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MEMORANDUM

TO	The File
FROM	Ali Kazemi
DATE	September 7, 2004
RE	Wheeling Transcription of September 7 Conference Call 910536/2003 Tape

	Yes, so we have Ms. Wilkins on the line also and this is the 10:30 teleconference with the Judge and ...
	Yes, sir.
	Please state your name before you speak for the record.
	Thank you.
	Good morning.
	Good morning, Your Honor.
Judge Huff	On the telephone and conference call, please remember that if you begin speaking and interrupt the other people, so hold your thoughts. First, I'd like to ask Mr. Alexander for the estimate of hours for Dr. Ballard and if that needs to be done confidentially. It's just a number of hours.
David Alexander	O.k., well, this is David Alexander speaking, Your Honor. I have discussed that with Dr. Ballard ... not Dr. Ballard — Dr. DeForest and without seeing the shirt, I can detail this ... he says it's very difficult to know ... the most difficult portion of this, uh, and I want to ...
Judge Huff	Excuse me. If you didn't listen to the question.

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David Alexander	Yes.
Judge Huff	I need the hours for <i>Dr. Ballard</i> .
David Alexander	Oh! I'm sorry. I don't ... I apologize, I don't ... I understood it would be the ... I wrote down the hours for Dr. DeForest.
Judge Huff	No, it was the hours for Dr. Ballard!
David Alexander	All right. Then, I ...
Judge Huff	All right. Then, we'll cancel this — you may call and you may do two things. Then subsequent on Dr. DeForest, he sent, he sent the Court a fax — that's the second time that he's engaged in improper expert communication and he indicated he doesn't want to participate. So, he's out.
David Alexander	Well, that's not ... that's not the case. I saw it the day that it happened, I obviously did not know about it. He also received a call from Dr. Myers on Friday and I said, "You're not suppose to take any of those calls. He's not suppose to be calling you and you two guys have got to stop this. And you shouldn't send any letters." I've learned about that after the fact when I tried to call him over the weekend and reached him to discuss this so, I haven't even read it and I don't intend to, Your Honor. Uh, but I know he is because he told me he wrote a letter and I told him you're not suppose to, I don't know what it's about. And I guess he sent a copy to yourself, and Ms. Wilkins and myself and so I've not, uh, I'm not even looking at it. And, I told him, "no more."
Judge Huff	No.
David Alexander	... 'cause you just can't do it.
Judge Huff	No. This is Friday night when he was not available. He sends a ... something to the Court after the Court had ordered and he said he doesn't want to participate, so he's out.
David Alexander	Well, Your Honor, he's not ... he wants to ... he's willing to participate and I can explain his concern to you which is one corroborated by a rather interesting call I got from Dr. Blake as well as my conversation with Mr. Epstein who also called me back when I was trying to reach all of these people.

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Judge Huff	Well, it's ... the, the Defense does not have a unilateral right to hire experts that cannot comply with Court Orders or procedures. And he said in writing, he doesn't want to participate. So, given those ...
David Alexander	Well, I'll tell you that's not the case when I spoke with him and I don't know whether he was ... well, I can tell you what he's troubled about ... uh ...
Judge Huff	He's written to ...
David Alexander	... to say that but when I talked to him, all right, he didn't say that he didn't want to participate. To the contrary, he's willing to participate. And the additional week would be of immense help.
Judge Huff	Given the problems and his statement in writing that he does not want to participate and his unwillingness to follow Court Orders and procedures, I'm inclined not to have him participate.
David Alexander	And I would respectfully request, I mean because Myers also violated Court Order by calling him on Friday and I don't want to get into pointing fingers either way, but I would respectfully request that, that we not make that determination based upon that incident. Um, I'd like to say I can absolutely promise this won't happen again, but uh, you know, I've made it clear to him, "don't do that." I said when Myers calls or anybody else, there ... H E calls, don't take the calls. Say we're not suppose to take the calls.
Judge Huff	No, this has nothing to do with that. He doesn't want to do the protocol ...
David Alexander	He does ... he's willing to do the protocol, Your Honor.
Judge Huff	He can't put in writing that he is not.
David Alexander	I really don't know.
Judge Huff	Let me ... he put in writing, "I will not agree to do any sampling according to this protocol."

