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January 22, 2016

**BY ECF**

Honorable Kiyo A. Matsumoto  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Martin Shkreli.*, No. 1:2015-cr-00637

Dear Judge Matsumoto:

We are writing to inform the Court that defendant Martin Shkreli received a subpoena from the United States House of Representatives' Committee on Oversight and Government Reform (the "Committee") on January 12, 2016, which subpoena demands that he testify at a hearing in Washington, D.C., on January 26, 2016. After receiving the subpoena, counsel for Mr. Shkreli informed the Committee staff by telephone that Mr. Shkreli would assert his Fifth Amendment right against self-incrimination. We later reiterated that position to the Committee in the attached letter, dated January 22, 2016, noting that requiring Mr. Shkreli's attendance in person under these circumstances would only serve to subject Mr. Shkreli to embarrassment and obloquy without serving any of the legitimate tasks of Congress. (Tab A.) We further informed the Committee that Mr. Shkreli is forbidden from leaving the Eastern and Southern Districts of New York under the conditions of his bail, as ordered by Magistrate Judge Robert M. Levy on December 17, 2015.

The Committee nevertheless informed us today, in the attached reply letter, that it wants Mr. Shkreli to appear in person to assert his Fifth Amendment privilege. (Tab B.) The Committee further advised that it will pursue criminal contempt charges, pursuant to 2 U.S.C. §§ 192 and 194, if Mr. Shkreli remains in New York (as required by his bail), and fails to appear for the Committee hearing in Washington.

We therefore are writing to respectfully seek the Court's guidance. If the Court decides that Mr. Shkreli may not leave the Eastern and Southern Districts of New York in

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order to attend the Committee hearing, then we respectfully request that the Court accept this letter as a motion to quash or to stay the subpoena so that Mr. Shkreli will not be subject to criminal contempt charges for failing to appear.

We are available to discuss this matter further at the Court's convenience.

Respectfully Submitted,

*/s/ Marcus A. Asner*

Marcus A. Asner  
Baruch Weiss

Attachments: Tab A (with attachment); Tab B

cc: Jon Skladany, Kelly Christl, and Alex Golden (*Committee Staff*)  
Winston Paes (*Assistant United States Attorney*)  
Alixandra Smith (*Assistant United States Attorney*)