

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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In re:

ENERGY FUTURE HOLDINGS CORP., *et al.*,<sup>1</sup>

Debtors.

)  
) Chapter 11  
)  
) Case No. 14-10979 (CSS)  
)  
) (Jointly Administered)  
)  
) **Re: D.I. 660, 1733, 2005, 2949, 3041,**  
) **4963, 7418, 8734, 9216**  
)

**NINTH SUPPLEMENTAL DECLARATION  
OF EDWARD O. SASSOWER IN SUPPORT OF THE DEBTORS'  
APPLICATION FOR ENTRY OF AN ORDER AUTHORIZING THE RETENTION  
AND EMPLOYMENT OF KIRKLAND & ELLIS LLP AND KIRKLAND & ELLIS  
INTERNATIONAL LLP AS ATTORNEYS FOR THE DEBTORS AND DEBTORS  
IN POSSESSION EFFECTIVE *NUNC PRO TUNC* TO THE PETITION DATE**

I, Edward O. Sassower, being duly sworn, state the following under penalty of perjury:

1. I am the president of Edward O. Sassower, P.C., a partner in the law firm of Kirkland & Ellis LLP, located at 601 Lexington Ave., New York, New York 10022, and a partner of Kirkland & Ellis International LLP (together with Kirkland & Ellis LLP, "K&E" or "Kirkland"). I am the lead attorney from K&E working on the above-captioned chapter 11 cases. I am a member in good standing of the Bar of the State of New York, and I have been admitted to practice in the United States Bankruptcy Court for the Southern District of New York and the United States Bankruptcy Court for the Eastern District of New York. There are no disciplinary proceedings pending against me.

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<sup>1</sup> The last four digits of Energy Future Holdings Corp.'s tax identification number are 8810. The location of the debtors' service address is 1601 Bryan Street, Dallas, Texas 75201. Due to the large number of debtors in these chapter 11 cases, for which joint administration has been granted, a complete list of the debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the debtors' claims and noticing agent at <http://www.efhcaseinfo.com>.

2. I submit this ninth supplemental declaration on behalf of Kirkland (this “Ninth Supplemental Declaration”) in further support of the *Debtors’ Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date* [D.I. 660] (the “Application”)<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for an order pursuant to sections 327(a) and 330 of title 11 of the United States Code (the “Bankruptcy Code”), rules 2014(a) and 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rules 2014-1 and 2016-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware.

3. Except as otherwise noted, I have personal knowledge of the matters set forth herein.

### **Background**

4. On May 29, 2014, the Debtors filed the Application. In support of the Application, the Debtors filed the *Declaration of Edward O. Sassower, P.C. in Support of the Debtors’ Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date*, which was filed as **Exhibit B** to the Application.

5. On July 31, 2014, the Debtors filed the *Amended Declaration of Edward O. Sassower in Support of the Debtors’ Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date* [D.I. 1733].

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Application.

6. On September 12, 2014, the Debtors filed the *First Supplemental Declaration of Edward O. Sassower in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date* [D.I. 2005].

7. On September 16, 2014, the United States Bankruptcy Court for the District of Delaware entered the *Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date* [D.I. 2052].

8. On December 4, 2014, the Debtors filed the *Second Supplemental Declaration of Edward O. Sassower in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis LLP International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date* [D.I. 2949].

9. On December 16, 2014, the Debtors filed the *Third Supplemental Declaration of Edward O. Sassower in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis LLP International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date* [D.I. 3041].

10. On July 9, 2015, the Debtors filed the *Fourth Supplemental Declaration of Edward O. Sassower in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis LLP International*

*LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date [D.I. 4963].*

11. On September 30, 2015, the Debtors filed the *Fifth Supplemental Declaration of Edward O. Sassower in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis LLP International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date [D.I. 6240].*

12. On December 18, 2015, the Debtors filed the *Sixth Supplemental Declaration of James H.M. Sprayregen in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis LLP International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date [D.I. 7418].*

13. On June 15, 2016, the Debtors filed the *Seventh Supplemental Declaration of Edward O. Sassower in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date [D.I. 8734].*

14. On August 8, 2016, the Debtors filed the *Eighth Supplemental Declaration of Edward O. Sassower in Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Kirkland & Ellis LLP and Kirkland & Ellis International LLP as Attorneys for the Debtors and Debtors in Possession Effective Nunc Pro Tunc to the Petition Date [D.I. 9216].*

15. It was stated in the previously filed declarations described above (collectively, the “Previous Declarations”) that Kirkland would continue searching its electronic database during the pendency of these chapter 11 cases to ensure that no conflicts or other disqualifying circumstances exist or arise. Consistent with this statement, Kirkland has continued to obtain information regarding all entities disclosed in the Previous Declarations, as well as for any connections to any additional entities not disclosed in the Previous Declarations.

16. This Ninth Supplemental Declaration makes certain additional disclosures. Based on the conflicts searches conducted to date and described herein, to the best of my knowledge, neither I, Kirkland, nor any partner, of counsel, or associate thereof, insofar as I have been able to ascertain, has any connections with the Debtors, their creditors, or any other parties that may be parties in interest, their respective attorneys or accountants, the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”), any person employed by the U.S. Trustee, or any person employed by the United States Bankruptcy Court for the District of Delaware, the United States District Court for the District of Delaware, or the United States Court of Appeals for the Third Circuit, except as disclosed or otherwise described herein and in the Previous Declarations.

