

U.S. Department of Justice

Environment and Natural Resources Division
Environmental Enforcement Section

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98-74-63

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By telefax and first class U.S. mail

James B. Harris
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(214) 969-1700
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re: U.S. v. Sparton Technology, Inc., No. CIV-97-0210-M

Dear Jim:

I am writing in response to your letter dated yesterday. Please understand that I can only speak for the United States and not for the other parties to the Joint Preliminary Injunction Motion. I will try to address the issues in the order in which you raise them.

To the extent that you intend to seek an extension of the preliminary injunction briefing schedule based upon your delayed receipt of the motion, please so notify the United States.

With regard to your opposition to the motion to exceed the exhibit page number limit, the United States would certainly not oppose an accelerated briefing schedule.

With regard to the impact of "Defendant's Motion to Stay, Dismiss, or Transfer Venue" on the preliminary injunction briefing schedule, the United States will not consent to modifying the briefing schedule based upon that motion. While the United States will file a brief setting forth the grounds for its opposition, the United States generally considers the motion to be without merit.

Since the preliminary injunction motions can be considered regardless of the ruling on the motion to consolidate, the United States will not consent to a delay in the briefing schedule based upon that motion.

With regard to your request to depose Dr. Morrison and Messrs. Gurule, Coleman and Weidler, the United States would be willing to consider scheduling one day depositions of appropriate witnesses from both sides after briefing on the preliminary injunction motion has been completed. At this point, the United States does not understand why depositions of Messrs. Gurule, Coleman and Weidler are appropriate. Consequently, the United States will not

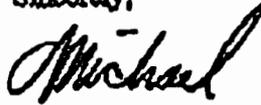


consent to an extension of the briefing schedule for the preliminary injunction to accommodate depositions.

With regard to your suggestion that a scheduling conference with Judge Courway be requested, the United States does not see the need for such a conference at this time. I suggest that upon completion of briefing for the preliminary injunction motion, we attempt to reach agreement on a schedule. Should we fail to reach agreement at that time, a scheduling conference may be appropriate.

Please contact me if you have any questions.

Sincerely,



Michael T. Donnellan

cc: Moran
Zavitz
de Saillen
Ortiz
O'Dea
Trujillo