

# Attachment A



# SMITH MOORE LEATHERWOOD

December 2, 2010

**VIA FACSIMILE and U.S. MAIL**

**Facsimile: (202) 347-1116**  
Ms. Danielle Brian  
Executive Director  
Program on Government Oversight  
1100 G Street, NW, Suite 900  
Washington, DC 20005-3806

**Facsimile: (202) 347-1116**  
Mr. Paul Thacker  
Program on Government Oversight  
1100 G Street, NW, Suite 900  
Washington, DC 20005-3806

RE: Program on Government Oversight (POGO) Letter to National Institutes of Health (NIH) dated November 29, 2010

Dear Ms. Brian and Mr. Thacker:

This firm represents Charles B. Nemeroff, M.D., Ph.D.

I am writing to you concerning various false and defamatory statements in your joint letter to the NIH dated November 29, 2010. That letter is currently prominently displayed on POGO's website and has therefore been widely published, including in Georgia and Florida, and has caused serious harm to Dr. Nemeroff, also including in Georgia and Florida.

The letter falsely states, as a purported fact, that "STI also ghostwrote a physician textbook, *Recognition and Treatment of Psychiatric Disorders: A Psychopharmacology Handbook for Primary Care*, for Drs. Alan Schatzberg of Stanford Medical Center and Charles Nemeroff, formerly with Emory School of Medicine and now at University of Miami School of Medicine."

The letter also falsely states, as a purported fact, "that STI wrote the first draft" of the book *Recognition and Treatment of Psychiatric Disorders: A Psychopharmacology Handbook for Primary Care*.

The letter further falsely states, as a purported fact, "that GSK was given all three drafts, and was sent page proofs for final approval."

The purported support for these false statements about alleged "ghostwriting" includes a February 4, 1997 letter from Scientific Therapeutics Information, Inc.'s (STI) which sets out proposed timelines and milestones, but does not recite the actual terms upon which Dr.

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Nemeroff and his co-author were retained to write the book. Nor does the letter accurately describe the timelines of the interactions and specific roles of STI, APPI and the authors, which were not finalized until early 1999, on terms quite different from those set out in the STI letter. Further, the letter does not state (or "note") that GSK "was given" any drafts or "was sent" any page proofs for final approval.

Also offered as purported support for your false statements about alleged ghostwriting is a February 25, 1997 "preliminary draft" which contains largely boilerplate material, and also contains the notation "under development" for all substantive portions of that "preliminary draft." This "preliminary draft" therefore provides no factual support for your statements that the entire book was ghostwritten - as a comparison of the content of the draft and the content of the book makes readily apparent.

This is not the first time that Mr. Thacker has been involved in making false statements concerning Dr. Nemeroff and his co-author. In the course of Mr. Thacker's former employment by the Senate Committee on Finance and Senator Grassley he made a series of false accusations of research bias and impropriety against Dr. Nemeroff. Several internal reviews by Emory University, including by its Institutional Review Board (IRB) and a special committee, the results of which have been made public (including reports to NIH), concluded that these allegations were without merit.

Dr. Nemeroff demands that POGO and Mr. Thacker deliver the following retractions to the NIH, and publish those retractions on the POGO website with equal prominence to the POGO letter:

1. That no documents to which POGO or Mr. Thacker have access state or otherwise support the accusation that STI ghostwrote the book;
2. That no documents to which POGO or Mr. Thacker have access state or otherwise support the accusation that anyone at all ghostwrote the book either; and,
3. That there is no factual support for POGO's and Mr. Thacker's statement that GSK was shown drafts and page proofs of the book for approval of the editorial content.

Dr. Nemeroff also demands that POGO and Mr. Thacker publish an unconditional apology to Dr. Nemeroff for any and all injury and damages sustained by him and to his personal and professional reputation as a result of the false and defamatory statements in the POGO letter to NIH. The apology should be published in the same manner as is indicated above with respect to the retractions.

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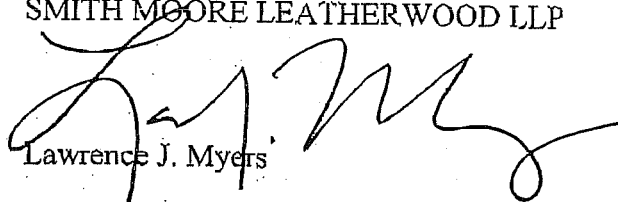
Please confirm to me, in writing, by no later than 5:00 P.M. Eastern Standard Time on Friday, December 3, 2010 that the requested retractions and apology either have been published, or will be published immediately.