**Additional Disclosures**

17. Attached hereto as **Schedule 1** to this Ninth Supplemental Declaration are new client connections for entities identified in the Previous Declarations.

18. Except as specifically discussed herein, the client representations identified in this Ninth Supplemental Declaration and the attached schedules are not related to the Debtors or these chapter 11 cases. The client representations identified in this Ninth Supplemental Declaration and the attached schedules are not materially adverse to the interests of the Debtors’ estates. Moreover, pursuant to section 327(c) of the Bankruptcy Code, Kirkland is not

disqualified from acting as the Debtors' counsel merely because it represents or represented the Debtors' creditors, equity security holders, or other parties that may be parties in interest in matters unrelated to these chapter 11 cases.

19. Of the clients listed on **Schedule 1**, there are no clients representing more than one percent of the total fees incurred by Kirkland's clients for the 12-month period ending on September 30, 2016 that have not been previously disclosed in the Previous Declarations.

### **Specific Disclosures**

20. As disclosed below and in **Schedule 1** attached hereto, certain of the Debtors and their non-Debtor affiliates or other entities associated with the Debtors are creditors of entities that Kirkland currently represents or has represented in bankruptcy proceedings or post-effective date claims processes. Similarly, certain parties that may be parties in interest in these chapter 11 cases are current or former Kirkland restructuring clients. This includes the Reorganized TCEH Debtors, whom Kirkland continues to represent following the TCEH Effective Date.<sup>3</sup> Kirkland will not represent the Debtors, the Debtors' non-Debtor affiliates, or other entities associated with the Debtors in any matter related to other Kirkland clients' bankruptcy proceedings. Similarly, Kirkland will not represent any of its other restructuring clients against the Debtors in any of its other clients' restructuring matters. I do not believe these representations create a conflict but have disclosed the connections out of an abundance of caution.

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<sup>3</sup> Texas Competitive Electric Holdings Company LLC ("**TCEH**") and, together with its direct parent company, Energy Future Competitive Holdings Company LLC ("**EFCH**") and certain of TCEH's direct and indirect subsidiaries, the "**TCEH Debtors**") and certain EFH Debtors (defined in the Debtors' plan of reorganization as the EFH Shared Services Debtors, and collectively, the "**Reorganized TCEH Debtors**") emerged from bankruptcy on October 3, 2016 (the "**TCEH Effective Date**"), and are no longer debtors in possession.

**Continued Vigilance and Affirmative Statement of Disinterestedness**

21. Based on the conflicts searches conducted to date and described in the Previous Declarations and herein, to the best of my knowledge and insofar as I have been able to ascertain, (a) Kirkland is a “disinterested person” within the meaning of section 101(14) of the Bankruptcy Code, as required by section 327(a) of the Bankruptcy Code, and does not hold or represent an interest adverse to the Debtors’ estates, and (b) Kirkland has no connection to the Debtors, their creditors, or other parties in interest, except as may be disclosed in the Previous Declarations and herein.

22. Kirkland will continue to review its files periodically during the pendency of these chapter 11 cases to ensure that no conflicts or other disqualifying circumstances exist or arise. If any new relevant facts or relationships are discovered or arise, Kirkland will use its reasonable efforts to identify any such further developments and will file a supplemental declaration as required by Bankruptcy Rule 2014(a) and as stated in the Previous Declarations and herein.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: November 29, 2016

Respectfully submitted,

/s/ Edward O. Sassower

Edward O. Sassower, as President of Edward O. Sassower P.C., as Partner of Kirkland & Ellis LLP, and as Partner of Kirkland & Ellis International LLP

**SCHEDULE 1**

| <b>Name of Entity Searched</b>  | <b>Name of Entity and/or Affiliate of Entity, that is a K&amp;E Client</b> | <b>Status</b> |
|---|--|---------------|
| 99 Cents Only Stores Texas Inc.<br>Ares Management LLC  | Ares Management Limited  | Current       |
| Accretive Solutions-Dallas LP   | Saybrook Capital, LLC  | Current       |
|   | Saybrook Corporate Opportunity Fund II Feeder, LP                          | Current       |
|   | Saybrook Corporate Opportunity Fund, L.P.                                  | Current       |
|   | Saybrook Corporate Opportunity Offshore Fund, L.P.                         | Current       |
|   | Saybrook Opportunity Fund II, LP   | Current       |
| Ace Cash Express Inc.   | Ace Acquisition Corp.  | Current       |
|   | Ace Cash Express, Inc.   | Current       |
|   | JLL Partners, Inc.   | Current       |
| Aecom Technical Services Inc.<br>URS Corp.  | AECOM  | Current       |
| Aerometric Inc.<br>Aero-Metric Inc.<br>Quantum Spatial Inc.   | Michael H. Lustbader   | Current       |
| Alcentra<br>Bank of New Mellon, The<br>Bank of New York as Indenture Trustee, The<br>Bank of New York Corporate Trust Admin Support, The<br>Bank of New York Mellon Corporate Trust Municipal, The<br>Bank of New York Mellon Corporate Trust, The<br>Bank of New York Mellon Trust Co., The<br>Bank of New York Mellon, The<br>Bank of New York Trust Co. NA, The<br>Bank of New York Trustee, The<br>Bank of New York, The<br>BNY Mellon<br>BNY Mellon Asset Servicing<br>City of New York Group Trust<br>Insight Investment Management Ltd.<br>Mellon Bank | Alcentra Limited   | Current       |



