

WRITER'S DIRECT DIAL & EMAIL  
(650) 812-3415  
clark@carrferrell.com

December 13, 2010

By Email and U.S. Mail

Scott H. Amey, Esq.  
General Counsel  
Program on Government Oversight  
1100 G Street, NW, Suite 900  
Washington, DC 20005-3806  
Email: scott@pogo.org

POGO Letter to NIH Dated November 29, 2010

Dear Mr. Amey:

The retractions that appear in the revised version of POGO's letter dated November 29, 2010 do not address all of the false statements in that letter. For example, the letter still includes the false statement that:

The timeline also notes that GSK was given all three drafts, and was sent page proofs for approval.

The timeline does not "note" any such thing. To the contrary, the timeline sets out *proposed* dates and milestones for the book, for the period February through September 1997. The last step in that proposed timeline is "Disk to publisher for printing," on September 1, 1997.

It is indisputable that the timeline and milestones proposed in the Sally Laden letter were not implemented. The book was indisputably not published until 1999. In addition, the American Psychiatric Association – which was the publisher of the book – expressly confirmed in its November 30, 2010 statement that its records "show no signs of influence from the company." Thus, POGO is continuing to publish the false statement that "GSK was given all three drafts, and was sent page proofs for approval" when to its own knowledge that statement is false.

POGO's November 29, 2010 letter also continues to falsely state that it is a "fact that STI wrote the first draft." The documents relied on by POGO suggest only that Ms. Coniglio and Ms. Laden "developed" the manifestly incomplete outline misdescribed by POGO as a "first draft" of the book. The so-called "first draft" also indicates that the substantive portions of the draft – for example the content with regard to the contents, preface, introduction, anxiety disorders, eating disorders, mood disorders, and substance use/abuse disorders were either still expressly "under development" or had not been written at all. The sentence added by POGO at the end of this paragraph to acknowledge

Scott H. Amey, Esq.  
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December 13, 2010  
Page Two

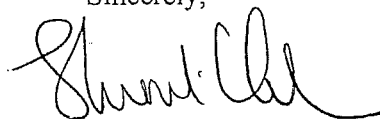
that "the extent of GSK's involvement is undetermined" does not in any way retract or justify the continuing accusation that "STI wrote the first draft."

The modifications to Mr. Thacker's December 1, 2009 blog do not eliminate all false and defamatory statements either. Similarly to the November 30, 2010 letter, the blog continues to misrepresent that the Laden letter states that "GSK was provided drafts of the textbook and was sent page proofs for final approval."

Under the circumstances, Dr. Schatzberg reiterates his prior demands that the false statements referenced above be retracted, and that POGO and Mr. Thacker should each issue an apology for the embarrassment and injury to reputation that POGO's and Mr. Thacker's false statements have caused to Dr. Schatzberg. I understand that you have already rejected the demand for such apologies, but I raise the issue again so that POGO and Mr. Thacker are clearly aware of the enhancement of Dr. Schatzberg's recoverable damages that will result from their continuing refusals to apologize.

Please confirm that the above-identified false statements will be immediately removed from the November 30, 2010 letter and the December 1, 2010 blog, and that the requested apologies will be promptly forthcoming.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart C. Clark". The signature is fluid and cursive, with the first name being the most prominent.

Stuart C. Clark



# SMITH MOORE LEATHERWOOD

December 14, 2010

**VIA FACSIMILE and E-MAIL [scott@pogo.org](mailto:scott@pogo.org)**

Scott H. Amey, Esq.  
General Counsel  
Program on Government Oversight  
1100 G Street, NW, Suite 900  
Washington, DC 20005-3806

POGO Letter to NIH Dated November 29, 2010

Dear Mr. Amey:

We are in receipt of a copy of Stuart Clark's letter to you which is dated December 13, 2010 concerning the matter referenced above.

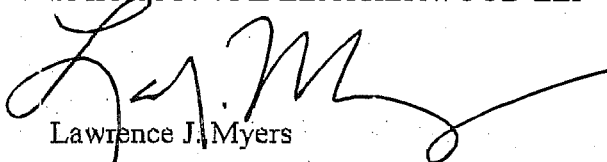
The points made in Mr. Clark letter with respect to Dr. Schatzberg are equally applicable to my client, Dr. Nemeroff.

Dr. Nemeroff reiterates his prior demands that the false statements referenced above be retracted, and that POGO and Mr. Thacker each issue an apology for the embarrassment and injury to reputation that POGO's and Mr. Thacker's false statements have caused to Dr. Nemeroff. Though you have already rejected the demand for such apologies, I raise the issue again so that POGO and Mr. Thacker are clearly aware of the enhancement of Dr. Nemeroff's recoverable damages that will result from their continuing refusals to apologize.

Please confirm that the above-identified false statements will be immediately removed from the November 30, 2010 letter and the December 1, 2010 blog, and that the requested apologies will be promptly forthcoming.

Very truly yours,

SMITH MOORE LEATHERWOOD LLP



Lawrence J. Myers

LJM/klv

ATLANTA 197135.1

Direct 404.962.1040 | Fax 404.962.1250 | [larry.myers@smithmoorelaw.com](mailto:larry.myers@smithmoorelaw.com)

Smith Moore Leatherwood ■ Attorneys at Law

Atlantic Center Plaza 1180 West Peachtree Street Suite 2300 Atlanta, GA 30309 ■ 404.962.1000 ■ [www.smithmoorelaw.com](http://www.smithmoorelaw.com)  
Atlanta, GA ■ Charlotte, NC ■ Greensboro, NC ■ Greenville, SC ■ Raleigh, NC ■ Wilmington, NC