

Date : 4/1/2020 8:07:51 PM
From : "Anderson, Reeves"
To : "Bellinger III, John B." , "MarleneM@justice.gov.il"
Cc : "xIsrael NSO"
Subject : RE: Report of Call with K&S
Attachment : [revised s. hulo declaration \(sent to A&P 4-1-2020\).docx](#); [Affidavit redline.pdf](#);

The revised Shalev affidavit is attached. K&S sent us a "clean" copy, so we ran a redline comparison to highlight the changes. A few notes:

1. The sentences highlighted in green reflect changes made by NSO in response to the feedback we relayed from you. (I added the green highlighting to make these parts easier to find.)
2. Paragraph 8 (in the clean copy) asserts that MoD requires NSO's end-users to sign end-use certificates. We relayed your comments on this paragraph, but NSO's lawyers responded that they confirmed this practice with respect to each NSO license. Please let us know if this paragraph is correct as written, and whether you would like us to relay further feedback.
3. As John mentioned earlier, NSO would like to attach a copy of the ECL, but their lawyers have heard through other channels (not from us) that the Government of Israel does not want NSO to attach a copy of the law. (This point is highlighted in yellow in paragraph 5.) Please let us know the Government's position so that we can clarify this issue with K&S.

Best,
Reeves

Robert Reeves Anderson
Partner, Arnold & Porter
370 Seventeenth St., #4400
Denver, CO 80202-1370
303.863.2325 (o) | [vCard](#)

From: Bellinger III, John B. <John.Bellinger@arnoldporter.com>
Sent: Wednesday, April 1, 2020 1:36 PM
To: zzz.External.MarleneM@justice.gov.il <MarleneM@justice.gov.il>
Cc: xIsrael NSO <xIsraelNSO@arnoldporter.com>
Subject: Re: Report of Call with K&S

Thanks Marlene and Ram. We will let them know. They did ask if they could compromise and attach a redacted version of an export license.

Reeves will send the Shalev affidavit shortly.

Sent from my iPhone. Please excuse typos.

On Apr 1, 2020, at 3:17 PM, Marlene Mazel <MarleneM@justice.gov.il> wrote:

External E-mail

Dear John

MoD told the firm they are prohibited from attaching any export control licenses.

They were not told that they cannot attach the public export control law - it is a public document.

Sincerely
Marlene and Ram

On 1 Apr 2020, at 9:21 PM, Bellinger III, John B. <John.Bellinger@arnoldporter.com> wrote:

FYI, they are expressing concern that they have apparently been told (presumably by one of you in Israel) that they cannot attach either the Export Control Law or an example of an export license. They very much would like to attach at least redacted versions of both. We had not discussed this issue with you yesterday.

Sent from my iPhone. Please excuse typos.

On Apr 1, 2020, at 2:14 PM, Marlene Mazel <MarleneM@justice.gov.il> wrote:

External E-mail

Great thanks

Sent from my iPhone

On 1 Apr 2020, at 9:10 PM, Bellinger III, John B. <John.Bellinger@arnoldporter.com> wrote:

Very good. We are on with K&S now and they are explaining what they have changed. They will then send us the revised version. Hope to have that within an hour.

Sent from my iPhone. Please excuse typos.

On Apr 1, 2020, at 2:08 PM, Marlene Mazel <MarleneM@justice.gov.il> wrote:

External E-mail

Hi John,

Thanks for the update - we would like to see the final draft before it is filed.

Marlene

On 1 Apr 2020, at 6:20 PM, Bellinger III, John B.
<John.Bellinger@arnoldporter.com> wrote:

Hi Roy, Marlene, and NSO Team:

Thanks for your guidance yesterday on the Shalev affidavit.

We relayed all of your comments to Rod Rosenstein and Sumon Dantiki last night. Most of the our comments were similar to the comments we had made on the same sentences in the MTD the previous day, so they were not surprised, and we got little push back.

In several cases, they did propose alternative language for us. We said in a few cases that their suggested revisions were consistent with our understanding of the facts, but that we could not “approve” revisions because we do not have the expertise. We said that the GoI would certainly be willing to review a revised draft if there is time.

We also asked whether Joe Akrotirianakis will request an extension. Rod said that Cooley has not agreed to an extension (no surprise!), and that Joe is therefore not inclined to ask the court to grant an extension. As of now, K&S plans to file everything tomorrow.

John

John Bellinger III
Partner

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T: +1 202.942.6599
John.Bellinger@arnoldporter.com | www.arnoldporter.com

From: Marlene Mazel <MarleneM@justice.gov.il>

Sent: Tuesday, March 31, 2020 3:29 PM

To: Bellinger III, John B. <John.Bellinger@arnoldporter.com>
Cc: xIsrael NSO <xIsraelNSO@arnoldporter.com>
Subject: Re: Dial-in for 1010 pm call

External E-mail

Dear John,

We need another 15 mins until 10:45.
Apologies.

Marlene

Sent from my iPhone

On 31 Mar 2020, at 9:28 PM, Bellinger III, John B.
<John.Bellinger@arnoldporter.com> wrote:

US toll-free 1-866-802-1366
International: 617-786-4670

Israel toll-free

1809344378

Code: 244-73-163

[John Bellinger III](#)
Partner

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