cassano's submissions appropriately. Please avoid categorizing everything as non-public, as to do so will make the Commission's work more difficult and may lead to inadvertent public disclosure outside of the terms of this letter.

We agree that the Commission will not disclose the fact of the interview, or its content, to third parties without the consent of Mr. Cassano until the earlier of (i) the time that the SEC notifies Mr. Cassano and that it is no longer pursuing an action against him, and (ii) the publication of the Commission's report. (This is subject to a caveat should the Commission be required to disclose such information by subpoena or other legal process.)

Any non-public information that is obtained from Mr. Cassano as part of the SEC submission provided to us (please note that it is likely that some of the information we receive from Mr. Cassano we may also receive from other sources without restriction) will be used only by employees and agents of the Commission who have a need to know and use the information in the performance of their official work duties in a manner consistent with its non-public status and applicable law. All persons with whom non-public information is shared will be advised of and, as condition of receiving non-public information, will agree to comply with the understanding in this letter.

In accordance with its statutory mandate and its duty to the American public, the Commission, if it determines it is in the public interest, may release to the public non-public information obtained from Mr. Cassano as part of any interim or final

report to the President and Congress, or in connection with any public hearings, if the Commission determines to do so by a majority vote, or by the decision of the Chairman and Vice Chairman acting together on behalf of the Commission.

Prior to any release of non-public information under the above paragraph, the Commission will give written notice to Mr. Cassano, and allow Mr. Cassano to consult with the Commission before the Commission uses any of the Mr. Cassano's non-public information in any interim or final report to the President and Congress, or in any public hearing.

Nothing as described in this letter will prevent the Commission or its staff from complying with a request or demand from a duly authorized Committee of the United States Congress with authority to require and receive the non-public information, or a legally valid and enforceable subpoena or order by a court of competent jurisdiction for the non-public information or testimony related thereto.

Finally, all information obtained from Mr. Cassano will be transmitted to the National Archives and Records Administration (NARA) following the completion of the Commission's work. To the extent permitted by law, the Commission will request that NARA not release to the public Mr. Cassano's non-public information for an appropriate length of time. If you have a legal basis to believe that the Commission is not required by law to provide certain Mr. Cassano information to NARA, please let us know.

If you have any questions or concerns, please do not hesitate to contact me at 202-292-1339 or GCohen@fcic.gov.

Thank you very much for Mr. Cassano's continued cooperation.

Very truly yours,

Gary J. Cohen
General Counsel
Financial Crisis Inquiry Commission

Cc: Wendy Edelberg
Executive Director
Chris Seefer
Assistant Director & Deputy General Counsel