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David Alexander	Well, let me point out if I might because I think it's substantive that goes to the protocol and some ... what I've got to say is, you know, what is the problem with this protocol that you have and if it relates. It's not just from him but it's also an interesting comment that I just got from Dr. Blake because he apparently was calling since Ms. Wilkins had said that I had voiced objections to him and wanted to know what that was about and I said I don't have time to talk to you about that. I'm getting ready for this conference call. But he did relate to me and these are his words ...
Judge Huff	No.
David Alexander	... not my words that in so far as the control area aspect of the protocol his concern is the protocol is incompetent. His words, not mine, Your Honor.
Judge Huff	Well, unfortunately, this goes back to the Daubert Hearing. The only basis for the Court even agreeing to do EDTA testing is for control areas around it. Otherwise, it is NOT admissible under Daubert.
David Alexander	Of course and nobody disagrees with the fact that U-1 has to have controlled areas. Nobody's disagreeing but if I might with Your Honor's indulgence raise something that came up in my conversation with Mr. Epstein that might assist in getting this ...
Judge Huff	No. No. Not at this time.
David Alexander	... There's a better stain that I think we can ...
Judge Huff	No. No.
David Alexander	... it's not one of the one's designated.
Judge Huff	Mr. Alexander, if you could ... will you be quiet ...
David Alexander	Yes, I will.

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Judge Huff	... and not comment. Given the fact that Dr. DeForest has gone on record saying he doesn't want to proceed, I am NOT using him. We've had too many problems. I am NOT using him. In the absence of an agreement, I will choose Cellmark — a reputable lab to just do the prep or if the Parties' wish to suggest an alternative lab, they may do that. We do not ... the other people have not been a participant for all of the hearings and for all of the procedures. If there is a problem with control areas around the area that we know has already been DNA tested and does not have to be DNA tested again, then there's a problem with the Daubert. So, you can't have it both ways. The Court will give ... you can ... the Court accepts Dr. DeForest's letter that he's no longer participating in the case. And then, I'll hear from Ms. Wilkins about Cellmark.
Holly Wilkins	Yes, Your Honor. We have no objections to Cellmark. We consider it to be a well-qualified and respected lab. We would like to have assurances as to who would actually be doing the hands-on work because one concern you do have with a very lab is that they not use technicians to do the actual cutting or work.
Judge Huff	All right then. If it is not ... so if it is not a person selected by the Defense then this would be probably at the Government expense.
Holly Wilkins	Oh, I'm sorry, Your Honor, we would be paying \$4_ _ ...
Judge Huff	You may be paying for Cellmark.
Holly Wilkins	And that would be because ...
Judge Huff	Dr. DeForest has written to say he won't agree to do it and now today on the phone, he said he would agree to do it. We've gone back and forth on that. He's got time problems, he's got payment problems ...
David Alexander	He has not ...
Judge Huff	... the money that he charged the Court before for simply selecting the hairs was rather high, to put it mildly, and so the Court's disinclined to continue a ... using an expert that can't comply with Court Orders or procedures.

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David Alexander	This is Mr. Alexander, Your Honor. One – he is willing to do it for the presumptive rate — that’s number one. Number two – with the additional week that will give him more time. Number three – with regard to the specific controls — I can tell you because he explained to me what the nature of the issue was whether it will be an issue for Cellmark or not, I have no idea. I’ve related Dr. Blake’s comment only because ...
Judge Huff	I thought you didn’t like Dr. Blake.
David Alexander	I don’t want Dr. Blake involved, Your Honor, but I ... but it’s not because of his reaction to the protocol or anything else.
Judge Huff	Well, based ... Dr. ...
David Alexander	But, I just, you know, we have ... I have to take his view that there are problems with the control which I’ve now heard from actually, from two different sources ...
Judge Huff	Yeh, but one that you don’t like. So, there is ... the ... if ... if there’s problems with the control, then there’s problems with the admissibility.
David Alexander	Oh, I don’t think so ...
Judge Huff	Yes, I do think so. Nobody in the country has been identified to do this despite the Court Order other than Dr. Ballard and so, if based on Dr. ... Dr. DeForest elected to write to the Court, I accept his representation and the Court will file his letter and not use him.
David Alexander	All right. Um, may I mention to the Court because maybe since we do have an ultimate goal of getting this done, the questions I think they were raised earlier by Ms. ... um, by Ms. Wilkins also on the controls and then with Your Honors’ permission.
Judge Huff	Ms. Wilkins?
Holly Wilkins	Your Honor, I’m sorry. I didn’t understand Mr. Alexander’s statement.
David Alexander	I just wanted to point out what has been ruled ... related to me as to the issues with regard to the controls that has presently exist and without anybody having viewed the shirt, uh, of the ones we’re talking about. Uh, the difficulty of making the assessment.

