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December 27, 1986

Ellen M. Mahan, Esquire  
Environmental Enforcement Section  
Land and Natural Resources Division  
United States Department of Justice  
P.O. Box 7415  
Washington, D.C. 20044-7415

Dear Ms. Mahan:

This is in response to your letter of December 3. First, it is not essential that I identify or produce every treatise or article upon which my experts intend to rely. Indeed, while I have done so in a great many instances, I should point out that you have not done so. In other words, Aerovox has identified much more extensively the literature that support the opinions of its experts than have the plaintiffs.

Be that as it may, I have obtained copies of Moer's (1978), Santschi, et al (1984), Hawley (1982), Isaji, et al (1985) and Cornillon, et al (1979). I have not obtained a copy of Moer's 1976 work, since it is described adequately in his 1978 work. If you are prepared to pay the cost of copying, I shall be happy to furnish you copies of those documents.

The tidal flow measurements to which you referred as having been performed on June 20, 1986 are included as Appendix A to the ASA Report. If that Appendix is not included in your copy of the Report, let me know and I shall furnish it to you. The 1983 ASA work is privileged and work product and exempt from discovery.

With respect to your questions concerning the work of John Brown, I am enclosing the chromatograms and a map

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showing the location of the sampling. Only 24 chromatograms were analyzed by Dr. Brown, as shown.

I should take this opportunity to contradict your statement that the governments have made all of their sampling results available to me. Obviously, at the time you wrote your letter, you were not aware that Evan Slavitt would refuse to produce such data in his letter of December 18 to me. A copy of that letter is enclosed. Thus, it is not Aerovox, but rather the plaintiffs, who have refused to produce documents which ought to have been produced. Accordingly, I insist that plaintiffs produce the materials which I requested in my December 7 letter, and their failure to do so promptly will generate an appropriate motion.

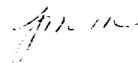
Finally, on page 3 of your letter, you ask for copies of various reports. Although, as I pointed out earlier, we are not required to furnish copies of learned treatises or articles, and you are simply looking for us to do your work for you, you can have copies upon payment of copying expenses.

Very truly yours,



Paul B. Galvani

PBG/jmm  
Enclosures



cc: Evan M. Slavitt, Esquire