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October 3, 2011

VIA E-MAIL [dharrington@condonlaw.com](mailto:dharrington@condonlaw.com) - and First Class Mail

David Harrington, Esq.  
Condon & Forsyth, LLP  
7 Times Square  
New York, New York 10036

Dear Mr. Harrington:

Re: Flight 3407

I write on behalf of the Plaintiffs' Executive Committee ("PEC") regarding your designation of the documents bearing Bates Numbers COLG 333263, 333264 and 333265 as Confidential. (A second version of the document has been produced as COLG 396576 and 396577)

As you know, Paragraph 1 of the Protective Order ("PO") dated November 6, 2009 mandates:

[a] party shall in good faith designate as "CONFIDENTIAL INFORMATION" only those documents and other tangible things which it reasonably believes to be confidential, or containing any information in which a party has a privacy interest. Designation of documents and other tangible things as Confidential Information is separate and apart from disclosure due to privilege or other applicable laws.

Please consider this letter our objection to your designation of the aforementioned documents as Confidential. As you know, Colgan has designated practically every — if not every — of the 403,148 pieces of paper produced to date as CONFIDENTIAL INFORMATION. The PEC does not see anything in the documents referenced above that is confidential or in which Colgan has a protectable privacy interest as contemplated in the PO. It is not a trade secret or other, confidential research, development, or commercial information or a document containing any such information. Rather, the document indicates that Colgan Management made a decision to not include Renslow as an upgradable pilot in the Q400 less than 6 months before the crash. Colgan apparently decided to not include it as part of Marvin Renslow's employment file. This document should have been provided to the PSC long ago. It is so central to the issues in this case that it should have been disclosed in your initial Rule 26 disclosures.



The PEC stands ready to promptly confer with you regarding this matter within the 10 days mandated in the PO. We also intend to raise this issue with Judge Skretny on Wednesday.

We look forward to speaking with you.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Russ, III", with a long horizontal flourish extending to the right.

Hugh M. Russ, III

HMR/dah

cc: Patrick E. Bradley, Esq. [pbradley@reedsmith.com](mailto:pbradley@reedsmith.com)  
Oliver Beiersdorf, Esq. [obeiersdorf@reedsmith.com](mailto:obeiersdorf@reedsmith.com)  
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**From:** Mitchel, Harry  
**Sent:** Wednesday, August 27, 2008 12:43 PM  
**To:** Honan, Bill  
**Subject:** Re: Sep23 class

Great - Thanks...

----- Original Message -----  
**From:** Honan, Bill  
**To:** Mitchel, Harry  
**Sent:** Wed Aug 27 06:40:09 2008  
**Subject:** RE: Sep23 class

He is already off the list.

Bill Honan

Chief Pilot

(571) 237-3362 cell

(703)656-2444 office

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**From:** Mitchel, Harry  
**Sent:** Tuesday, August 26, 2008 11:36 PM  
**To:** Honan, Bill; Chaplin, Dot  
**Cc:** Jennings, Kim  
**Subject:** RE: Sep23 class

Anyone that does not meet the mins and had problems in training before Is not ready to tackle the Q...

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**From:** Honan, Bill  
**Sent:** Tuesday, August 26, 2008 12:50 PM  
**To:** Chaplin, Dot; Mitchel, Harry  
**Cc:** Jennings, Kim  
**Subject:** RE: Sep23 class

Yes you are correct Rensloe had a problem upgrading.

Bill Honan

Chief Pilot

(571) 237-3362 cell

(703)656-2444 office

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From: Chaplin, Dot  
Sent: Tuesday, August 26, 2008 12:39 PM  
To: Honan, Bill; Mitchel, Harry  
Cc: Jennings, Kim  
Subject: RE: Sep23 class

How about Renslow, [Privacy Redaction] ? Are they ok to roll with?

You might want to check the training records. There is something in the back of my mind on Renslow.

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From: Honan, Bill  
Sent: Tuesday, August 26, 2008 12:28 PM  
To: Chaplin, Dot; Mitchel, Harry  
Cc: Jennings, Kim  
Subject: RE: Sep23 class

[Privacy Redaction] has been here a long time . Hired Nov. 2000, and started with 4000 when he was hired.  
He should be OK

Bill Honan

Chief Pilot

(571) 237-3362 cell

(703)656-2444 office

From: Chaplin, Dot  
Sent: Tuesday, August 26, 2008 12:24 PM  
To: Mitchel, Harry; Honan, Bill  
Cc: Jennings, Kim  
Subject: RE: Sep23 class

He is really old.

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From: Mitchel, Harry  
Sent: Tuesday, August 26, 2008 12:23 PM  
To: Chaplin, Dot; Honan, Bill  
Cc: Jennings, Kim  
Subject: RE: Sep23 class

I believe Privacy Redaction time is a little high - over 100 thousand hours would be an incredible feat. Might be one too many zero's...

Bill your call on the time... I have no problem dependent on past history...

Thanks, Harry

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From: Chaplin, Dot  
Sent: Tuesday, August 26, 2008 11:24 AM  
To: Mitchel, Harry; Honan, Bill  
Cc: Jennings, Kim  
Subject: Sep23 class

There are a couple lower time guys on this list, are we going to allow them to transition?  
(2990 - is lowest)

Captain

1

**Privacy Redaction**

2

3

4

RENSLOW, MARVIN

2990

5

**Privacy Redaction**

6

7