

From: Heather King [REDACTED]@BSFLLP.com
Subject: Attorney-Client Communication: Privileged and Confidential
Date: May 13, 2014 at 9:49 AM
To: Vadim Pozharskyi (v.pozharskyi.ukraine@[REDACTED]) v.pozharskyi.ukraine@[REDACTED]
Cc: Hunter Biden (hbiden@rosemontseneca.com) hbiden@rosemontseneca.com, Devon Archer (darcher@rosemontseneca.com) darcher@rosemontseneca.com



Vadim – I hope this finds you well. Here are a few updates and recommendations:

- 1) I recommend that you begin emailing me directly with all communications related to the current politically motivated attacks, and that you include in the “Subject” line of the email “Attorney-Client Communication: Privileged & Confidential” as I have done above. This will help protect as confidential our communications about such important and sensitive issues.

- 2) I recommend that you authorize me to take the following actions to begin communicating on Burisma’s behalf with the U.S. government: A) Contact the Bureau of Energy and Ukraine Desk officials at the State Department to introduce them to Burisma and explain Burisma’s current situation, which will include the issues you’ve emailed me about today. That will include outreach to Carlos Pascual, the top US energy diplomat; his actual title is Special Envoy and Coordinator for International Energy Affairs at State. He was formerly US Ambassador to Ukraine (’00-03) and later to Mexico (09-12), among other key foreign policy positions. Hillary and Bill Clinton hold him in high regard, as does Secretary Kerry. He was recently in Ukraine and then on Capitol Hill briefing the Senate Foreign Relations Committee privately about Ukraine and the challenges it faces, with a focus on the importance of market competition in the oil/gas industry. B) In relation, permit me to engage a key U.S. registered lobbyist I know well and trust to work with us on this political effort now and into the future. His name is David Leiter. David was Secretary of State Kerry’s Chief of Staff when Kerry was in the U.S. Senate and was a political appointee at the U.S. Department of Energy during the Clinton Administration. He understands the energy sector, is well versed on Ukraine and Russia in relation to energy issues, and is close to Secretary Kerry and his staff. He is also very close to people in other US government agencies (Commerce, Treasury, etc.) as well as Congress, and will assist us if we find it helpful to engage with those officials as well - this is the kind of process that tends to evolve based on what we learn as we proceed with meetings and test the waters. For example, we have already learned that there are several Congressional delegations planning to go to Ukraine later this month to observe the elections and try to help bring legitimacy and transparency to them. Therefore, we will work right away to meet with their staff (principally Senators Levin and Portman) who will be making those trips. *If you agree with this recommendation, I would enter an agreement with David through my law firm right away, to help protect our communications as confidential as much as possible. However, Burisma would be responsible for directly paying his bills. David works based on a monthly retainer, not an hourly fee like lawyers do. He will charge \$30,000.00 for the first month. After that, the monthly price may either stay the same or go down to as much as \$15,000 per month, depending on how much work there is for him to do after this initial period of higher focus. Either way, I would seek your approval prior to agreeing to any amount.

- 3) In addition, please note that it was very helpful that you mentioned your key customer ArcelorMittal. David Leiter is good friends with the person who runs ArcelorMittal USA’s Washington, DC office, Tom Dower. We should consider whether or not to call Tom and let him know that David and I/my firm are involved in representing you, and

explore whether Tom/ArcelorMittal would be open to being involved with some of our meetings with the US government. The U.S. government always pays more attention and is more apt to help when there is a U.S. company aspect to a problem and they are, therefore, advocating for direct U.S. interests.

- 4) We are preparing answers to various questions the U.S. government has related to Burisma and the current situation. In relation to that, I will be sending you requests for additional information in the coming days and weeks as we seek to inform key people and answer their questions. To start, can you please send me information to respond to these initial questions:
 - a. A list of Burisma companies and their subsidiaries, and whether any of their headquarters are located out of Ukraine. I realize that the holding company is registered in Cyprus, but am trying to determine whether and how Burisma touches countries other than Ukraine in terms of location of headquarters, employees, etc.
 - b. Explain whether Burisma is 100% private or whether it is quasi-governmental by any definition. In other words, confirm whether Burisma 100% privately owned or if the government has any stake in the company or any other official role.
 - c. A list or information as to key customers that might help us magnify a US-interests angle to the government here, just as you telling us about ArcelorMittal was very helpful due to their US presence.
 - d. A copy of your charters and bylaws, and any other key documents you may recommend that would show your corporate governance policies, including any anti-bribery or other anti-corruption policies and procedures. We will conduct a review of these documents at my firm.

Heather King, Esq.

Partner

BOIES, SCHILLER & FLEXNER LLP

5301 Wisconsin Avenue, N.W.

Washington, D.C. 20015


[\[REDACTED\]@bsfllp.com](mailto:[REDACTED]@bsfllp.com)

IRS Circular 230 disclosure:

To ensure compliance with requirements imposed by the IRS, unless we expressly state otherwise, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication

hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]