

Supplemental D

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**From:** Preston, Patrick [REDACTED]  
**Sent:** Thursday, October 05, 2006 2:08 PM  
**To:** Garratt, David; Donley, Diane; Sherman, Ron; Souza, Kevin  
**Cc:** McIntyre, James; Walker, Mary-Margaret; Preston, Patrick  
**Subject:** RE: Media Inquiry- FOX NEWS (Atlanta)

Actually the litigation (Hilliard) was filed on May 12, 2006 and shortly thereafter I met with Kevin and others at which time we began the process of getting the testing underway.

Rick Preston

**From:** Garratt, David [mailto:[REDACTED]]  
**Sent:** Thursday, October 05, 2006 1:58 PM  
**To:** Donley, Diane; Sherman, Ron; Souza, Kevin  
**Cc:** McIntyre, James; Walker, Mary-Margaret; Preston, Patrick  
**Subject:** Re: Media Inquiry- FOX NEWS (Atlanta)

For the record, we initiated this testing before we were sued.

-----Original Message-----

**From:** Donley, Diane  
**To:** Sherman, Ron  
**Cc:** David Garratt  
**Cc:** McIntyre, James  
**Cc:** Walker, Mary-Margaret  
**Cc:** Preston, Patrick  
**Sent:** Oct 5, 2006 12:57 PM  
**Subject:** RE: Media Inquiry- FOX NEWS (Atlanta)

Rick Preston, the litigation attorney on the formaldehyde case, and I just had an extended conversation with Mary Margaret Walker on formaldehyde. The testing was undertaken because FEMA was sued. We have already provided press releases and notices to all trailer occupants. The testing was done without a predetermined outcome. The testing is covered under the following exception to FOIA - #5 and has been prepared in anticipation of litigation and is covered under deliberative process privilege, the attorney work product privilege and the attorney client privilege.

Diane L. Donley  
 Office of Chief Counsel  
 Federal Emergency Management Agency  
 Department of Homeland Security

[REDACTED]

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From: Sherman, Ron [mailto:████████████████████]  
Sent: Wednesday, October 04, 2006 8:28 PM  
To: Walker, Mary-Margaret; Donley, Diane  
Cc: Garratt, David; McIntyre, James  
Subject: Re: Media Inquiry- FOX NEWS