Though publishing the demanded retractions and apology will not exonerate you from liability for defamation, it may mitigate the damages that Dr. Nemeroff is entitled to recover by law.

I look forward to hearing from you.

Very truly yours,

SMITH MOORE LEATHERWOOD LLP



Lawrence J. Myers

/klv



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December 1, 2010

By Facsimile and U.S. Mail

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Washington, DC 20005-3806  
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POGO Letter to NIH Dated November 29, 2010

Dear Ms. Brian and Mr. Thacker:

I represent Dr. Alan Schatzberg, who has instructed me to write to you concerning various false statements in your joint letter to the NIH dated November 29, 2010 (the "POGO Letter"). That letter is currently prominently displayed on POGO's website, and has therefore been widely published, including in California, and has caused serious harm to Dr. Schatzberg, also including in California.

The POGO Letter falsely states, as a purported fact, that "STI also ghostwrote a physician textbook, *Recognition and Treatment of Psychiatric Disorders: A Psychopharmacology Handbook for Primary Care*, for Drs. Alan Schatzberg of Stanford Medical Center and Charles Nemeroff, formerly with Emory School of Medicine and now at University of Miami School of Medicine."

The POGO Letter also falsely states, as a purported fact, "that STI wrote the first draft" of the book *Recognition and Treatment of Psychiatric Disorders: A Psychopharmacology Handbook for Primary Care* (the "Book").

The POGO Letter further falsely states, as a purported fact, "that GSK was given all three drafts, and was sent page proofs for final approval."

The purported support for your above-described false statements about alleged ghostwriting includes a February 4, 1997 letter from STI which sets out proposed

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timelines and milestones, but does not recite the actual terms upon which Dr. Schatzberg was retained to write the Book. Nor does the letter accurately describe the timelines of the interactions and specific roles of STI, APPI and the authors, which were not finalized until early 1999, on terms quite different from those set out in the STI letter. Further, the letter does not state (or "note") that GSK "was given" any drafts or "was sent" any page proofs for final approval.

Also offered as purported support for your above-described false statements about alleged ghostwriting is a February 25, 1997 "preliminary draft" which contains largely boilerplate material, and also contains the notation "under development" for all substantive portions of that "preliminary draft." This "preliminary draft" therefore provides no factual support for your statements that the entire Book was ghostwritten – as a comparison of the content of the draft and the content of the Book makes readily apparent.

This is not the first time that Mr. Thacker has been involved in making false statements concerning Dr. Schatzberg. In the course of Mr. Thacker's former employment by Senator Grassley he made a series of false accusations of impropriety against Dr. Schatzberg on behalf of Senator Grassley. Dr. Schatzberg was convincingly exonerated of all of Mr. Thacker's and Senator Grassley's accusations of impropriety, as he will be with respect to the latest series of false accusations by POGO and Mr. Thacker.

In light of the foregoing, I am instructed by Dr. Schatzberg to demand, as I hereby do, that POGO and Mr. Thacker should deliver the following retractions to the NIH, and should also publish those retractions on the POGO website with equal prominence to the POGO Letter:

1. That no documents to which POGO or Mr. Thacker have access state or otherwise support the accusation that STI ghostwrote the Book;
2. That no documents to which POGO or Mr. Thacker have access state or otherwise support the accusation that anyone at all ghostwrote the Book either; and,
3. That there is no factual support for POGO's and Mr. Thacker's statement that GSK was shown drafts and page proofs of the Book for approval of the editorial content.

I am also instructed to demand that POGO and Mr. Thacker should publish an unreserved apology to Dr. Schatzberg for any and all injury sustained by him and to his

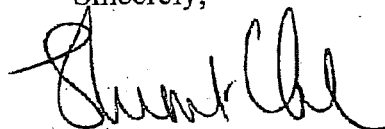
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reputation as a result of the false statements in the POGO Letter. Such apology should be published in the same manner as is indicated above with respect to the retractions.

Since time is of the essence, please confirm to me in writing by no later than noon Pacific Standard Time on Friday, December 3, 2010 that the requested retractions and apology either have been published, or will be published immediately.

Please note that while publishing the demanded retractions and apology will not avoid liability for defamation, it may mitigate the damages that Dr. Schatzberg is entitled to recover.

Sincerely,



Stuart C. Clark