| Name of Entity Searched  | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status  |
|--|---|---------|
| Mellon Trust of New England NA<br>Wells Capital Management - 25464400  |   |         |
| AlixPartners<br>Apidos Capital<br>Apidos Capital Management LLC<br>Chempoint<br>CVC Capital Partners Ltd.<br>CVC Credit Partners<br>Evonik Energy Services LLC<br>ista North America Inc.<br>Univar<br>Univar USA Inc.   | CVC Credit Partners, LLC  | Current |
| Allianz Global Investors<br>Caywood-Scholl Capital Management<br>Nicholas Applegate<br>Pacific Investment Management<br>Pacific Investment Management - PIMCO<br>Pacific Investment Management Co. LLC<br>PIMCO<br>Pimco High Income Fund  | Allianz Infrastructure Partners GmbH                            | Closed  |
| AlpInvest Partners Co-Investments<br>2007 CV<br>Carlyle<br>Carlyle Azure CLO Ltd.<br>Carlyle Bristol CLO Ltd.<br>Carlyle Daytona CLO Ltd.<br>Carlyle High Yield Partners IX Ltd.<br>Carlyle High Yield Partners VII Ltd.<br>Carlyle High Yield Partners VIII Ltd.<br>Carlyle High Yield Partners X Ltd.<br>Carlyle Investment Management LLC<br>Carlyle McLaren CLO Ltd.<br>Carlyle Partners<br>Carlyle Veyron CLO Ltd.<br>CELf Advisors LLP<br>Claren Road<br>Coalfire Systems Inc. | Extreme Reach, Inc.   | Current |

| Name of Entity Searched  | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status             |
|--|---|--------------------|
| Cogentrix Energy Power Management LLC<br>CommScope Holding Co. Inc.<br>Duff & Phelps LLC<br>Extreme Reach, Inc.<br>Highlander Euro CDO BV<br>Highlander Euro CDO II BV<br>Hudson Products Corp.<br>IHS Cera Inc.<br>IHS Global Inc.<br>IHS Inc.<br>Metropolitan West Asset Management<br>Ortho Diagnostics Inc.<br>Stanfield Azure CLO Ltd.<br>Stanfield Bristol CLO Ltd.<br>Stanfield Carrera CLO Ltd.<br>Stanfield Daytona CLO Ltd.<br>Stanfield McLaren CLO Ltd.<br>Stanfield Veyron CLO Ltd.<br>Sullair Corp.<br>TCW Asset Management<br>Trust Company of the West<br>Vantage Energy LLC |   |                    |
| American Health Life Insurance Co.<br>CAFCO<br>Citi Prepaid Services<br>Citibank<br>Citibank Hold (SLT)<br>Citibank NA<br>Citibank NA Corporate Asset<br>Citibank New York<br>Citibank-Distressed Secondary<br>Citicards CBNA<br>Citigroup<br>Citigroup Energy Inc<br>Citigroup Financial Products Inc.<br>Citigroup Global Markets Inc.<br>Citigroup Inc.   | Citibank<br>Citicorp  | Current<br>Current |

| Name of Entity Searched   | Name of Entity and/or Affiliate of Entity, that is a K&E Client   | Status                                   |
|---|---|--|
| Citigroup Pension Plan<br>Citimortgage<br>Jeffries High Yield<br>JHYF 1 Loan Funding LLC<br>Kil Loan Funding LLC<br>OneMain Financial<br>Salomon Brothers Holding Co. Inc.<br>Sol Loan Funding LLC                      |   |  |
| American Stock Transfer & Trust Co.   | Riverside Europe Partners LLP<br>The Riverside Company  | Current<br>Current                       |
| American Stock Transfer & Trust Co.<br>Hudson Products Corp.  | ICG Europe Fund VI Jersey Limited   | Current                                  |
| AMP-A Tyco Electronics Corp.<br>Raychem<br>Tyco Electronics Corp.   | TE Connectivity Ltd.  | Current                                  |
| Antero Resources I LP<br><br>Enduring Resources LLC   | Trilantic Capital Management GP<br>Guernsey Ltd<br>Trilantic Capital Partners<br>Trilantic Capital Partners LLP | Current<br><br>Current<br>Closed         |
| Aon (Bermuda) Ltd.<br>Aon Hewitt<br>Aon Investment Consulting Inc.<br>Aon Risk Services Southwest Inc.<br>British Petroleum Exploration Mexico Limited, S.A. de C.V.<br>Hewitt Associates LLC<br>Hewitt Ennisknupp Inc. | Aon Trust Company<br>Aon Trust Corporation Limited  | Current<br>Current                       |
| Approva Corp.<br>Eagle-Picher Industries Inc.<br>Serena Software Inc.<br>US Silica Co.  | David Thomas<br>Oren Technologies, LLC<br>SandBox Enterprises, LLC<br>SandBox Logistics, LLC                    | Current<br>Current<br>Current<br>Current |
| Aqua-Chem Inc.<br>GK Holdings Inc.<br>Global Knowledge<br>Global Knowledge Training LLC<br>Halo Branded Solutions<br>Research Now Inc.<br>Survey Sampling International   | Ian M. Larkin<br>L. Thomas Gregory<br>Maranon Capital, L.P.   | Former<br>Former<br>Current              |

