

RECEIVED JUL 11 1990

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JURIS DOCTOR, MASTER OF
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ADMITTED IN ILLINOIS,
PENNSYLVANIA & MISSOURI

July 5, 1990

Peter Montague, Ph.D., Editor
Environmental Research Foundation
P.O. Box 3541
Princeton, NJ 08543-3541

Re: William R. Gaffey, Ph.D.

Dear Dr. Montague:

Please be advised that I represent William R. Gaffey, Ph.D.,
President of William R. Gaffey, Inc.

In your newsletter "Rachel's Hazardous Waste News" #171 dated March 7, 1990 you published several false and defamatory statements about the work that William R. Gaffey and Judy Zack allegedly did in connection with the health effect of occupational dioxin exposure. Mr. Gaffey demonstrated the falsehoods to you by letters dated April 4, 1990, April 23, 1990 and May 11, 1990, and included supporting data. To date he has received neither a reply to his letter of May 11, 1990 nor a retraction.

Liability for trade libel results from the publication of false and defamatory statements about a person's business, trade or profession. Specifically, the tort of defamation is a false communication which injures a person's reputation. False statements that disparage another in the conduct of his business, trade or profession give rise to liability without proof of special damages. Mr. Gaffey may recover damages from you for defamation even without proving actual loss of trade. In addition, Mr. Gaffey may recover damages for the loss of business that he can establish with reasonable certainty. Statements, such as those in your newsletter, which interfere with Mr. Gaffey's prospective and existing business and contractual relationships also constitute tortious conduct for which you may be held liable. Furthermore, the tort of disparagement or injurious falsehood imposes liability for the publication of a false statement that results in harm to another's interests which have pecuniary value. The torts of defamation, interference with prospective and existing business and contractual relationships and disparagement involve the imposition of liability for injuries sustained through publication of false statements.

EXHIBIT

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Mr. Gaffey has authorized me to take whatever legal action is necessary to protect and restore his reputation and protect his economic interests. In order to avoid litigation which will be expensive and embarrassing to you, Mr. Gaffey is willing to settle this matter if you publish a retraction and pay his legal fees of One Hundred and Fifty Dollars (\$150.00), which have thus far accrued. If the retraction and payment is not forthwith in coming, appropriate legal action will be taken to protect my client from the torts of defamation, disparagement or injurious falsehood and interference with prospective and existing contractual relations. Please be advised that I intend to fully protect my client's interests, to vigorously enforce all of my client's rights and to diligently pursue all legal remedies.

An immediate retraction and payment of Mr. Gaffey's legal fees will be appreciated.

Very truly,

A handwritten signature in cursive script, appearing to read "Monnye R. Gross".

Monnye R. Gross

MRG/ks