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| 7  | ADAM E. MILLER, admitted pro hac vice  |  |
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| 11 | Attorneys for Defendant Olin Corporation   |  |
| 12 | , i  |  |
| 13 | UNITED STATES DISTRICT COURT<br>NORTHERN DISTRICT OF CALIFORNIA                            |  |
| 14 | SAN JOS  | E DIVISION   |
| 15 | JAYNE PALMISANO, et al.,   | Case No.: C 03-01607 RMW                                     |
| 16 | Plaintiffs,  | DECLARATION OF ADAM E. MILLER IN                             |
| 17 |  | SUPPORT OF OLIN CORPORATION'S REPLY MEMORANDUM IN SUPPORT OF |
| 18 | V.   | DAUBERT MOTION TO EXCLUDE                                    |
| 19 | OLIN CORPORATION, et al.,  | TESTIMONY OF STEVEN L. LANE                                  |
| 20 | Defendants.  | Hearing Date: May 13, 2005                                   |
| 21 |  | Time: 9:00 a.m.  |
| 22 | THIS CASE RELATES TO:  | Judge: Hon. Ronald M. Whyte                                  |
| 23 |  |  |
| 24 | See Appendix A Attached.   |  |
| 25 |  |  |
| 26 |  |  |
| 27 |  |  |
| 28 |  |  |
|    |  |  |
|    | DECLARATION OF ADAM E. MILLER IN SUPPORT   | OF OLIN CORPORATION'S REPLY MEMORANDUM IN                    |

SUPPORT OF Daubert motion to exclude testimony of steven L. lane - 1

## DECLARATION OF ADAM E. MILLER IN SUPPORT OF OLIN CORPORATION'S REPLY MEMORANDUM IN SUPPORT OF *DAUBERT* MOTION TO EXCLUDE TESTIMONY OF STEVEN L. LANE

I, ADAM E. MILLER, declare:

I am an attorney at law in practice with the firm of Husch & Eppenberger and have been admitted pro hac vice in connection with this matter as counsel of record for Defendant Olin Corporation. If called to testify concerning the following matters, I could and would competently do so.

- 1. Attached as Exhibit A are true and correct copies of pages 18 and 19 of the deposition of R. Thomas Zoeller, taken on March 11, 2005.
- 2. Attached as Exhibit B is a true correct copy of page 66 of the deposition of David L. Bauer, taken on March 4, 2005.
- 3. Attached as Exhibit C are true and correct copies of pages 16, 17, 48 and 49 of the deposition of Robert D. Morrison, Ph.D., taken on March 3, 2005.
- 4. Attached as Exhibit D are true and correct copies of pages 22-23, 34, 85-89, 96, 120-121, 151, 166, 169-170 of the deposition of Eric M. Nichols, taken March 2, 2005.
- 5. Attached as Exhibit E is a true and correct copy of Rickman, James E., Los Alamos Notional Laboratory, "Low-level Perchlorate Detection Method Shows Promise," July 17, 2003.
- 6. Attached as Exhibit F is a true and correct copy of page 93 and 94 of the deposition transcript of Donald Smallbeck, taken on March 15, 2005.
- 7. Attached as Exhibit G is a true and correct copy of Herzog, Edward, Navy Laboratory Quality & Accreditations Office, "DOD Handbook for Perchlorate Sampling and Testing," EPA Region 6, October 2004, at 4.
- 8. Attached as Exhibit H is a true and correct copy of DoD Environmental Data Quality Workgroup, "Sampling and Testing Perchlorate at DOD Installations, Interim Guidance," January 21, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

| 1  | DATED: | April 29, 2005 | Respectfully submitted:   |
|----|--------|----------------|---|
| 2  |        |                |   |
| 3  |        |                | HUSCH & EPPENBERGER, LLC  |
| 4  |        |                | By: /s/ Adam E. Miller  |
| 5  |        |                | Thomas M. Carney, admitted <i>pro hac vice</i> Carol A. Rutter, admitted pro hac vice     |
| 6  |        |                | Mark G. Arnold, admitted <i>pro hac vice</i> Adam E. Miller, admitted <i>pro hac vice</i> |
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| 10 |        |                | and   |
| 11 |        |                | CREECH, LIEBOW AND KRAUS  |
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## **CERTIFICATE OF SERVICE** 1 2 The undersigned hereby certifies that a true and accurate copy of the foregoing 3 instrument was electronically filed with the Clerk of the Court on this 29th day of April, 2005, to 4 be served by operation of the Court's electronic filing system upon the following: 5 6 Mark P. Rapazzini, Esq. 7 M. Elizabeth Graham, Esq. RAPAZZINI & GRAHAM LLP 8 One Market, Spear Tower, Suite 2000 San Francisco, CA 94105-1104 9 mpr@rapazzinigraham.com 10 Richard M. Franco, Esq. 11 Colin L. Pearce, Esq. **DUANE MORRIS LLP** 12 One Market, Spear Tower, Suite 2000 13 San Francisco, CA 94105-1104 rmfranco@duanemorris.com 14 15 **Attorneys for Plaintiffs** 16 17 Keith M. Casto, Esq. Earl L. Hagström, Esq. 18 SEDGWICK, DETERT, MORAN & ARNOLD LLP 1 Embarcadero Center 18th Floor 19 San Francisco, CA 94111-3628 20 keith.casto@sdma.com 21 **Attorneys for Defendant** Standard Fusee Corporation d/b/a Orion Safety Products 22 23 24 25 /s/ Adam E. Miller 26 27 28