

July 21, 2008

Mr. David Senkel  
Thurman, Howald, Weber, Senkel & Norrick, LLC  
1 Thurman Court  
PO Box 800  
Hillsboro, MO 63050  
*via mail and facsimile: 636-797-2904*

*Re: Crystal City: Requests for Production of Documents*

Dear Mr. Senkel:

On July 16, 2008, you permitted me to review documents at the Crystal City Hall. Until that time, you had released no documents pursuant to plaintiffs' first and second requests for production of documents.

In the documents available at City Hall, there were several documents not made available that the Court had ordered produced in its Order dated June 25, 2008. (1) There were no calendars from any of the defendants. (2) There were no emails or letters from the Mayor or Debbie Johns. (3) There were no documents from council members from the time period of January 1, 2006 to September, 2007. There were only documents from the council members from September 10, the date of the first public meeting, to the present.

Concerning (1), the issue of the calendars, I telephoned you from City Hall and inquired about the calendars. At that time you stated that council members have no calendars. You stated that there is a 2008 office calendar posted to the wall and instructed me to ask Debbie Johns to show it to me. She did so, and she showed me the office calendars of 2004 and 2005 which were rolled up and on the floor under her desk. You stated that the office calendars from 2006 and 2007 were pitched.

When I telephoned you again on July 18 to ask you to explain your statement that council members keep no calendars, you stated that council members keep no notes of city business on their calendars, as the council meetings and work sessions fall on regularly known dates. I assume I will not receive anything from you in the way of calendars and I will delve into this issue further during the depositions of the council members. Although I did not ask you specifically on the phone about the calendars of the Mayor, Bob French, and Debbie Johns, I am under the impression that you would say they keep no notations of city business in their calendars either. If I am incorrect, then please produce their calendars.

  
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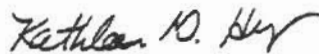
Concerning (2), documents from the Mayor and Ms. Johns, in the phone call of July 18, I explained that I still had seen no emails from the Mayor nor from Debbie Johns, even though I can see from Bob French's emails that were released that the Mayor and Ms. Johns were copied in on several of them. You said you would look further into producing emails from those two defendants.

Concerning (3), documents from the council members, you did produce emails they apparently were copied in on after September 10, 2007, the date of the first public meeting. There are no emails from January 1, 2006, to September 10, 2007. If you are not going to produce any, then my only recourse will be to delve into this further in the depositions.

In one of the documents produced by Mr. French on July 16, 2008, he stated that "we" began getting calls from Mr. Kennedy in the late spring of 2005. Until reading this document, plaintiffs were under the impression that the first meetings between city officials and the developer were in the spring of 2006. Therefore, plaintiffs today file a third request for production of documents, seeking emails, correspondence, documents, minutes of open and closed meetings, and calendars from all defendants for the period of March 20, 2005 to December 31, 2005. Again, the subject matter is limited to the sale of the PPG property and the lease of the land to the smelter developer; plaintiffs seek no documents relating to the Brownfields cleanup of the PPG property; and personal items should be excluded.

At this point, I believe plaintiffs are waiting for production of documents from the Mayor and Ms. Johns pursuant to plaintiffs' first and second requests for production of documents, as well as the production of documents pursuant to the third request. After these documents are produced, plaintiffs will proceed with the taking of depositions.

Very truly yours,



Kathleen G. Henry

Cc: The Honorable Benjamin Lewis

Jeffrey Sigmund  
David Kreuter  
Attorneys for Wings Enterprises