Joseph Mann

From:	Cccnelc@aol.com
Sent:	Wednesday, November 23, 2011 6:28 PM
То:	jmann@nelconline.org
Subject:	Fwd: Smolt study [DWM-Client.FID337243]

From: <u>dnicholas@verizon.net</u> To: <u>cccnelc@aol.com</u> Sent: 11/23/2011 5:58:55 P.M. Pacific Standard Time Subj: Fwd: Smolt study [DWM-Client.FID337243]

Begin forwarded message:

From: Toby Dilworth <<u>tdilworth@dwmlaw.com</u>> Date: October 24, 2011 11:35:51 AM EDT To: 'David Nicholas' <<u>dnicholas@verizon.net</u>>, "Donald A. Carr" <<u>donald.carr@pillsburylaw.com</u>> Cc: Josh Kratka <<u>josh.kratka@verizon.net</u>>, Bruce Merrill <<u>mainelaw@maine.rr.com</u>> Subject: RE: Smolt study [DWM-Client.FID337243]

It is my understanding that a mark-recapture study has not yet been done.

DrummondWoodsum Toby Dilworth | Attorney 84 Marginal Way, Suite 600, Portland, Maine 04101-2480

voice (207) 772-1941 ext. 521 · fax (207) 772-3627 · (800) 727-1941 direct (207) 253-0521 · cell (207) 318-8358

mailto:tdilworth@dwmlaw.com | http://www.dwmlaw.com

The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Unintended transmission shall not constitute waiver of any privilege, including, without limitation, the attorney-client privilege if applicable. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the e-mail and any attachments from any computer.

For purposes of compliance with Internal Revenue Service requirements, we inform you that any Federal tax advice contained in this communication (including any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (including any attachment).

-----Original Message-----From: David Nicholas [mailto:dnicholas@verizon.net] Sent: Friday, October 21, 2011 4:46 PM To: Toby Dilworth; Donald A. Carr Cc: Josh Kratka; Bruce Merrill Subject: Smolt study

Case 1:11-cv-00035-GZS Document 49-5 Filed 11/30/11 Page 2 of 2 PageID #: 297

Toby and Don: The documents you sent did not include a mark-recapture study. Was one done? If so, please send those documents, too. Thanks. Dave.

David Nicholas, Esq. 20 Whitney Road Newton, Massachusetts 02460 (p) (617) 964-1548 (f) (617) 663-6233

=