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UNDERTAKING

1 UNDERTAKING NO. J1.1: TO CONFIRM WHETHER DRAFT REPORT

2 REFERRED TO IN ITEMS 14 AND 17 WERE FINALIZED, AND IF

FINALIZED, TO PROVIDE DATE OF FINAL REPORT.

- 5 Response:
- 7 The draft reports were finalized by way of a THESL senior management report dated
- 8 May 3, 2010. Such report was not presented to THESL's board of directors and is
- 9 privileged as being in contemplation of litigation.

- 43 TOR01: 4848906: v1