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March 13, 2008

F. Edwin Hallman, Jr.
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260 Peachtree Street, N.W., Suite, 1700
Atlanta, GA 30303

Re: *United States ex rel Lewis v. Walker et al*
In the United States District Court for the Middle District of Georgia
3:06-CV-16

Dear Mr. Hallman:

This is in response to your February 29, 2008 letter to President Michael P. Adams at the University of Georgia ("UGA") regarding the above-referenced lawsuit.

In your letter, at page 3, you assert that Judge Alaimo's recent Order in the case of *McElmurray v. United States Dept. of Agriculture ("USDA")*, United States District Court for the Southern District of Georgia, Civil Action No. CV105-159, "clearly shows" that certain members of UGA's faculty "participated in egregious intellectual dishonesty in the name of the University of Georgia by publishing fake scientific data." Judge Alaimo's Order says nothing of the kind.

Judge Alaimo found that there was evidence that the City of Augusta fabricated data. Order at 17-18. However, Judge Alaimo did not make any finding that any member of the UGA faculty was involved in any fabrication of data or research, or that any faculty member had used any fabricated data in their research. Judge Alaimo did make a finding the UGA researchers failed to test for molybdenum and therefore their advice to apply lime to raise the soil's pH level was "faulty or incomplete." Order at 23. It is not clear if Judge Alaimo was referring to the Risse Project or the Gaskin Paper when he made this finding. However, assuming it was, we consider it significant that UGA was not a party to the suit, and therefore, we do not know upon what information Judge Alaimo's opinion was based.

You allege at page 4 of your letter that Robert Brobst and his colleagues at the Environmental Protection Agency ("EPA") in Washington provided a federal grant to UGA "to publish these fabricated data about which Judge Alaimo speaks." Judge Alaimo's only comment regarding Brobst related to a letter he wrote in his capacity as an EPA employee. The letter was written in

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response to a request by the USDA and was based on data obtained from the City of Augusta. Order at 33-35. There is no reference to any UGA research. In any event, nothing in Judge

Alaimo's Order supports Plaintiffs' allegation that Brobst approved UGA's grant application in order to get its researchers to publish fabricated data. The University continues to deny this allegation. Others have similarly rejected Plaintiffs' claim that the Risse Project resulted in the creation or publication of fabricated data.

You allege at page 7 of your letter that Dr. Gaskin and Dr. Miller misled the National Academy of Sciences by providing it with fabricated data. We assume that you are referring to the same fabricated data that you allege was contained in the Gaskin Paper. In May 2004, you wrote a letter to the *Journal of Environmental Quality*, which published that paper, demanding that they withdraw the paper "based on false and unreliable data." Your request was denied. Apparently they did not agree with your assessment.

Even accepting Judge Alaimo's finding that certain UGA scientists' research or advice was "faulty or incomplete," which we think we can prove otherwise, that finding does not support a claim that any of the Defendants "knowingly" submitted a false claim to the federal government. 31 U.S.C. 3729(a)(2). Absent such a finding, Plaintiffs' claims in this case are subject to dismissal. Furthermore, we believe that the Eleventh Circuit's decision and reasoning in *United States ex rel McElmurray v. Gov't of Augusta-Richmond County*, 501 F.3d 1244 (11th Cir. 2007), will bar Plaintiffs from recovering in this case as well.

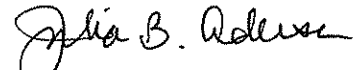
The Defendants are aware of the Plaintiffs' success in prior litigation against the City of Augusta and we appreciate you bringing Judge Alaimo's Order to our attention. However, the fact that Plaintiffs have been successful in establishing wrongdoing by the City of Augusta and the U.S.D.A. has no bearing on Plaintiffs' False Claims Act claims against UGA's employees.

We have reviewed all of the documents that Plaintiffs have made available to Defendants in this lawsuit. Based on that information and our own investigation, we have not seen any evidence to support Plaintiffs' claim that any UGA faculty member used fabricated or falsified data in connection with the Risse Project or the Gaskin Paper.

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Please call me if you have any questions.

Respectfully submitted,



JULIA B. ANDERSON
Assistant Attorney General

JBA/

cc: President Michael P. Adams
Arthur H. Leed
George M. Weaver