

From: bonforrest@aol.com [<mailto:bonforrest@aol.com>]

Sent: Tuesday, September 19, 2017 11:09 PM

To: Wahl, Barbara <Barbara.Wahl@arentfox.com>

Cc: THentoff@wc.com

Subject: Re: RE: RE: Availability for a Call

Hi Barbara,

Unfortunately, as I said in my email to you early Monday morning, I won't have a chance to look at anything during the day tomorrow before 1 p.m. PT. (I am prepping the entire morning for my deposition in an upcoming trial in which I am an expert, and I owe the judge in that case information by Thursday morning.) To avoid holding you up unnecessarily, I suggest you go ahead and send me a draft tomorrow, as you indicate you will now try to do in coordination with Tom. I will turn to it as soon as I can in the afternoon and get back to you promptly after I have spoken with Louis Freeh (who is out of the country) and our local counsel. No need to run up legal bills unnecessarily, since it appears that we can agree to your requests for extensions of time to answer the complaint and extensions to the page limits for your motions (see my paste of your Monday morning email below). If we have changes or questions, I can certainly handle them expeditiously in a redline.

Of course, I am always happy to chat if you have something new.

Also, again, we look forward to getting deposition times from you as soon as possible so we can schedule for everyone's convenience. If you will not agree to our targeted, limited requests, we will need to schedule a face-to-face meeting to attempt to resolve the issue and I will need to obtain times from you for such a meeting, so I can book a flight immediately.

We are also renewing our repeated requests to remove the two versions of the reports from the APA websites and our requests to "sticker" the April 15, 2016, statement regarding the rehiring of Hoffman to release a supplemental report by June 8, 2016. We believe these steps are required by the APA Board's fiduciary duties as referenced in APA's release.

<http://www.apa.org/independent-review/APA-FINAL-Report-7.2.15.pdf>; <http://www.apa.org/independent-review/revised-report.pdf>; <http://www.apa.org/news/press/releases/2016/04/independent-review.aspx>

These documents are continuing to damage our clients, as evidenced by another new article just a few weeks ago:

http://www.slate.com/articles/health_and_science/science/2017/09/should_psychologists_take_the_blame_for_greenlighting_bush_era_enhanced.html.

APA's most recent press release on Monday, August 28, and Tom's representation to the Ohio Court that our clients "collaborated," as opposed to "colluded," are at odds both with the language used in the Reports and statements made in the press by Nadine Kaslow on behalf of APA. (See, for example, <https://www.aol.co.uk/video/former-apa-president-says-stephen-behnke-was-'terminated'-518940743/>.) This difference in terminology is not trivial. Collusion is defined in the Reports as "...a secret agreement, understanding, or cooperation for some harmful, improper, dishonest, or illegal purpose." The term is used repeatedly in both versions of the Report as well as by Nadine Kaslow. Your recent statements belie those prior statements (and others) and favor mitigation on your parts.

We of course continue to welcome your clients' public comments and statements, and hope that the APA similarly supports the ability of all of its members to exercise their free-speech rights.

Regards,

Bonny

Bonny J. Forrest, JD, Ph.D.

917-687-0271

Hi Barbara,

Here is what we are prepared to agree to (obviously, as always we are open to wording changes). I think this answers your question with regard to what my prior use of the word "granting" pending review of your document meant. But please, let me know if you have any questions, suggested comments, or changes via a redline. I will be in meetings most of the day today but should be reachable after 4 p.m. PT by email.

Alternatively, if we need to meet and confer I have times available in San Diego next week and I would be happy to meet you at the airport for a two hour block to discuss any requests you may have. At the moment, Wednesday morning is the only time, I am not available, subject to me being deposed in another matter pending in NYC.

I have also pasted immediately below, your initial requests on September 19, and my response (a request for a "draft") for ease of reference.

We are reiterating our prior retraction requests as made numerous times in this matter from August 3, 2015 onward, including prior to publication of the Revised Report on September 4, 2015.

In response to your subsequent email to me last evening, we have never agreed to allow the reports to remain up on the APA websites.

I am happy to gather the relevant emails to provide you with the relevant history.

Regards,

Bonny

Bonny J. Forrest, JD, Ph.D.

917-687-0271