

# **App. Tab 39**

## RE: BIRI / WWE

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**From:**

Susan Hamilton <susan@wvflo.com>

**To:**

"Wargo, Eileen M." <eileen.wargo@klgates.com>, "McDevitt, Jerry" <jerry.mcdevitt@klgates.com>

**Cc:**

jbailles@hsc.wvu.edu, bennetomalu@comcast.net, bigweb52@mac.com, tom.vorbach@steptoe-johnson.com

**Date:**

Thu, 11 Feb 2010 11:32:42 -0500

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Dear Mr. McDevitt:

I did receive your February 8, 2010, email timed 1:07 p.m.

I have passed your inquiry on for response which will be provided to you.

Very truly yours,  
Robert P. Fitzsimmons

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**Susan for Robert P. Fitzsimmons**

**Fitzsimmons Law Offices**

1609 Warwood Ave | Wheeling, WV 26003

tel. (304) 277-1700 | fax. (304) 277-1705

wvflo.com | susan@wvflo.com



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**Fitzsimmons Law Offices**

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**From:** Wargo, Eileen M. [mailto:Eileen.Wargo@klgates.com]

**Sent:** Thursday, February 11, 2010 9:04 AM

**To:** Susan Hamilton

**Subject:** FW: BIRI / WWE

Would you please confirm that you received the email referenced below. Thank you.

Eileen Wargo  
Secretary to Jerry S. McDevitt  
412.355.8308  
[eileen.wargo@klgates.com](mailto:eileen.wargo@klgates.com)

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**From:** McDevitt, Jerry  
**Sent:** Monday, February 08, 2010 1:07 PM  
**To:** 'Susan Hamilton'  
**Cc:** tom.vorbach@steptoe-johnson.com; jbailes@hsc.wvu.edu; bennetomalu@comcast.net; bigweb52@mac.com  
**Subject:** RE: BIRI / WWE

Dear Mr. Fitzsimmons,

If your clients don't want to provide the requested information, that is their choice. Given the widespread publicity to the work regarding Benoit that has already occurred, and the offer to provide such information if requested made by Dr. Bailes, I am surprised at your reluctance and concern about the purpose behind our requests. I would think it would be routinely made available for anybody examining the work and the conclusions already advanced based on the work. But I don't feel any purpose is served by repeated responses to requests of us as to purpose and the prior questions you posed, which I went to great length to answer.

We have not at this time asked to have what you term a qualified medical professional examine the slides or brain tissue. I have been quite clear that we are requesting the information on the scientific chain of custody leading up to the preparation of the slides. Once we have an opportunity to evaluate that information, we may of course ask for further and additional information.

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**From:** Susan Hamilton [mailto:[susan@wvflo.com](mailto:susan@wvflo.com)]  
**Sent:** Monday, February 08, 2010 12:14 PM  
**To:** McDevitt, Jerry  
**Cc:** tom.vorbach@steptoe-johnson.com; jbailes@hsc.wvu.edu; bennetomalu@comcast.net; bigweb52@mac.com  
**Subject:** BIRI / WWE

Dear Mr. McDevitt:

Would you please advise me as to the specific purposes for which you are requesting information relating to the chain of custody of Chris Benoit's brain.

Please also confirm that you have not requested the opportunity to have a qualified medical professional review the slides and/or brain tissue.

Very truly yours,  
Robert P. Fitzsimmons

**Susan for Robert P. Fitzsimmons**

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**Fitzsimmons Law Offices**

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