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September 20, 2000

National Institute of Diabetes and Digestive and Kidney Diseases
 Freedom of Information Office
 9000 Rockville Pike
 Building 31
 Bethesda, MD 20892

Attention: Mr. John Condry

Re: FOIA Case Nos. 25644 and 25679
Crair v. Brookdale Hospital Medical Center, et al.
Supreme Court of the State of New York, County of Kings
Index No.: 2194/95

Dear Mr. Condry:

We represent the defendant, New England Medical Center Hospitals, Inc. (NEMCH), in the above-referenced litigation. As you are aware, other defendants in this action have requested, pursuant to the Freedom of Information Act (FOIA), access to United States government documents regarding the human growth hormone project. Please accept this letter as a formal request made by NEMCH for access to these documents under FOIA.

In addition, it is our understanding that a substantial delay has occurred in locating the documents and in responding to the FOIA requests made by other parties to this litigation. The plaintiff in this litigation has alleged that the decedent, Stacey Crair, received growth hormone under the government's program that was allegedly contaminated with the virus or protein causing Creutzfeldt Jacob Disease. The plaintiff has alleged that the defendants in this litigation were involved in the extraction, administration, or distribution of the growth hormone. The defendants cannot properly prepare their defenses to the plaintiff's claims or meaningfully participate in discovery without first obtaining and reviewing the documents in the government's possession. We would be willing to enter into a Stipulated

Of Counsel
 Thomas W. Poner, Jr.
 *Also Admitted

received
 10/05/2000 JRL

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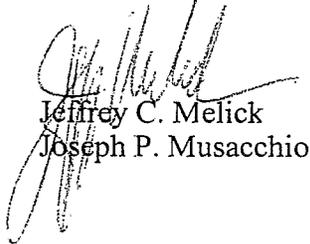
Page 2.

Protective Order as a condition to obtaining access to the documents and, along with the other defendants, pay a reasonable cost associated with the copying of the documents.

We join in with the other defendants by expressing that time is of the essence and that a prompt status report from you would be greatly appreciated.

Please contact us immediately if you have any questions.

Very truly yours,



Jeffrey C. Melick
Joseph P. Musacchio

JCM/JPM/djr

cc: Lisa D. Collinson, Esquire
Linda P. McMillan, Esquire
Jennifer E. Bienstock, Esquire
Louis Martinez, Esquire