

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

HISTORY ASSOCIATES INCORPORATED,

Plaintiff,

v.

U.S. SECURITIES AND EXCHANGE COM-  
MISSION,

Defendant.

Case No. 1:24-cv-1858-ACR

**NOTICE OF COMPLIANCE WITH ORAL ORDER**  
**AT NOVEMBER 8, 2024 PRE-MOTION CONFERENCE**

At the pre-motion conference held on November 8, 2024, the Court instructed plaintiff History Associates Incorporated to transmit a letter to defendant Securities and Exchange Commission memorializing on the record the initial categories of records that the Court directed the SEC to process within 60 days of the November 8 conference. History Associates respectfully appraises the Court that it transmitted that letter on November 8; a copy is attached as Exhibit A.

Date: November 12, 2024

Respectfully submitted,

*/s/ Jonathan C. Bond*

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# **Exhibit A**

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November 8, 2024

## VIA ELECTRONIC MAIL

Alexandra Verdi  
Office of the General Counsel  
U.S. Securities and Exchange Commission  
Boston Regional Office  
33 Arch Street, 24th Flor  
Boston, Massachusetts 02110

Re: *History Associates v. SEC*, No. 1:24-cv-1858-ACR; Prioritization of Certain Categories of Records for FOIA Processing

Dear Ms. Verdi:

As the Court directed during today's pre-motion conference, we are writing to memorialize the Court's instructions regarding the SEC's prioritization of certain records responsive to History Associates' FOIA requests. Per the Court's instructions, the SEC will initially process two categories of records: (1) all documents and communications that SEC Chair Gary Gensler sent, received, or considered concerning Ethereum's shift to a proof-of-stake mechanism, and (2) all documents and communications sent by the SEC to third parties regarding Ethereum's shift to a proof-of-stake mechanism. The Court directed that, within 60 days of today, the SEC will process those records and produce: (1) any responsive records not exempt from disclosure, and (2) a Vaughn index identifying and describing any responsive records the SEC asserts are exempt from disclosure.

For the avoidance of doubt, History Associates' agreement to the prioritized processing of these records is without prejudice to History Associates' right under FOIA to require the SEC to promptly process the remainder of the records responsive to History Associates' FOIA requests.

Sincerely,

GIBSON, DUNN & CRUTCHER LLP

*/s/ Jonathan C. Bond*

Jonathan C. Bond