

1 CREECH, LIEBOW AND KRAUS
 2 Randall C. Creech, Cal. Bar # 65542
 3 333 West San Carlos Street
 4 Suite 1600
 5 San Jose, CA 95110
 6 Telephone :408-993-9911
 7 Facsimile: 408-993-1335

8 THOMAS M. CARNEY, admitted *pro hac vice*
 9 MARK G. ARNOLD, admitted *pro hac vice*
 10 CAROL A. RUTTER, admitted *pro hac vice*
 11 ADAM E. MILLER, admitted *pro hac vice*
 12 HUSCH & EPPENBERGER, LLC
 13 190 Carondelet Plaza, Suite 600
 14 St. Louis, MO 63105-3441
 15 Telephone: (314) 480-1500
 16 Facsimile: (314) 480-1505

17 Attorneys for Defendant Olin Corporation

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

21 JAYNE PALMISANO, et al.,) Case No.: C 03-01607 RMW
 22)
 23 Plaintiffs,) **DECLARATION OF ADAM E. MILLER IN**
 24) **SUPPORT OF OLIN CORPORATION'S**
 25 v.) **REPLY MEMORANDUM IN SUPPORT OF**
 26) **DAUBERT MOTION TO EXCLUDE**
 27 OLIN CORPORATION, et al.,) **TESTIMONY OF STEVEN L. LANE**
 28)
 29 Defendants.) Hearing Date: May 13, 2005
 30) Time: 9:00 a.m.
 31)
 32) Judge: Hon. Ronald M. Whyte

33 THIS CASE RELATES TO:

34 See Appendix A Attached.
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36
37
38

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

4 I, ADAM E. MILLER, declare:

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

9 1. Attached as Exhibit A are true and correct copies of pages 18 and 19 of the deposition
10 of R. Thomas Zoeller, taken on March 11, 2005.

11 2. Attached as Exhibit B is a true correct copy of page 66 of the deposition of David L.
12 Bauer, taken on March 4, 2005.

13 3. Attached as Exhibit C are true and correct copies of pages 16, 17, 48 and 49 of the
14 deposition of Robert D. Morrison, Ph.D., taken on March 3, 2005.

15 4. Attached as Exhibit D are true and correct copies of pages 22-23, 34, 85-89, 96, 120-
16 121, 151, 166, 169-170 of the deposition of Eric M. Nichols, taken March 2, 2005.

17 5. Attached as Exhibit E is a true and correct copy of Rickman, James E., Los Alamos
18 Notional Laboratory, "*Low-level Perchlorate Detection Method Shows Promise*," July 17, 2003.

19 6. Attached as Exhibit F is a true and correct copy of page 93 and 94 of the deposition
20 transcript of Donald Smallbeck, taken on March 15, 2005.

21 7. Attached as Exhibit G is a true and correct copy of Herzog, Edward, Navy Laboratory
22 Quality & Accreditations Office, "*DOD Handbook for Perchlorate Sampling and Testing*,"
23 EPA Region 6, October 2004, at 4.

24 8. Attached as Exhibit H is a true and correct copy of DoD Environmental Data Quality
25 Workgroup, "*Sampling and Testing Perchlorate at DOD Installations, Interim Guidance*,"
26 January 21, 2004.

27 I declare under penalty of perjury that the foregoing is true and correct.
28

1 DATED: April 29, 2005

Respectfully submitted:

2
3 HUSCH & EPPENBERGER, LLC

4 By: /s/ Adam E. Miller

5 Thomas M. Carney, admitted *pro hac vice*

6 Carol A. Rutter, admitted *pro hac vice*

7 Mark G. Arnold, admitted *pro hac vice*

8 Adam E. Miller, admitted *pro hac vice*

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21 **Attorneys for Defendant Olin Corporation**