| Name of Entity Searched                     | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status  |
|---|---|---------|
| Ascension Health                            | TriMedx Holdings, LLC   | Current |
| AT&T  | AT&T Intellectual Property II L.P.                              | Current |
| AT&T Corp.                                  | AT&T Intellectual Property LLC                                  | Current |
| AT&T Global Information Solutions           | Teleport Communications of America, LLC                         | Current |
| AT&T Inc.                                   |   |         |
| AT&T Internet Services Inc.                 |   |         |
| AT&T Mobility                               |   |         |
| AT&T Mobility II LLC                        |   |         |
| AT&T Mobility LLC                           |   |         |
| AT&T Opus                                   |   |         |
| AT&T Opus Billing Department                |   |         |
| DIRECTV                                     |   |         |
| New Cingular Wireless PCS LLC               |   |         |
| Southwestern Bell Telephone                 |   |         |
| Southwestern Bell Telephone Co.             |   |         |
| Avenue                                      | Middle River Power Holdings LLC                                 | Current |
| Avenue Capital Group                        |   |         |
| Avenue Capital Management                   |   |         |
| Avenue Capital Management II Gen Par LLC    |   |         |
| Avenue Capital Management II LP             |   |         |
| Avenue Investments LP                       |   |         |
| Aviva Investors North America Inc.          | Aviva Investors Global Services Limited                         | Current |
| Baltimore Gas & Electric Co.                | Volta Energy Technologies, LLC                                  | Closed  |
| Constellation Energy                        |   |         |
| Constellation Energy Commodities Group Inc. |   |         |
| Exelon Corp.                                |   |         |
| Exelon Generation Co.                       |   |         |
| Exelon Powerlabs                            |   |         |
| Extex Laporte LP                            |   |         |
| MXEnergy Inc.                               |   |         |
| Proliance Energy LLC                        |   |         |
| Star Electricity LLC                        |   |         |
| Star Tex Power                              |   |         |
| Bank One Purchasing Card                    | Beth Cottrell   | Current |
| Bank One Travel Card                        | Highbridge Principal Strategies (UK) LLP                        | Current |

| Name of Entity Searched                      | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status  |
|--|---|---------|
| Chase Bank USA NA                            | Paymentech, LLC   | Current |
| Chase Investments                            | Upstream Exploration LLC  | Current |
| Chase Lincoln First Commercial Corp.         |   |         |
| Chase Paymentech LLC                         |   |         |
| Highbridge                                   |   |         |
| Highbridge Capital                           |   |         |
| J.P. Morgan Securities LLC                   |   |         |
| JP Morgan                                    |   |         |
| JP Morgan Chase & Co.                        |   |         |
| JP Morgan Chase Bank                         |   |         |
| JP Morgan Chase Bank NA                      |   |         |
| JP Morgan Chase Co.                          |   |         |
| JP Morgan Chase NA                           |   |         |
| JP Morgan Investment Management              |   |         |
| JP Morgan Securities Inc.                    |   |         |
| JP Morgan Securities LLC                     |   |         |
| JP Morgan Whitefriars Inc.                   |   |         |
| JPM Chase                                    |   |         |
| JPM Pacholder                                |   |         |
| JPM Whitefriars Inc.                         |   |         |
| JPMorgan Asset Management                    |   |         |
| JPMorgan Asset Management - US               |   |         |
| JPMorgan Asset Management- Cincinnati        |   |         |
| JPMorgan Chase                               |   |         |
| JPMorgan Chase Bank NA                       |   |         |
| JPMorgan Chase Bank NA (IL)                  |   |         |
| JPMorgan Chase Bank NA (NY)                  |   |         |
| JPMorgan Chase Bank NA (OH)                  |   |         |
| JPMorgan Chase Bank NA (TX)                  |   |         |
| JPMorgan Chase Retirement Plan, The          |   |         |
| JPMorgan Chase through Met Life              |   |         |
| JPMorgan Core Plus Bond Fund                 |   |         |
| JPMorgan High Yield Fund                     |   |         |
| JPMorgan Income Builder Fund                 |   |         |
| JPMorgan Strategic Income Opportunities Fund |   |         |
| Jpmorgan Ventures Energy Corp.               |   |         |
| NCO Financial Systems Inc.                   |   |         |