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Holly Wilkins	I'm sorry, Counsel. I don't know what you're asking of me.
David Alexander	I ... meant ...do you have any objective ... Well, I don't know. The Court asks the questions, but do you have any objection to my at least indicating what I was told?
Holly Wilkins	By whom?
David Alexander	By Dr. DeForest.
Judge Huff	No, we don't need to get into Dr. DeForest ...
David Alexander	unintelligible
Judge Huff	No, we don't need to get into Dr. DeForest — he wasn't present for all of the hearings and he has indicated in writing that he will not agree to this procedure. So, I accept ... I accept his representation and there are many criminalists that could prepare a shirt for further testing.
Holly Wilkins	Your Honor, may I ... might I address the cost issue.
Judge Huff	I thought you might.
Holly Wilkins	Well, quite candidly, the Petitioner is the proponent of the testing and if Dr. DeForest is indicating an unwillingness or an inability to go forward, I think it's still incumbent upon Petitioner to underwrite the cost of the criminalist that is selected to replace him and simply because the government acknowledges that Cellmark is a well-qualified lab, I don't think that appropriately shifts the burden of the cost to the state. I still think it is something that should be funded through the funding mechanism that is available to Mr. Cooper.
Judge Huff	But they've proposed Mr. Epstein and traveling out and hiring a lab. That seems to be a lot of expense.
David Alexander	I will, I will undertake because I've requested ... because I think this is precisely his area although not the extraction is not something I asked him to do this, you know, and he says well we don't do the extra ...
Judge Huff	They don't do the extraction, so that ...

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David Alexander	I'd like him to be there ...
Judge Huff	No.
David Alexander	... as an observer.
Judge Huff	No. And not ... I'm not authorizing that. It wasn't requested. I'm not authorizing that.
David Alexander	... only because I didn't talk to him.
Judge Huff	I'm not authorizing that. We just need an extraction ...
David Alexander	_____ expense, Your Honor.
Judge Huff	Pardon me?
David Alexander	Might I request that he be there at our expense?
Judge Huff	No. You may not. You may request it and the Court denies that.
David Alexander	All right. Thank you.
Holly Wilkins	Well, Your Honor, if Mr. Epstein isn't practical because of trial and additional cost of renting the lab, that still should not really relieve Mr. Cooper from underwriting the costs of the work that's ultimately done. Again, he is the proponent of the testing, he does need a criminalist to prepare it for the testing, and it really isn't fair to ask the government to underwrite such a substantial cost simply because he hasn't gotten his way with respect to specific criminalists that has not panned out for a variety of reasons unrelated to the government.
Judge Huff	I do agree, but I don't think that its a substantial expense and there is an issue of time.
Holly Wilkins	I don't even know how much money we're talking about, Your Honor.
Judge Huff	Yeh, it was 20 hours at \$200 an hour.
Holly Wilkins	For Cellmark?
Judge Huff	Well, the presumptive rate is \$200 an hour.

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Holly Wilkins	O.k.
David Alexander	That's agreeable to Dr. DeForest.
Holly Wilkins	O.k, so that's \$4,000 ...
Judge Huff	He cooked ... he cooked his own goose.
David Alexander	Well, I think that's harsh, Your Honor, but I understand, Your Honor. I mean I don't agree with it, but I respect what you've decided while disagreeing with it.
Holly Wilkins	Now Your Honor for clarification — if the government underwrites that expense which would be up to \$4,000 — it's clear that this is not the government's expert nor the government is not the proponent of the testing, correct?
Judge Huff	Correct. Correct. And we have not yet talked to Cellmark.
David Alexander	Well I have talked ... you have ... you gave me a homework assignment.
Judge Huff	Yes.
David Alexander	And I called — I wasn't sure exactly what purpose you had in mind and all I was able to determine in the instance of two of the labs in the instance of Cellmark and I don't think it's an issue, but Cellmark and the one up in Seattle ...
Holly Wilkins	Genelex?
David Alexander	Genelex ... that ... I was calling to see if they had this quotub machine. All right. They are both DNA labs and they both due extractions, so for DNA purposes, so I would think although given the time constraint, I didn't, wasn't able to discuss it further, that Cellmark could do the extraction. As you point out, they're very high qualified ... very high reputation. I think the Attorney General agrees.
Holly Wilkins	Well, again Your Honor, we would want to know who would actually be doing the work.
David Alexander	Oh, of course, and I have no ... I don't know yet.

