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MULTIPLE RECIPIENT FAX COVER SHEETDATE: November 24, 1993 TIME: 10:50 TOTAL PAGES: 2IF YOU DO NOT RECEIVE THE NUMBER OF PAGES INDICATED ABOVE,
PLEASE CONTACT _____ AT (314)241-9090**PLEASE DELIVER TO:**NAME: Joseph Leritz

FIRM: _____

TELECOPY NO.: 231-9480NAME: Gerson Smoger

FIRM: _____

TELECOPY NO.: 445-746-8799NAME: Paul Messell

FIRM: _____

TELECOPY NO.: 503-528-7105NAME: Mark Bronson

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COMMENTS: _____

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November 24, 1993

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VIA FACSIMILE

Mr. Peter Montague
Research Director
Environmental Research Foundation
105 Eastern Avenue, Suite 101
P. O. Box 5036
Annapolis, Maryland 21403

Re: William R. Gaffey v. Peter Montague, et al.
United States District Court Case No. 91-1938-C-7 JCH

Dear Peter:

Gerry and I have given consideration to the First Amendment implications of the depositions which have been noticed. We are chiefly concerned with the extent to which the deposition testimony will bear on three critical issues: (1) whether Mr. Gaffey is, at the very least, a limited purpose public figure; (2) whether you and ERF are "media defendants"; and (3) whether Gaffey has suffered any damages as a result of the publication at issue.

With those and other First Amendment considerations in mind, we think it imperative that Gerry or I actively participate in the depositions of William Gaffey, Mary Gaffey, Marcie Strauss and Cate Jenkins. We also feel it is imperative that Gerry or I participate in the defense of your deposition, which is likely to focus primarily on your journalistic practices. Additionally, we should consider the extent to which the Monsanto scientists to be deposed can add to our evidence that Gaffey is, indeed, a public figure.

Joe Leritz, Ed Roth and I already have discussed some of our deposition goals as they relate to the First Amendment issues. Of course, we also plan to coordinate deposition strategy with Gerson Smoger, Paul Merrell and Mark Bronson. I'll keep you posted as to what we ultimately decide with respect to the depositions.

Meanwhile, if you have any questions, please do not hesitate to call me or Gerry.

Best regards.

Very truly yours,

GREENSFELDER, HEMKER & GALE, P.C.

By

Mary Ann L. Wymore
Mary Ann L. Wymore

MLW:dsa

cc: Gerald R. Orthals, Esq.
Joseph L. Leritz, Esq.
Gerson Smoger, Esq.
Paul Merrell, Esq.
Mark Bronson, Esq.