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April 4, 1997

VIA FACSIMILE and FIRST CLASS U.S. MAIL

Michael T. Donnellan
U.S. Department of Justice
Environment and Natural Resource Division
Environmental Enforcement Section
Benjamin Franklin Station
P.O. Box 7611
Washington, DC 20044-7611

Re: Albuquerque Litigation

Dear Michael:

I have received and now have had a chance to review your letter of April 4, 1997, which was faxed to me. As I am sure you can appreciate, I am disappointed with your position, which I understand to be as follows:

1. Sparton's response to the motion for preliminary injunction is due on or before April 15, 1997, no extension will be considered;
2. No depositions should occur until after briefing on the preliminary injunction motion is completed.
3. Only depositions of "appropriate" person should be allowed; I assume that you probably believe that Mr. Gurule, Mr. Coleman, and Mr. Weidler are not "appropriate" witnesses.
4. It is unnecessary for your motion to consolidate or Sparton's motion to stay, dismiss, or transfer to be decided before action is taken on the motion for preliminary injunction.
5. You are unwilling to join in a request for a scheduling conference.

Sparton was hoping that you would have agreed to the depositions we requested and a short extension of the briefing schedule on the motion for preliminary injunction (assuming, of course, that your motion and exhibits, which do not comply with the local rules, actually triggered a 14 day response period). If you had done so, we could have been much more flexible on your request to exceed the local rule limit on exhibit pages.

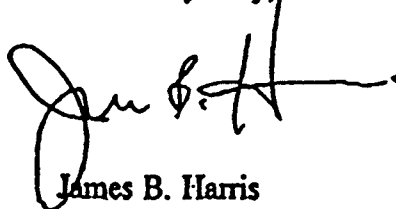


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I ask that you reconsider your position. If you are willing to do so, I suggest that an agreed order be drafted setting forth when matters will be presented, how the 328 pages of exhibits will be handled, and that the order be sent to Judge Hansen (the judge assigned to the first filed case) for his approval.

Please let me know Monday morning whether your position has changed. I am sending a copy of this letter to counsel of record for the other plaintiffs, and I am likewise asking them to advise me by Monday morning of their respective positions.

Yours very truly,



James B. Harris

JBH/eshd
Enclosure

cc: Bruce Hall
James Fitzgerald
R. Jan Appel
Charlie de Sailer
Ana M. Ortiz
Gary O'Dea
Patrick Trujillo

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