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Judge Huff	Do you want to then ...?
David Alexander	But, I will call and find out.
Judge Huff	Ms. Wilkins, any problem with that?
Holly Wilkins	No, we would just need to know who it is because ...
David Alexander	Sure.
Holly Wilkins	... we want to make sure it's someone who's very well qualified and that they would actually be doing the hands-on work.
David Alexander	As _____ would be, Your Honor.
Judge Huff	They have a lab in Maryland and one in Dallas, I believe the contact may be Mark Stolorow.
Holly Wilkins	Mark Stolorow would be acceptable to the government, Your Honor. He is very well qualified and very ethical.
Judge Huff	I have no idea whether he's available.
David Alexander	Well, can I make a disclosure ... Mark Stolorow, just so you know, I haven't spoken to him except in 30 years, but when I referred to the company in Maryland, I talked with Cellmark _____ it is Cellmark, and it is Mark Stolorow. Now, you know, I just want there to be ... you know I don't think he's going to compromise his integrity. I don't know that he'll be involved, but I wanted there to be full disclosure and this is quite a coincidental find. [coughs - I'm sorry.] And the name I got ... the reason I can't tell his name was off of that submission I gave the Court about Mr. Epstein.
Judge Huff	O.k.
David Alexander	So, I just ... I'm just being full disclosure.
Judge Huff	And what was your connection with him?
David Alexander	From the years 1964 to 1968 in Ann Harbor, Michigan where I went to school, Mr. Stolorow and I lived in a fraternity house.
Judge Huff	Oh, I see.

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David Alexander	For a year — I think I made a reference to that.
Judge Huff	I see. All right.
David Alexander	And I have not spoken to him until just recently when I was trying to find another person — when we were trying to find another lab or whatever it was — very briefly and he didn't have any suggestion. In that regard, so I had not spoken to him since 19... maybe I spoke to him in '68 I don't remember.
Judge Huff	Well I think Cellmark comes highly ...
David Alexander	... Yes, they currently ...
Judge Huff	... respected for DNA extraction work and should have the availability ... the capability of performing a test. The Court will see if you could contact him ...
David Alexander	I will do that ...
Judge Huff	Now.
David Alexander	... if Dr. Ballard
Judge Huff	... and Dr. Ballard for a number of hours. Ms. Wilkins doesn't need to know number of hours but we were thinking probably along the same range — the 20 hours. It could be less. And, then on the rate if you requested over the objection of ... over your objection as to Dr. DeForest then he can be paid through the CJA in the absence of you agreeing to that recognizing that you had promoted Dr. DeForest but he elected on Friday at night to send me a letter and I'm going along with his letter.
David Alexander	O.k. I would assume that in this regard that Cellmark would essentially be an independent expert lab.
Judge Huff	In order to have it paid then it would be through the CJA if you request it.
David Alexander	O.k. I just ... Well, for that purpose certainly, but in terms of ... there's independent. Of course, I'm going to think Dr. DeForest is the same way, is independent laboratory but for purposes of being able to, to ... due to costs ... that would be fine.
Judge Huff	You would be ... you would not object.

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David Alexander	No.
Judge Huff	And I think he's ... I think he's ... so why don't you call?
David Alexander	I will do that.
Judge Huff	I think it's 800-USA-LABS.
David Alexander	Um, the number I have is ... I've been using 301 ... I don't have an 800 number, but I'll get one off their website.
Holly Wilkins	Your Honor, could I clarify one more thing?
David Alexander	They're in Germantown, Maryland as I understand it on Goldenrod Lane.
Holly Wilkins	Your Honor, could I clarify one more thing?
Judge Huff	Um hm.
Holly Wilkins	It was my understanding that when there was a Court Order, ineffect , for scientific work to be done, that there was no preclusion on DOJ scientists contacting the other scientists with respect to scheduling which was what I authorized Mr. Myers to do.
Judge Huff	I agreed because according to the schedule, he needs to contact them in order to book flights.
Holly Wilkins	That was all that was ...
David Alexander	I thought that was suppose to happen through Counsel based on what Your Honor said that you wanted no communications between scientists and I took that, no communication between scientists because inevitably they start getting into discussions of other matters.
Judge Huff	As far as scheduling ...
David Alexander	I told Dr. DeForest, don't take any calls from Myers and we'll work out when he's coming, but that's moot now because DeForest isn't involved.
Judge Huff	Right. Well, I intended in order, because it was on the ... I intended that Myers would schedule directly with DeForest rather than going through Counsel.

