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No. 82225-5

SUPREME COURT OF THE STATE OF WASHINGTON

CITY OF PORT ANGELES,

Respondent,

v.

OUR WATER-OUR CHOICE and
PROTECT OUR WATERS

Petitioners,

v.

WASHINGTON DENTAL SERVICE
FOUNDATION, LLC,

Respondent.

ERRATA OF
AMICI BRIEF OF INTERNATIONAL
ACADEMY OF ORAL MEDICINE
AND TOXICOLOGY, OREGON
CITIZENS FOR SAFE DRINKING
WATER, FLUORIDE ACTION
NETWORK, WASHINGTON ACTION
FOR SAFE WATER, WHIDBEY
ENVIRONMENTAL ACTION
NETWORK, AUDREY ADAMS,
LINDA MARTIN, BILL OSMUNSON
DDS, MPH, GERALD H. SMITH MD,
AND FLUORIDE CLASS ACTION

ERRATA OF AMICI BRIEF

This Errata is filed regarding the Amici Brief of International Academy of Oral
Medicine and Toxicology, Oregon Citizens for Safe Drinking Water, Fluoride Action
Network, Washington Action for Safe Water, Whidbey Environmental Action Network,

ERRATA OF
AMICI BRIEF - 1

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Audrey Adams, Linda Martin, Bill Osmunson DDS, MPH, Gerald H. Smith MD, and Fluoride Class Action, referred to as "Amici."

The Amici, after further consultation, withdraw the suggestion made on page 5, and the request made on page 29, of the said Amici brief that the Court could or is asked to remand this to the Superior Court for further hearing. There is more than enough evidence in favor of the Committees for the Court to decide in their favor and order that the two Initiatives be put on the ballot. For the Committees to finance a new trial would be a financial hardship and put the Committees at a great disadvantage financially against opponents who have much greater funding capacity. In practical terms, a remand would delay the exercise of the citizens' right to vote on this issue or result in their losing this right altogether.

OTHER ERRATA

- On page 1, line 5, "Lynn Lohr" is deleted.
- On page 1, line 5, "Bill Osmunson DDS, MPH, Gerald H. Smith MD" is added.
- On page 1, line 17, an extra period is deleted.
- On page 5, line 3, "The Committees here are making ..." is changed to "These would be new assignments of ..."
- On page 5, line 6, change "consider" to "considerations."
- On page 5, line 8, "However, if the Court feels the need for the record to be better developed, remanding the case to the Trial Court would be a judicious thing to do" is deleted.

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On page 7, footnote 4, "D-19" is changed to "D-21."

On page 14, line 1, change "Federal" to "Food and."

On page 14, line 14,"action" is changed to "actions."

On page 14, line 5, a close quotation mark is added.

On page 16, line 6, "The EPA did own" changed to "The EPA did not own."

On page 16, line 7, change "D-43" to "D-46."

On page 16, line 21, change "D-43" to "D-47."

On page 17, line 5, change "D-43" to "D-48."

On page 17, line 10, change "D-43" to "D-48."

On page 17, line 13, after "Most water departments do not even possess a copy"
add "of."

On page 18, line 7, change "D-43" to "D-48."

On page 18, line 20, change "D-43" to "D-52."

On page 20, line 2, change "Chlorex" to "Chlorox."

On page 21, line 18, change "B-48" to "D-104."

On page 21, line 18, there is a reference to the letter Davies wrote to Glasser.
That letter was omitted and is attached hereto and to the Corrected Brief and labeled as
Appendix D-104.

On page 21, line 21, change "additive" to "additives."

On page 23, line 6, change "disease I man" to "disease in man."

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On page 23, in note 9, there is a reference to Appendix D-43. The correct reference is to Appendix D-101.

On page 23, at note 14, there is a reference to Appendix A-37. The correct reference is to Appendix D-77.

On page 23, line 6, “disease I man” is corrected to “disease in man.”

On page 24, line 9, delete first two sentences and add: “The FDA withdrew approval of a new drug application for the ingestion of fluoridated vitamin supplements, saying ‘there is no substantial evidence of drug effectiveness as prescribed, recommended, or suggested in labeling.’”

On page 24, footnote 16, delete Id. and add: “Drug Therapy, June, 1975. See Appendix D-105.”

On page 29 at line 8, “absurd” is deleted.

On page 29 at line 11, after “The Amici ask this Court to acknowledge” add “the common law, statutory, and constitutional issues raised ...”

On page 29 at line 16, delete “In the alternative, the Amici ask the Court to remand this case to the Trial Court for a full hearing of the issues.”

A Corrected Amici Brief which includes these changes and corrected Appendix A (to remove Lynn Lohr) and Appendix D-104 and D-105 are attached thereto. The remaining Appendices submitted with the original Amici Brief, D-1 through D-103, remain a part of the Corrected Amici Brief but additional copies of these original Appendices are not being provided.

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The Table of Appendices was omitted when said brief was filed on February 5, 2010, and said Table of Appendices is included in the Corrected Amici Brief.

Dated this 10th day of February, 2010.

Respectfully submitted,

JAMES ROBERT DEAL PLLC

By:



James Robert Deal
WSBA No. 8103
Attorneys for Amici

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CERTIFICATE OF SERVICE

I certify that on the 9th day of February, 2010, I caused a true and correct copy of this certificate and the "Errata of Amici Curiae International Academy of Oral Medicine and Toxicology, Oregon Citizens for Safe Drinking Water, Fluoride Action Network, Washington Action for Safe Water, Whidbey Environmental Action Network, Audrey Adams, Linda Martin, Bill Osmunson DDS, MPH, Gerald H. Smith MD, and Fluoride Class Action" as well as the "Corrected Amici Curiae Brief of International Academy of Oral Medicine And Toxicology, Oregon Citizens for Safe Drinking Water, Fluoride Action Network, Washington Action for Safe Water, Whidbey Environmental Action Network, Audrey Adams, Linda Martin, Bill Osmunson DDS, MPH, Gerald H. Smith MD, and Fluoride Class Action to be served on the following:

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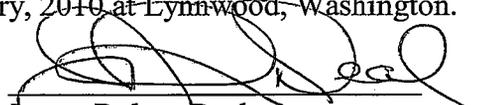
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Dated this 10th day of February, 2010 at Lynnwood, Washington.



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