| Name of Entity Searched  | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status  |
|--|---|---------|
| Pacholder High Yield Fund<br>Paymentech LP   |   |         |
| BG Energy Merchants LLC<br>Evonik Energy Services LLC<br>Evonik Industries AG<br>Fisher Scientific<br>GIC (Government Investment Corporation of Singapore)<br>GIC Private Ltd.<br>Government of Singapore Investment Corp. Pte Ltd.<br>Thermo Environmental Instruments Inc.<br>Thermo Fisher Scientific<br>Thermo Orion Inc.<br>Thermo Process Instruments LP<br>Universal Blanchers LLC  | GIC Real Estate (International) Pte Ltd                         | Current |
| Bishop Lifting Products  | John F. Cozzi   | Current |
| Blackstone / GSO<br>Blackstone Advisory Partners LP<br>Blackstone Debt Advisors<br>Blackstone Special Funding (Ireland)<br>Comstock Oil & Gas LP<br>GSO<br>GSO Aiguille des Grands Montets Fund I LP<br>GSO Aiguille des Grands Montets Fund II LP<br>GSO Aiguille des Grands Montets Fund III LP<br>GSO Cactus Credit Opportunities Fund LP<br>GSO Capital Partners LP<br>GSO Churchill Partners LP<br>GSO Coastline Credit Partners LP<br>GSO Credit Alpha Fund LP<br>GSO Credit-A Partners LP<br>GSO Palmetto Opportunistic Investment Partners LP<br>GSO Special Situations Master Fund LP | Blackstone Real Estate Partners                                 | Current |

| Name of Entity Searched   | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status             |
|---|---|--------------------|
| GSO/Blackstone Debt Funds Management LLC<br>Harbourmaster Capital<br><br>La Quinta Inn #0505<br>La Quinta Inn #0558<br>La Quinta Inn #0960<br>LQ Management LLC<br>Mustang Ridge Apartments LP  |   |                    |
| BLT 24 LLC<br>BLT 27 LLC<br><br>BLT 33 LLC<br>BLT 36 LLC<br>BLT 42 LLC<br>BLT 8 LLC<br>BLT I LLC<br>Credit Suisse<br>Credit Suisse Alternative Capital Inc.<br>Credit Suisse Alternative Investments<br>Credit Suisse Asset Management LLC (CSAM)<br>Credit Suisse Asset Management LLC (US)<br>Credit Suisse Asset Manager<br>Credit Suisse Capital LLC<br>Credit Suisse Energy LLC<br>Credit Suisse Group AG<br>Credit Suisse International<br>Credit Suisse Loan Funding LLC<br>Credit Suisse Securities USA LLC<br>Credit Suisse, Cayman Islands Branch | Credit Suisse<br>Credit Suisse Securities (Europe) Limited      | Current<br>Current |
| Blue Cross Blue Shield Health Care Services Corp.<br>Blue Cross Blue Shield of Texas<br>Colorado Bankers Life Insurance Co.<br>Dearborn National Life Insurance Co.   | Caring for Montanans, Inc.                                      | Current            |
| Box Inc.<br>DocuSign Inc.   | Bessemer Venture Partners                                       | Current            |
| Box Inc.  | Hercules Technology Growth Capital, Inc.                        | Current            |

| Name of Entity Searched   | Name of Entity and/or Affiliate of Entity, that is a K&E Client   | Status   |
|---|---|--|
| Chargepoint Inc.  | Braemar Energy Ventures LLC<br>Braemar Energy Ventures LP   | Current<br>Current   |
| Chromalox   | Eve Gerriets Mongiardo<br>IPC/Ironshore Co-Investment Partners (Cayman), L.P.<br>IPC/Ironshore Strategic Co-Investment (Cayman), L.P.<br>IPC/UHS Co-Investment Partners, L.P.<br>Irving Place Capital III Executive Fund (Cayman), L.P.<br>Irving Place Capital III Family Fund (Cayman), L.P.<br>Irving Place Capital III Family Fund, L.P.<br>Irving Place Capital III Feeder Fund, L.P.<br>Irving Place Capital Management, L.P.<br>Irving Place Capital Partners III (Cayman), L.P.<br>Irving Place Capital Partners III Coinvestors, L.P.<br>Irving Place Capital Partners III, L.P.<br>Keith E. Zadourian | Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current |
| Cit Group/Equipment Financing Inc.<br>Freepoint Commodities LLC<br>Millstein & Co.<br>Newport Group Inc., The | Stone Point Capital LLC   | Current  |
| Coalfire Systems Inc.   | Baird Capital Partners Europe Limited<br>Robert W. Baird & Co. Incorporated<br>Robert W. Baird Limited  | Current<br>Current<br>Current  |
| Conwed Corp.  | 54 Madison Partners LLC   | Current  |
| Courtyard by Marriott LP<br><br>Marriott Corp., The<br>Marriott International Inc.<br>Ritz Carlton, The       | Marriott Vacations Worldwide Corporation  | Current  |
| Cycle Chem  | CVCC Holdings, Inc.<br>Kinderhook Capital Fund I, L.P.<br>Kinderhook Capital Fund II, L.P.<br>Kinderhook Capital SBIC Fund I, L.P.<br>Kinderhook Industries LLC   | Current<br>Current<br>Closed<br>Current<br>Current   |



