

EXHIBIT 1

From: James Gilson [mailto:jgilson@nhm.org]

Sent: Friday, August 13, 2010 12:44 PM

To: Celeste DeWald; Kathryn A. Lynch; Ed Manning; Goldstein, Fred; Adine Varah; AAMDGOV@aol.com; afinch@aamd.org; gsilberglied@aam-us.org; sjk@hahnlaw.com; shapreau@berkeley.edu; Stauber, Thaddeus; swclark@getty.edu; Kanschhat, Melody; Kohanchi, Pamela; michele@agsciencecenter.org; blong@lbaop.org

Cc: Phil Kohlmetz; Linda Sharp

Subject: LAST MINUTE CHANGE -- NEED IMMEDIATE FEEDBACK, IF ANY

Importance: High

Assemblyman Feuer urgently called Kathy Lynch and me this morning; Kathy took the call on our behalf.

Bottom line: he had a change of heart (he says after reading today's newspaper about the Cassirer case and "feeling badly" [Kathy's reported words]) and is now going back to 6 year duration for the statute of limitations (my comment: after saying that this wasn't about any particular pending case, he decides to go back to 6 years on the exact day after Cassirer is NOT getting thrown out on foreign policy grounds, making the duration of the statute in that case more relevant)

Kathy was able to get him to agree to shorten the sunset duration to 7 years from 10 years.

Although we could try to go back to the 3+3 concept, I think that is futile given Feuer's explanation for his change of heart

So we now have all the same provisions, except:

- 6 year statute of limitations,
- 7 year sunset for the bill

Meanwhile, before hearing any of this, we had gotten confirmation that they will:

- Include in the legislative history additional comments about not creating a new cause of action and about duress not being "generalized/situational"
- take out the mistaken reference to the pre-existing/current statute of limitations in the provision eliminating the applicability of Civil Code Section 361 to the carved-out set of cases that the new legislation covers (that is, 361 still would not be allowed to help with the new statute of limitations cases, but would still help with cases brought under the pre-existing general 3-year-statute for any theft)

So:

1. please take a breath and count to 10 (I had to count to more than that because I had to listen to all the self-righteous comments about "we don't write legislation about one case")
2. **please let Michelle (our for-CAM decision-maker), Kathy and me know if you think this change SHOULD CHANGE CAM's position as agreed to last night, -- which as a reminder was:**
don't support, don't oppose, but write letter expressing appreciation of changes made, expressing non-opposition but also expressing concern

My view -- despite my now-enhanced concerns with the process -- is that it does NOT change our position, but allows/requires/leads us to make the concerns part of the letter somewhat more pointed -- that we believe that changing the duration of the statute given the actual knowledge standard is counterproductive because it will lead to unnecessary and tactical delays on the part of claimants instead of the rapid and fair resolution of cases once adequate facts are known and because it creates even more the constitutional uncertainties of singling out certain claimants, defendants, and cases/claims