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Holly Wilkins	And that was my assumption and I thought we were differentiating ...
Judge Huff	But, let me say to clarify — they should not be discussing the science.
David Alexander	Yes. O.k.
Judge Huff	O.k. Why don't you see if you could reach Mr. Stolorow or somebody at his lab and then we'll reconvene at 11:30.
David Alexander	Yes, Your Honor.
Judge Huff	O.k. Thank you.
David Alexander	Thank you very much.
Holly Wilkins	Thank you, Your Honor.
[BREAK IN SESSION]	
Judge Huff	Hi, this is Chief Judge Marilyn Huff. I have a capital case that we've been working on and that we were interested in a lab to do some preparation work for some EDTA testing. There's a EDTA testing Order and the lab person that we had originally selected to do the work had wrote to the Court on Friday indicating that he was not available and so, we're interested in ... your lab came actually to the Court's attention and I've discussed it with the Parties and the Parties believe that your lab is well qualified. So, there is a couple ... the presumptive rate in capital cases for matters is \$200 an hour for consultation plus _____ fees whatever they may be.
	All right.

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Judge Huff	<p>And that's the presumptive rates that are standard. And then the timeframe is an issue. We were hoping to do this prep next week or ... but if you were just getting involved in it that we have to ... so we were hoping to get it done next week or at least sometime this month if at all possible. And, it would involve examination of an area of a shirt that has already been subject to DNA testing. It's called 6-G area with some control areas to do an extraction and then to send the solution to two different people to do the testing. So, what I would propose is that you ... I will get off the phone and then you could talk further to Mr. Alexander about whether your lab is in a position with that timeframe and I think they would want to know ... they had understood that maybe you were involved in that but they would want to know who was the actual person to do the work. That we would not want a technician to do the work.</p>
Mark Stolorow	<p>All right.</p>
Judge Huff	<p>Does any of this sound impossible to you?</p>
Mark Stolorow	<p>No, when I first spoke with Mr. Alexander, he indicated to me that they were looking for a laboratory that would do the concentration of EDTA patent in the laboratory and I claimed that that's not a test which or that Cellmark performs nor would any of the other private accredited forensic DNA testing laboratories have that capability and when he explained to me that, in fact, what they wanted us to do was to examine this shirt for particular blood stains in a control area for the selection process and then to conduct an extraction in a solution which has been predetermined or a protocol will be provided to us that contains no EDTA, that is something that we should be able to do for you.</p>
Judge Huff	<p>All right. There was one other part of it is to have a positive and negative controls that also to have a separate shirt with the criminologist or whoever you have with a known quantity of EDTA on it do ... and so that we would have one of the vials that has a known quantity of EDTA and one that has a known quantity with no EDTA and because the extraction would be ... one of the extractions would be in an area where it's going to look pink that we wanted these to be the negative or positive to be of similar color. It could be use of animal blood or anything else that would work.</p>
David Alexander	<p>Your Honor, this is Mr. Alexander. I have, to move this along, sent a copy of the protocol to the attention of Mr. Stolorow.</p>
Judge Huff	<p>All right.</p>