| <b>Name of Entity Searched</b>         | <b>Name of Entity and/or Affiliate of Entity, that is a K&amp;E Client</b> | <b>Status</b> |
|--|--|---------------|
| D&B - Dun & Bradstreet                 | Archer Capital Growth Funds Pty Ltd.                                       | Current       |
| Delaware Investments                   | Green Bermuda Holdings Ltd.  | Current       |
| Macquarie Bank Ltd.                    | Macquarie Atlas Roads International Limited                                | Current       |
| Macquarie Bank Ltd.-Sydney Head Office | Macquarie Infrastructure Partners II GP, LLC                               | Current       |
| Macquarie Energy LLC                   | MQA 125 Holdings, Inc.   | Current       |
| Macquarie Futures                      | MQA Indiana Holdings LLC   | Current       |
| Macquarie Futures USA Inc.             |  |               |
| Macquarie Futures USA LLC              |  |               |
| Macquarie Investment Management        |  |               |
| Distribution International             | Timothy Armstrong  | Current       |
| Foresee Results Inc.                   |  |               |
| Halo Branded Solutions                 |  |               |
| Integrated Power Services LLC          |  |               |
| Luminator Holding LP                   |  |               |
| Qualawash Holdings LLC                 |  |               |
| Railworks Track Systems                |  |               |
| Railworks Track Systems Inc.           |  |               |
| Railworks Track Systems Texas          |  |               |
| Thermon Heat Tracing Services          |  |               |
| Dixie Chemical Co.                     | Dixie Chemical Company, Inc.   | Current       |
| Novo 1                                 | Glencoe Capital, LLC   | Current       |
| Eastman Kodak Co.                      | True Wind Capital Management, LLC  | Current       |
| Owen-Illinois                          |  |               |
| Owens Illinois                         |  |               |
| Owens Illinois Inc.                    |  |               |
| Owens-Brockway Glass Container Inc.    |  |               |
| Owens-Illinois Inc.                    |  |               |
| Safeway Inc.                           |  |               |
| Safeway Stores Inc.                    |  |               |
| Thompson Can Co.                       |  |               |
| Embarcadero Technologies Inc.          | Seth J. Boro   | Current       |
| Empirix Inc.                           |  |               |
| Opnet Technologies                     |  |               |
| Solarwinds Inc.                        |  |               |
| Tripwire Inc.                          |  |               |
| Energy Transfer Fuel LP                | BTO Commodities L.P.   | Current       |

| Name of Entity Searched  | Name of Entity and/or Affiliate of Entity, that is a K&E Client  | Status  |
|--|--|---------|
|  | North Yard GP, LLC   | Current |
|  | North Yard Logistics, L.P.   | Current |
|  | PES Administrative Services, LLC   | Current |
|  | PES Holding, LLC   | Current |
|  | PES Inventory Company, LLC   | Current |
|  | PES Logistics GP, LLC  | Current |
|  | PES Logistics Partners, L.P.   | Current |
|  | PESRM Holdings, LLC  | Current |
|  | Philadelphia Energy Solutions Inc.   | Current |
|  | Philadelphia Energy Solutions Refining and Marketing LLC   | Current |
| EnerVest Operating LLC   | EnerVest Energy Institutional Fund XIII-A, L.P.  | Current |
| Examination Management Services Inc.   | EnerVest Energy Institutional Fund XIII-B, L.P.  | Current |
|  | EnerVest Energy Institutional Fund XIII-C, L.P.  | Current |
|  | EnerVest Energy Institutional Fund XIII-WIB, L.P.  | Current |
|  | EnerVest Energy Institutional Fund XIII-WIC, L.P.  | Current |
| Exide Corp.  | Extreme Reach, Inc.  | Current |
| Extreme Reach  | Z Capital Management LLC   | Current |
| Federal Communications Commission  | Carmen Villar Prados, as the Executive Director of the Puerto Rico Highways & Transportation Authority | Current |
| Federal Deposit Insurance Corp. (FDIC)                                       | Eddie Baza Calvo   | Current |
| Federal Emergency Management Agency (FEMA)                                   | Government Development Bank for Puerto Rico  | Current |
| Internal Revenue Service   | Government of Guam   | Current |
| Jackson, Lisa P., in her official capacity as Administrator of the USEPA     | Juan C. Zaragoza Gomez, as Secretary of the Puerto Rico Department of Treasury                         | Current |
| Jackson, Lisa, as Administrator of the U.S. Environmental Protection Agency  | Luis G. Cruz Batista, as Director of the Government Development of Puerto Rico                         | Current |
| McCarthy, Gina, as Administrator of the U.S. Environmental Protection Agency | Puerto Rico Government Development Bank  | Current |
| Mine Safety & Health Administration (MSHA), U.S. Department of Labor         | The Department of Economic Development and Commerce of Puerto Rico                                     | Closed  |
| National Institute of Standards & Technology                                 | The Government Development Bank of Puerto Rico   | Current |

| Name of Entity Searched  | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status |
|--|---|--------|
| National Scientific Balloon Facility<br>Office of Surface Mining<br>Oklahoma City Air Logistics Center<br>Pension Benefit Guaranty Corp.<br>Perciasepe, Bob, in his capacity as Acting Administrator, USEPA<br>Richards-Gebaur AFB<br>Securities and Exchange Commission<br>Tennessee Valley Authority<br>United States Attorney, Office of the<br>United States Customs & Border Protection<br>United States Department of Agriculture, Rural Utilities Service<br>United States Department of Energy<br>United States Department of Justice<br>United States Department of Labor<br>United States Department of The Treasury, Internal Revenue Service (IRS)<br>United States Department of Treasury<br>United States Environmental Protection Agency<br>United States Mine Safety & Health Administration<br>United States Naval Academy<br>United States Nuclear Regulatory Commission<br>United States of America<br>United States Treasury Single Taxpayers (IRS)<br>United States Trustee, Office of the<br>US Air Force<br>US Army Corp. of Engineers<br>US Coast Guard<br>US Corps of Engineers<br>US Department of Justice<br>US Department of The Army<br>US Department of Transportation<br>US Drug Enforcement Administration<br>US Drug Enforcement Agency |   |        |

