

Ex. A

From: [Gerson, Lisa](#)
To: "[Tracey O'Reilly](#)"
Cc: toxic torts@toxic torts.org; [Bongiorno, Anthony](#); [Pardo, James](#); cbollar@archerlaw.com
Subject: PA Site Lists
Date: Thursday, January 07, 2016 4:20:38 PM
Attachments: [image001.gif](#)

Tracey,

I'm writing in response to your requests regarding Defendants' site lists served 12/31/15.

First, you requested that Defendants provide their respective lists in native format (Excel if available, or otherwise Word). Generally, Defendants agree to that request, provided Plaintiff is willing to do the same. Please let me know when Plaintiff can produce its list in Excel format. McDermott will collect the defendants' lists in native format, and send them to Plaintiff all together. However, it may make sense to resolve the below issue before we do so.

Second, you requested that Defendants amend their lists to include the "Facility ID Number" where available. Again, Defendants generally think it makes sense for the parties to identify sites using the same unique identifier, however we have several questions/requests before reaching a final agreement. I've tried to lay out these issues below, but it probably makes sense for us to have a call to discuss further.

1. Plaintiff's 12/31/15 site list appears to provide the "[eFacts] Facility ID" (from column D of PA-MTBE-0000004, tab 1) for the first few pages, but then appears to switch to "Program Other ID" (from column E of PA-MTBE-0000004, tab 1).
 - a. Will Plaintiff provide "[eFacts] Facility IDs" (column D) for all sites on its list, as it has asked Defendants to do? For any site where an eFacts Facility ID does not exist, or cannot be located, we should discuss on an appropriate alternative number.
 - b. Between the "[eFacts] Facility ID" and the "Program Other ID", Defendants believe that "[eFacts] Facility ID" (column D) is more helpful because it may be used to search in eFACTS. We have not found that the column E number can be used in this way. Is our understanding correct? Can you confirm which number can be used to search eFacts to locate individual sites?
 - c. We have some concern that neither the "[eFacts] Facility ID" or "Program Other ID" is necessarily unique – i.e., the same location may have more than one such number (we found an example of this). Is there any other number that DEP uses that is unique and would be better for the parties to rely on?

We would like to talk these issues through with you so that we better understand the differences between Facility ID, Program Other ID, or any other number (e.g. "Site ID") that may be appropriate to use.

2. Yesterday you asked whether Defendants also would be willing to create a single

Defendants list. Assuming the parties reach agreement regarding the native format and Facility ID issues, we believe it is more appropriate for Plaintiff to take at least the first pass at creating a "master" list.

Please let us know when you're available to discuss by phone.

Thanks,
Lisa

Lisa A. Gerson
Partner



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