

Subject: Bubble Fusion Controversy
Date: Mon, 1 Sep 2008 09:53:21 -0400
From: "Roger Bennett" <rwb@bennettlaw.com>
To: <nrg2@newenergytimes.com>

Mr. Krivit and whoever else may be concerned:

I am legal counsel for Dr. Lefteri Tsoukalas, defending the suit brought by Dr. Rusi Taleyarkhan. I learned on Friday of your posting the "affidavit" of Darla J. Mize (<http://newenergytimes.com/BubbleTrouble/2008MizeDarlaJ.AffadavitFeb2.pdf>). Circumstances prevented me sending this response earlier.

I did not know of this document's existence until learning on Friday that you had posted it. Ponder that sentence. If you are relying on your posting being a truthful report of an appendix to Taleyarkhan's Complaint against Tsoukalas and Jevremovic, your reliance is misplaced:

1. The Mize affidavit is not referred to or attached to Taleyarkhan's complaint. In no sense is it "part of" the complaint as you report.
2. The Mize affidavit has not been filed, provided in discovery, or otherwise made part of the record of the litigation between Taleyarkhan and Tsoukalas.
3. The Mize affidavit technically is not even an affidavit for several reasons.

You might wish to consult your own legal counsel about the prudence of posting this affidavit. I will not even address its many lurid allegations.

I am waiving none of my client's rights by apprising you of the falsity of your claim that this document is an affidavit and is part of the complaint.

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From: Steve Krivit
Sent: Monday, September 01, 2008 6:06 PM
To: Roger Bennett; lewis-lewisandwilkins.com; Iselander-duanemorris.com
Subject: Purdue Controversy

Mr. Bennett and whoever else may be concerned,

Thank you for your letter.

Steven B. Krivit
Editor, New Energy Times

Subject: RE: Purdue Controversy
Date: Tue, 2 Sep 2008 11:04:23 -0400
From: "Roger Bennett" <rwb@bennettlaw.com>
To: "Steve Krivit"

You are welcome.

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