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December 9, 2010

By Email and U.S. Mail

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POGO Letter to NIH Dated November 29, 2010

Dear Mr. Amey:

Thank you for your letter of December 8, 2010. I appreciate POGO's willingness to correct certain aspects of its letter to the NIH (the "NIH Letter"). Unfortunately, however, the changes to that letter retract the accusation of editorial oversight in one place but not the other, and also address only some of the ghostwriting allegations in the NIH Letter, not others.

The changes that POGO has made properly acknowledge that the book *Recognition and Treatment of Psychiatric Disorders: A Psychopharmacology Handbook for Primary Care* (the "Book") was not ghostwritten, and withdraw the ghostwriting accusation in the part of the letter that appears under the heading "Drs. Alan Schatzberg and Charles Nemeroff" (the "Book Specific Section"). Also retracted in that part of the NIH Letter is the accusation, in the penultimate paragraph of the Book Specific Section, that GSK was given and approved drafts and page proofs. But the latter accusation remains in the second paragraph of that section.

In addition, the ghostwriting accusation remains in the introductory portion of the NIH Letter (the "Introduction"). Specifically, given the later references to him in the letter, the Introduction necessarily identifies Dr. Schatzberg as one of the accused "handful of researchers who used ghostwriters for scientific publications." And the referenced support for this statement is the attached Laden letter that expressly references the Book. Moreover, later in the NIH Letter the accusation is made that "STI's ghostwriting included . . . a textbook that was widely used by primary care physicians to treat psychiatric disorders" – another direct reference to the Book.

The abovementioned accusations in the Introduction also need to be retracted, just as POGO has retracted those accusations where they appeared in the Book Specific Section. The accusation in the Book Specific Section that GSK was actually sent drafts

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and page proofs also needs to be changed to conform to the other changes that have already been made with regard to this accusation.

I do not intend to debate with you the nuances of Ms. Laden's deposition testimony – ten years later, and in another case – in relation to what she describes in her February 4, 1997 letter. It is indisputable that her role in the late 1990s was to support the authors of the Book, and that neither she nor anyone else ghostwrote the Book. Given the editorial support that is expressly acknowledged in the preface to the Book, it is entirely unremarkable that some paragraphs from the preliminary draft may have survived the addition of further content, rewriting and editing. But such similarities manifestly do not prove the accusation of ghostwriting, as the changes that POGO has already made to the NIH Letter already acknowledge. Indeed, in light of the APA's statement confirming that the Book was not published until 1999, it is utterly beyond dispute that the timelines and the activities contemplated in Ms. Laden's letter were never implemented. Thus, the claimed basis for your assertion that Ms. Laden and/or Ms. Coniglio should have been listed as authors is illusory.

Perhaps the most efficient way for POGO to address the above issues is to write a further letter to the NIH that retracts for the entire NIH Letter all of the accusations of ghostwriting and editorial content approval that have been partially retracted in the revised Book Specific Section. Alternatively, the NIH Letter should be further changed to make those retractions throughout the existing letter.

It is also necessary for POGO and Mr. Thacker to make further retractions to address additional issues arising from a blog written by Mr. Thacker and published on POGO's website on December 1, 2010 (the "Blog"). The Blog repeats the false accusation that Drs. Schatzberg and Nemeroff "signed their names to a textbook for doctors that was ghostwritten by the marketing firm Scientific Therapeutics Information ("STI)." The Blog also repeats the false accusation that the Laden letter "shows that GSK was provided every draft and was sent page proofs for final approval."

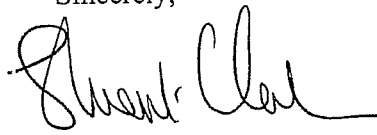
On Dr. Schatzberg's behalf, I hereby demand that POGO and Mr. Thacker should retract the false statements in the Blog by deleting them or alternatively by retracting the entire Blog.

Finally, your letter does not comment on Dr. Schatzberg's demand for an apology in addition to the retractions. Please advise when and in what form the apologies from POGO and Mr. Thacker will be forthcoming.

I look forward to hearing from you promptly how POGO intends to proceed in addressing these outstanding issues.

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Sincerely,

A handwritten signature in black ink, appearing to read "Stuart Clark". The signature is written in a cursive style with a long horizontal stroke at the end.

Stuart C. Clark



SMITH MOORE LEATHERWOOD

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VIA FACSIMILE and E-MAIL scott@pogo.org

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Dear Mr. Amey:

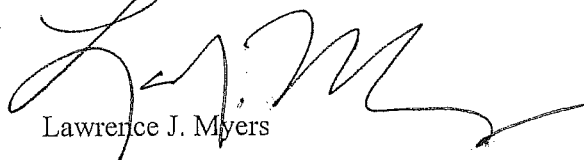
Thank you for your letter of yesterday concerning the matter referenced above. We appreciate POGO's willingness to correct certain aspects of its November 29, 2010 letter to the NIH. Unfortunately, however, the changes to that letter retract the accusation of editorial oversight in one place but not the other, and address only some of the ghostwriting allegations in the letter to the NIH, not others.

We are also in receipt of a copy of Mr. Clark's letter to you of today's date on behalf of Dr. Schatzberg. Rather than restating there what is set forth in Mr. Clark's letter, Dr. Nemeroff endorses its substance and demands the same relief.

I look forward to hearing from you how POGO intends to act on these outstanding issues.

Very truly yours,

SMITH MOORE LEATHERWOOD LLP



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