

EXHIBIT 5



RE: In re KBR, Inc. Burn Pit Litigation [09md2083]
t Julie_Dohm, bbandy, ccarroll, rbiagini,
Susan Burke o rmatthews, skonn, thalloran, anemiroff,
: Rod.Rosenstein

03/01/2010 12:31 PM

Dear Ms. Dohm,

Please find attached a corrected set of comments that includes an additional citation from the Western District of Pennsylvania. Thank you.

Susan L. Burke
Burke PLLC
1000 Potomac Street, Suite 150
Washington, DC 20007
t.202.232.5504
c.202.445.1409
f.202.232.5513
sburke@burkeoneil.com

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

From: Julie_Dohm@mdd.uscourts.gov [mailto:Julie_Dohm@mdd.uscourts.gov]
Sent: Thursday, February 25, 2010 4:56 PM
To: sburke@burkeoneil.com; woneil@burkeoneil.com; bbandy@mckennalong.com;
ccarroll@mckennalong.com; rbiagini@mckennalong.com; rmatthews@mckennalong.com;
skonn@mckennalong.com; thalloran@mckennalong.com; anemiroff@archerlaw.com;
Rod.Rosenstein@usdoj.gov
Subject: In re KBR, Inc. Burn Pit Litigation [09md2083]

Dear Counsel and Mr. Rosenstein:

As you will recall from the February 23, 2010 conference, Judge Titus indicated that he intended to invite the United States to participate in this matter as amicus curiae. Attached are a Memorandum Opinion and Order in draft form. The parties and the United States Attorney for the District of Maryland, Rod J. Rosenstein, are invited to provide any comments or suggestions on the attached documents. Please submit to Chambers any comments or suggestions on or before Monday, March 1, 2010, at noon.

Julie Dohm
Law Clerk to the Honorable Roger W. Titus



PLAINTIFFS CORRECTED COMMENTS ON COURT PROPOSAL.pdf