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David Alexander	One time, maybe I should have ask your permission.
Judge Huff	No, no, no, no. That's ... that's I think that that's hopeful so you actually know more about it then ...
David Alexander	Well, I don't know if he's seen it ...
Judge Huff	I see.
David Alexander	... but, I sent it.
Judge Huff	I see.
David Alexander	And I just spoke ... I was actually calling in 'cause I just got off the phone with a matter that Your Honor requested. He had indicated that he wanted to talk to Mr. Stolorow and I was calling to report that.
Judge Huff	O.k. Good.
David Alexander	So, maybe the best thing to do would be for them to look at the protocol and then he and I could talk or we can do it right now. Either I call back ... whatever works. Whatever their preference is.
Judge Huff	Is this something that you think you could get done by ... whenever?
Mark Stolorow	By the end of next week? If we receive those materials sometime during the week this week ...
Judge Huff	Yes.
Mark Stolorow	... should we able to turn that around in seven days.
Judge Huff	All right. Great. Well the Court will then just substitute if this is all right with you Mr. Alexander, we'll substitute ... and who is the person doing it?
Mark Stolorow	The work will be supervised by Dr. Lewis Maddox. He is a laboratory director here at our Germantown site at Orchid Cellmark.
Judge Huff	All right. And I'll substitute Cellmark and specifically Dr. Lewis ?
Mark Stolorow	Yes, <u>L e w i s</u> .

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Judge Huff	Maddox?
Mark Stolorow	Yes, <u>M a d d o x</u> .
Judge Huff	<u>o x</u> , thank you. Is that acceptable, Mr. Alexander?
David Alexander	Well, I would like to talk to them, but subject to anything coming up, ... Cellmark has a very high reputation.
Holly Wilkins	Well, Your Honor ...
Judge Huff	Well, I'm just going to ... I'm going to Order it.
Holly Wilkins	Your Honor, this is Holly Wilkins. Could we also have a specification of the actual cutting of the shirt would be done by a criminalist?
Mark Stolorow	Dr. Maddox is a criminalist.
Judge Huff	O.k.
Holly Wilkins	You said he would be supervising it. Is he going to actually do the work?
Mark Stolorow	Well, he will be present. This may be done by Dr. Maddox and someone who is a court qualified forensic analyst. That ... at this site we have about 15 such persons who have testified in court with regard to their ability to identify, examine hands-on extract blood-stained material.
Judge Huff	All right. And then we could have ... I'll issue an amended order and then have the ... there's also an observer from DOJ who needs to contact you about scheduling if we have a date certain as to when this would be done, that would be helpful.
Mark Stolorow	All right. Dr. Maddox can give these details to Mr. Alexander in his subsequent conversation if that would be sufficient with you.
Judge Huff	O.k. Um, and then Holly is that all right with you?
Holly Wilkins	Yes, is it all right if the DOJ scientists contact Dr. Maddox with respect to scheduling? Um, so that they will know when to travel and when to arrive?
Mark Stolorow	Oh sure, that's not a problem. In fact, if you like I can give you his e-mail address and telephone number.

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Holly Wilkins	Great.
Judge Huff	They're not suppose to talk about the substance, but only about scheduling.
Holly Wilkins	Right.
Judge Huff	And then I'll go ahead and issue an amended order and then substituting their name and lab and then in the places where they're to send the ... it's to a Scripps Research Institute on the one side and Dr. Ballard on the other side.
David Alexander	Your Honor, this is Mr. Alexander. I don't want to say anything in front of tje two other people, but ... uh, the objection we have before which I won't say more about, still stands.
Judge Huff	All right. And this is with your objection. All right. Thank you.
Holly Wilkins	_____ do if troubleshooting happens. Do you want us to wait on that or ?
Judge Huff	No, I'm issuing the amended order today.
Holly Wilkins	O.k.
Judge Huff	And then you may ship the shirt today.
Holly Wilkins	Do you want it shipped today?
Judge Huff	Or tomorrow.
Holly Wilkins	O.k. and do we know precisely where to send it?
Judge Huff	[laughs] Cellmark — where should we send it?
Mark Stolorow	20271
Holly Wilkins	20271
Mark Stolorow	Goldenrod Lane
Holly Wilkins	Hm, hm.
Mark Stolorow	That's <u>G o l d e n r o d</u>

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Holly Wilkins	Hm, hm.
Mark Stolorow	That's in Germantown – one word.
Holly Wilkins	O.k.
Mark Stolorow	Maryland 20876. You can send it to my attention.
Judge Huff	Dr. Maddox?
Mark Stolorow	Yes.
Judge Huff	All right.
Holly Wilkins	Is that <u>ux</u> Mr. Maddux or <u>ox</u> ?
Judge Huff	<u>o x</u>
Holly Wilkins	O.k. And can I also get your phone number so our scientists can do logistics?
Mark Stolorow	Yes. 301-515-113 _ and that's my direct extension.
Holly Wilkins	O.k. and also, Your Honor, just so you know they generally communicate with respect to the shipping of evidence so they can double-check everything and let Dr. Maddox and his people to know when to expect it.
Judge Huff	Absolutely.
Holly Wilkins	O.k.
Judge Huff	All right.
David Alexander	_____, the Court, Your Honor, who the observer will be.
Holly Wilkins	You know it still depends but it might be on the date, but we are hoping that it will be Mr. Myers, but it depends on the specific _____.
Judge Huff	If it could be finished ... um, when did we say ... when did you think you could get it done? The turn-around time?
Mark Stolorow	Within 7 days.