| Name of Entity Searched   | Name of Entity and/or Affiliate of Entity, that is a K&E Client  | Status   |
|---|--|--|
| US Internal Revenue Service<br>USAF   |  |  |
| Foresee Results Inc.  | Answers Corporation<br>Answers Holdings, Inc.<br>Beanspublishing, Ltd.<br>Easy2 Technologies, Inc.<br>ForeSee Results, Inc.<br>ForeSee Results, Ltd.<br>ForeSee Session Replay, Inc.<br>GuruNet Corporation<br>More Corn, LLC<br>Morecorn, LLC<br>Multiply Media, LLC<br>Redcan, LLC<br>RSR Acquisition, LLC<br>Upbolt, LLC<br>WebCollage<br>Webcollage (Europe) Ltd.<br>Webcollage (Israel) Ltd.<br>Webcollage Inc. | Current<br>Closed<br>Current<br>Current<br>Current<br>Current<br>Current<br>Closed<br>Current<br>Closed<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current |
| FSI International Inc.  | Tokyo Electron U.S. Holdings, Inc.   | Current  |
| FTI Consulting  | John Howard Batchelor<br>Kenneth Fung  | Current<br>Current   |
| Future Fund Board of Guardians  | QIC Private Capital Pty Ltd.   | Current  |
| Genesys<br>Linkedin Corp.<br>OneSource Virtual HR Inc.<br>OSIsoft Inc.  | Technology Crossover Ventures  | Current  |
| Genon Energy Management LLC<br>NRG Energy Inc.<br>NRG EV Services LLC<br>NRG Power Marketing Inc.<br>NRG Power Marketing LLC<br>NRG Texas Power LLC<br>Reliant Energy<br>Reliant Energy Power Supply LLC<br>Reliant NRG | GenOn Americas Generation, LLC<br>GenOn Americas Procurement, Inc.<br>GenOn Asset Management, LLC<br>GenOn Capital Inc.<br>GenOn Energy Holdings, Inc.<br>GenOn Energy Management, LLC<br>GenOn Energy Services, LLC<br>GenOn Energy, Inc.<br>GenOn Fund 2001 LLC  | Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current<br>Current  |

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| Name of Entity Searched | Name of Entity and/or Affiliate of Entity, that is a K&E Client | Status  |
|-------------------------|---|---------|
|                         | NRG Lovett Development I LLC                                    | Current |
|                         | NRG Lovett LLC  | Current |
|                         | NRG MD Ash Management LLC                                       | Current |
|                         | NRG New York LLC  | Current |
|                         | NRG North America LLC   | Current |
|                         | NRG Northeast Generation, Inc.                                  | Current |
|                         | NRG Northeast Holdings, Inc.                                    | Current |
|                         | NRG Piney Point LLC   | Current |
|                         | NRG Potomac River LLC   | Current |
|                         | NRG Potrero LLC   | Current |
|                         | NRG Power Generation Assets LLC                                 | Current |
|                         | NRG Power Generation LLC  | Current |
|                         | NRG Power Midwest GP LLC  | Current |
|                         | NRG Power Midwest LP  | Current |
|                         | NRG REMA LLC  | Current |
|                         | NRG Sabine (Delaware), Inc.                                     | Current |
|                         | NRG Sabine (Texas), Inc.  | Current |
|                         | NRG San Gabriel Power Generation LLC                            | Current |
|                         | NRG Tank Farm LLC   | Current |
|                         | NRG Wholesale Generation GP LLC                                 | Current |
|                         | NRG Wholesale Generation LP                                     | Current |
|                         | NRG Willow Pass LLC   | Current |
|                         | Orion Power New York GP, Inc.                                   | Current |
|                         | Orion Power New York LP, LLC                                    | Current |
|                         | Orion Power New York, L.P.                                      | Current |
|                         | RRI Energy Broadband, Inc.                                      | Current |
|                         | RRI Energy Channelview (Delaware) LLC                           | Current |
|                         | RRI Energy Channelview (Texas) LLC                              | Current |
|                         | RRI Energy Channelview LP                                       | Current |
|                         | RRI Energy Communications, Inc.                                 | Current |
|                         | RRI Energy Services Channelview LLC                             | Current |
|                         | RRI Energy Services Desert Basin, LLC                           | Current |
|                         | RRI Energy Services, LLC  | Current |
|                         | RRI Energy Solutions East, LLC                                  | Current |
|                         | RRI Energy Trading Exchange, Inc.                               | Current |
|                         | RRI Energy Ventures, Inc.                                       | Current |
| Google Inc.             | Google Energy Fund Management                                   | Current |

