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April 9, 2015

VIA HAND DELIVERY

Mark E. Elliott, Esq.
Pillsbury Winthrop Shaw Pittman LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406

Re: America Unites, et al. v. Lyon, et al.

Dear Mark:

Pursuant to Judge Anderson's order dated April 6, 2015, I enclose Plaintiffs' Amended First Request to Certain Land pursuant to Fed. R. Civ. P. 34(c)(2).

Judge Anderson has instructed the parties to cooperate in discovery. In accordance with his instructions, we would like to work with you to ensure that our sampling at the School takes place in a manner that is mutually convenient to the parties. The planned weekend sampling schedule will not interfere with education as it will begin hours after students have left the campus and end prior to their return on Monday. It is similar to the sampling schedule Environ just completed in February 2015 to take the latest 24 caulking samples that revealed that all 24 samples had illegal levels of PCBs up to 570,000 ppm. Please let me know if you have any questions or concerns about our plans for the sampling so that we can work out mutually-acceptable arrangements before the sampling takes place.

The enclosed Request seeks access to the School for sampling over the weekend of May 15, 2015. However, we are also willing to have the sampling done over the weekends of April 24, May 1, and May 8, 2015.

It is imperative that sampling takes place as soon as possible so that illegal levels of PCB can be remediated over the summer before the beginning of the 2015/16 school year to ensure that students and staff are protected from any and all exposure to toxic levels of PCBs. Defendants' limited testing has confirmed the presence of exceedingly-high, illegal levels of PCBs up to 570,000 ppm – over 11,000 times the legal limit – in many rooms at the School. It is a virtual certainty that similar, illegal levels of PCBs exist throughout the School in buildings with rooms not already tested. Putting aside that Defendants' continued use of such PCBs is illegal, this continued use threatens teachers' and students' health and safety. For example, given that PCB-contaminated caulk surrounds the doors and windows throughout the School, it is also a virtual certainty that teachers and students are coming into physical contact with this

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highly-toxic carcinogen every day and until the sources of PCBs are identified, there is no way to take action to prevent risk of exposure. There is no valid reason to continue to expose students and teachers to this highly-toxic carcinogen for another school year, particularly considering that the Defendants have definitively known about illegal PCB contamination since November 2013.

There are many parents who need to know as soon as possible whether the School will be remediated in time for the 2015/16 school year so that they can determine whether to keep their children at the School or move them somewhere else. As you know, once the sampling is done, it will take some time for the testing to be performed, the results analyzed, a plan formulated for the removal of the illegal contamination, and for the removal itself to take place. If this process is to be completed by the beginning of the school year, then the sampling should take place as soon as possible.

Please let me know Defendants' position on our sampling request as soon as possible. As you know, planning for sampling requires coordinating several different people's schedules and we would like to give our experts ample time to plan.

I am hopeful that we can reach an agreement so that we can avoid involving the Court in a discovery dispute.

Very truly yours,

NAGLER & ASSOCIATES



Charles Avrith

CA/jn
Enclosure

cc: Paula Dinerstein, Esq. (w/ enclosure)