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Judge Huff	So, if we ship tomorrow, if we ship tomorrow, Holly, ...
Holly Wilkins	Yes, definitely tomorrow, perhaps today, I don't know they were getting a little nervous.
Judge Huff	O.k.
Holly Wilkins	We've got half-an-hour.
David Alexander	Well, let's make sure that someone checks it so we don't inadvertently send some wrong material.
Holly Wilkins	Pardon?
David Alexander	Let's make sure so we don't inadvertently send some wrong materials.
Holly Wilkins	They have a very precise ...
David Alexander	I know they do, but last time the precision didn't work.
Holly Wilkins	No, they did everything they were suppose to do.
Judge Huff	[laughs] and a few more.
Holly Wilkins	_____ repacked it.
Judge Huff	All right.
Mark Stolorow	If we could get Dr. Maddox e-mail address, perhaps the shipment can be preceded by a folio with a listing of the evidence in the form of a chain of custody statement so that all the parties that you want to see that chain of custody document as to what will be shipped will be seen before we actually receive before the shipment is made. Some times we do that to the benefit of the parties who are involved so that everyone is clear on what the expectations are and what's going to be shipped and what will be retained.
Holly Wilkins	Well, they're just shipping a shirt.
Mark Stolorow	What about the prior cut-outs and the fluid?
Judge Huff	No, just the shirt.

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Mark Stolorow	We were told there was also a positive/negative control on this other shirt that's going to be sent. Is that going to be included as well?
Judge Huff	That's for you to get. That's for you to do.
Mark Stolorow	Would you like us to clean a tee shirt or a shirt and compare the stain on that shirt to the EDTA?
Judge Huff	Yes, one with EDTA and one with no EDTA and both with blood.
Mark Stolorow	And with blood.
Judge Huff	And the blood can be animal blood.
Mark Stolorow	All right, well, just to make sure we have no confusion are we supposed to take the same sample of blood and apply a negative control where the blood has no EDTA and a positive control where that blood also has EDTA?
Judge Huff	Yes.
Mark Stolorow	All Right.
David Alexander	This is Mr. Alexander again. I think this is from Mr. Stolorow or Dr. Stolorow, not that it matters, if you look at the protocol, I think that answers a question.
Mark Stolorow	OK, I haven't looked at it yet.
David Alexander	I understand.
Judge Huff	That is one shirt with EDTA and blood and another shirt ... the tee shirt should be a similar cloth and color and what we're talking about is a tan tee shirt, stained with approximately the same amount of blood just by visual observation there's no way you can do a precise amount, and that's for you to do.
Mark Stolorow	All right.
Judge Huff	So, one should have a known concentration of EDTA and one should have no EDTA. And then do an extraction of that and then the vials are all to be coded but the recipients will not know which vial pertains to which area.

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David Alexander	Your Honor, Mr. Alexander, presumably these other tee shirts would have to measure the EDTA and then otherwise you wouldn't know how much total EDTA you would have.
Judge Huff	Well, ...
Mark Stolorow	[Inaudible]
Judge Huff	They can just take a tee shirt and then it is what it is and but and then because of the control areas around those, there's also control areas around those shirts, it's the actually the relationship that's significant.
Mark Stolorow	O.K.
Judge Huff	All right, you can take a look at the protocol order and then follow that. Thank you so much for your help, we appreciate it.
Mark Stolorow	All right, you're welcome.
David Alexander	And may I call the number where I might call Dr. Stolorow and Dr. Maddox? Is that that 301 number that I have or is there some better number?
Mark Stolorow	That will work. At the moment, we're sitting in my office and that direct line is 301-515-6154.
David Alexander	515-6154 and would that be appropriate to call you directly then?
Mark Stolorow	Yes, that would be fine.
Judge Huff	All right, thank you so much.
Mark Stolorow	Thank you.
Judge Huff	Bye.