| <b>Name of Entity Searched</b>   | <b>Name of Entity and/or Affiliate of Entity, that is a K&amp;E Client</b> | <b>Status</b>                 |
|--|--|-------------------------------|
|  | Team<br>Jason Allen<br>John M. Woolard<br>Rick Needham                     | Current<br>Current<br>Current |
| Henry Co.  | Graham Partners, Inc.  | Current                       |
| Igloo Products Corp.<br>Ignite Restaurant Group Inc.   | ACON Investments LLC   | Current                       |
| IHS Cera Inc.<br>IHS Inc.  | Carfax, Inc.   | Current                       |
| Ingram Concrete LLC  | King's Ready Mix, Inc.   | Current                       |
| Kraft Foods  | H.J. Heinz Company, L.P.   | Current                       |
| Linden Advisors LLC<br>Linden Capital LP   | LCP Chesapeake Holdco, LLC   | Current                       |
| Lyondell Chemical Co.  | LyondellBasell Industries N.V.   | Current                       |
| Macy's   | Macy's, Inc.   | Current                       |
| Mobile Mini I Inc.<br>Ozburn-Hessey Logistics LLC<br>Simeio Solutions Inc.                           | WCAS Management Corporation  | Current                       |
| Munters Corp.<br>Rothschild Inc.   | Rothschild Inc.  | Current                       |
| New York City Police Pension Fund  | New York City Law Department Public Service Program                        | Closed                        |
| Northern Trust Co. of New York   | Northern Trust Fiduciary Services (Guernsey) Limited                       | Current                       |
| Orchard Global Asset Management  | Orchard Global Asset Management LLP  | Current                       |
| Peopleclick Inc.   | Primus Venture Partners, Inc.  | Current                       |
| Peterbilt Motors Co.   | PACCAR Financial Corp.   | Current                       |
| Pharmacia Corp.<br>Quigley Co. Inc.<br>Searle Medical Products Inc.<br>Upjohn Co.                    | Pfizer   | Current                       |
| Plains Pipeline LP<br>Texas American Petrochemicals Inc.<br>TNT Crane & Rigging<br>TPC Holdings Inc. | AMCI Capital L.P.<br>First Reserve Fund XII, L.P.                          | Current<br>Current            |
| Power Partners Inc.  | OpenGate Capital Management, LLC   | Current                       |

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|---|---|---------|
| Princeton Payment Solutions LLC             | Liron Gitig   | Current |
| Putnam Investments                          | Sagard Capital Partners, L.P.                                   | Current |
| RadioShack Corp.                            | Mark Vassallo   | Closed  |
|   | Pathlight Capital, LLC  | Current |
| Remington Arms                              | Steven Mayer  | Current |
| Research Now Inc.                           | Court Square Advisor, LLC                                       | Current |
| Rocket Software Inc.                        | Court Square Capital Management, L.P.                           | Current |
|   | Court Square Capital Managers III, L.P.                         | Current |
|   | Court Square Capital Partners LP, II                            | Current |
|   | CSC Manager, L.P.   | Current |
| Safety Kleen Services Inc.                  | UBS Financial Inc.  | Current |
| UBS   |   |         |
| UBS AG                                      |   |         |
| UBS AG - Stamford, CT Branch                |   |         |
| UBS Global Asset Management (Americas) Inc. |   |         |
| UBS O'Connor LLC                            |   |         |
| UBS Securities                              |   |         |
| UBS Securities LLC                          |   |         |
| UBS Stamford Branch TRS                     |   |         |
| Sanderson Farms Inc.                        | Sanderson Farms, Inc.   | Current |
| Sandoz Agro Inc.                            | Syngenta Seeds, LLC   | Current |
| Syngenta Crop Protection                    |   |         |
| Silver Point Capital                        | Silver Point Capital  | Current |
| Six Flags Over Texas                        | Staple Street Capital   | Current |
| Texas Flags Ltd.                            | Staple Street Capital II GP, L.P.                               | Current |
|   | Staple Street Capital II UGP, LLC                               | Current |
|   | Staple Street Capital II, L.P.                                  | Current |
|   | Staple Street Capital II-A, L.P.,                               | Current |
|   | Staple Street Capital Management, LLC                           | Current |
| Skyhigh Networks Inc.                       | Sequoia Capital   | Current |
|   | Sequoia Capital China Advisors Limited                          | Current |
| Stock Equipment Co. Inc.                    | IK Investment Partners Limited                                  | Current |
| SuddenLink                                  | Cequel Communications, LLC                                      | Current |
|   | Neptune Holding US Corp.  | Current |
| Trafigura AG                                | Trafigura Pte Ltd.  | Current |



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|---|---|---------------------------------------|
| Uline   | Brian Uihlein<br>Freddie Goldenberg<br>Richard E. Uihlein, Jr.<br>Stephen Ellis Uihlein | Former<br>Former<br>Current<br>Former |
| United Parcel Service (Freight)<br>United Parcel Service Inc. | Coyote Logistics, LLC<br>UPS Ground Freight, Inc.<br>UPS Supply Chain Solutions, Inc.   | Current<br>Closed<br>Closed           |
| Utex Industries Inc.  | Eytan A. Tigay<br>Peter R. Ezersky  | Current<br>Current                    |
| Veritext<br>Veritext Holding Co.                              | Jeremy Gelber<br>Pamplona Capital Management LLC<br>Pamplona Capital Partners III LP    | Closed<br>Current<br>Closed           |
| Vitria Technology Inc.  | Weston Presidio   | Current                               |
| Zeneca Inc.   | AstraZeneca Pharmaceuticals LP  | Current                               |
| Zurn Pex Inc.   | Cambridge International Holdings Corp.  | Current                               |