

# EXHIBIT 8

**From:** [J Edward Bell](#)  
**To:** [Mirsky, Sara J. \(CIV\)](#); [Ryan, Patrick J. \(CIV\)](#); [Matthew D. Quinn](#); [Gabrielle Anna Sulpizio](#); [Kevin Dean](#); [Lipscomb, Bridget \(CIV\)](#); [Zina Bash](#); [Eric Flynn](#)  
**Subject:** ATSDR files  
**Date:** Monday, January 29, 2024 8:43:18 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

---

I am writing to confirm our discussion held on January 29, 2024, at 4:00 pm.

The parties' discussion involved the PLG's request that the government produce the ATSDR's "water modeling" and "health effects" **complete project files (the "project files")**. In an email of January 26, 2024, the government proposed a procedure for production of the project files (the "government's proposal"). On January 28, 2024, the PLG proposed an alternative that, in our judgment, would speed up the government's production of the project files (the "PLG's proposal"). Today's meet and confer involved a discussion of the various issues raised in the parties' emails of January 26 and 28, 2024.

Our understanding is that the government's most significant objection to the PLG's proposal is that it would depart from the ESI Protocol. [D.E. 52]. The PLG disagrees that the ESI Protocol is applicable to the PLG's proposal. However, the PLG noted that paragraph 9(c) allows for amendments to the ESI Protocol **"by stipulation of the Parties approved by the Court, or by order of the Court, on noticed motion."** The PLG contended that production pursuant to the PLG's protocol would be most efficient while avoiding any alteration of metadata. The Government agreed to determine the length of time it would take to produce the entire ATSDR requested files and share that information on Tuesday, January 30<sup>th</sup>.

Furthermore, the PLG indicated that it had consulted technology experts, who proposed a means of **virtually bates-labeling the project files quickly without alteration of metadata**. We agreed to share this alternative means of production tomorrow, and the government indicated that it would consider the suggestion. This would allow the government to produce the requested files without delay and without the possibility of damage to the files.

The government indicated that there are certain confidentiality issues with production of

the entire “health effects” portion of the project files. The government specifically identified the “cancer incidence” and “morbidity” studies as presenting confidentiality issues. For instance, the government stated that the underlying data was obtained from death certificate information pursuant to 42 U.S.C. § 242m(d), which may impose restrictions upon the production in this litigation of the underlying data.

Further, the government stated that certain data was procured through “Data Usage Agreements” with several states. Those Data Usage Agreements, according to the government, may impose further restrictions on the production of this data. PLG requested copies of the “Data Usage Agreements”.

The government is presently investigating alternatives that would address the above-referenced confidentiality issues with respect to the “health effects” portion of the project files. Where such confidentiality issues are not pertinent, the government’s proposal would be to produce those materials in the same manner as the “water modeling” portion of the project files. The government agreed to investigate production to the PLG of an example Data Usage Agreement.

The PLG is concerned that some provisions of the government’s proposal could be interpreted as not providing a full and complete production set of the project files.

Therefore, the PLG requests that the government **produce a report, such as a Tree-size report, of each project files, detailing the name and size of all items contained in the project files.** Producing this report is not burdensome, as it can be generated easily through the computer, and will allow the PLG to see all folders, subfolders, and files are included in the ATSDR’s “water modeling” and “health effects” complete project files.

Regards  
Ed Bell



BELL  
LEGAL  
GROUP

CHARLESTON  
SCHOOL OF LAW

**Ed Bell**

*Founding Partner*

*President | Charleston School of Law*

219 Ridge Street

Georgetown, SC 29440

*o:* [843.546.2408](tel:843.546.2408)

*f:* [843.546.9604](tel:843.546.9604)

[ieb@belllegalgroup.com](mailto:ieb@belllegalgroup.com)

[www.belllegalgroup.com](http://www.belllegalgroup.com)

[www.charlestonlaw.edu](http://www.charlestonlaw.edu)



**R** GLOBAL- MEMBER FIRM