

CLYMER & MUSSER, P.C.

JAMES N. CLYMER
ROBERT F. MUSSER
JEFFREY D. MOHLER
LEONARD G. BROWN, III*
RANDALL L. WENGER
ANDREA L. SHAW

*ALSO ADMITTED IN NORTH CAROLINA

DENNIS E. BOYLE
OF COUNSEL

ATTORNEYS AT LAW
23 NORTH LIME STREET
POST OFFICE BOX 1766
LANCASTER, PA 17608-1766

(717) 299-7101
FAX (717) 299-5115
E-MAIL: law@clymer.net
www.clymerlaw.com
DIRECT E-MAIL: len@clymer.net

210 NORTH STATE STREET
EPHRATA, PA 17522
(717) 733-7471

16 SOUTH HESS STREET
QUARRYVILLE, PA 17566
(717) 786-0500
FAX (717) 786-2111

DIRECT ALL CORRESPONDENCE
TO THE LANCASTER OFFICE

May 24, 2005

Eric Rothschild, Esq.
Pepper Hamilton, LLP
3000 Two Logan Square
18th and Arch Streets
Philadelphia, Pennsylvania 19103

Patrick Gillen, Esq.
Thomas More Law Center
24 Frank Lloyd Wright Drive
P.O. Box 93
Ann Arbor, Michigan 48106

VIA ELECTRONIC AND FIRST CLASS MAIL

Re: *Kitzmilller v. Dover*, 4:04-CV-2688 (M.D. Pa.)

Gentlemen:

Judge Jones' deputy civil clerk has advised me that Judge Jones will not be scheduling a conference call regarding our request to participate in the currently scheduled depositions as counsel for Foundation for Thought and Ethics due to the opposition of both plaintiffs and defendants to our participation. She communicated that all parties understand the risks of not allowing our participation should the court grant our application; that we will again depose many of the individuals you have already deposed.

We intend to be present as counsel at the depositions for those Fellows of non-party Discovery Institute that have requested our representation. Presently, this list includes: Charles Thaxton, William Dembski, Scott Minnich and John Angus Campbell.

Very truly yours,

/s/ Len Brown

Leonard G. Brown, III

LGB