

LAW OFFICES
NESS, MOTLEY, LOADHOLT, RICHARDSON & POOLE
PROFESSIONAL ASSOCIATION

28 BRIDGESIDE BOULEVARD
POST OFFICE BOX 1792
MT. PLEASANT, SOUTH CAROLINA 29465
843-216-9000 FAX # 843-216-9450
E-MAIL: nmlrp@nmlrp.com

JAMES M. HUGHES, Ph.D.
DIRECT DIAL: 843-216-9133
FAX: 843-216-9440
E-MAIL: jhughes@nmlrp.com

January 22, 2001

OTHER OFFICES:
CHARLESTON, SOUTH CAROLINA
BARNWELL, SOUTH CAROLINA
PROVIDENCE, RHODE ISLAND
NEW ORLEANS, LOUISIANA
RALEIGH, NORTH CAROLINA

Bert Cappel, Esquire
Billy Baggett, Jr., Esquire
Baggett, McCall, Burgess, & Watson
1130 Python Street
Lake Charles, LA 70601

Re: Record of McKinley Respirator Protection

Dear Bert and Billy:

Enclosed are some log in sheets I had copied when I was reviewing documents at Jones Day. These are the sign in sheets that I could find from 1975 through 1984 of whether Mr. McKinley worked in a regulated or non-regulated area and whether or not he wore respirator protection. The year 1977 is missing. For the other years, however, out of 18 times he logged in as having worked in a regulated area, 14 of those times he did not wear breathing protection. This goes directly against Harlan Jewett's claim at his 30(B)(5) deposition that Mr. McKinley almost always wore breathing protection. Mr. Jewett also stated that no employee was ever disciplined for not wearing breathing protection.

Also enclosed is a copy of Harlan Jewett's deposition with Exhibits.

Sincerely,



JAMES M. HUGHES

JMH/drl
Enclosures

