

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NUMBER: 9:03-cv-81110-CIV-HURLEY/HOPKINS

MAUREEN STEVENS, as Personal
Representative of the Estate of
ROBERT STEVENS, Deceased, and
on behalf of MAUREEN STEVENS,
Individually, NICHOLAS STEVENS,
HEIDI HOGAN and CASEY STEVENS,
Survivors

Plaintiffs

vs.

UNITED STATES OF AMERICA

Defendant

_____ /

The Videotaped deposition of PATRICIA L. WORSHAM, Ph.D. was held on Monday, February 7, 2011, commencing at 12:29 p.m., at the U.S. Army Research and Materiel Command, Office of the Staff Judge Advocate, 521 Fraim Street, Fort Detrick, Maryland 21702, before George W. Tudor, Notary Public.

REPORTED BY: George W. Tudor

**U.S. EXHIBIT
PC-12**

1 Department of Justice, representing the defendant,
2 United States.

3 MS. WILKERSON: Kirsten Wilkerson with the
4 Department of Justice, also for the United States.

5 MR. WELLENS: Paul Wellens, with the FBI
6 Office of General Counsel.

7 MR. MILLER: Jeffrey Miller, Fort Detrick,
8 United States Army.

9 THE VIDEOGRAPHER: Would you administer the
10 oath?

11 Whereupon,

12 PATRICIA L. WORSHAM, Ph.D.,
13 called as a witness, having been first duly sworn to
14 tell the truth, the whole truth, and nothing but the
15 truth, was examined and testified as follows:

16 EXAMINATION BY MR. SCHULER:

17 Q Would you state your name, please?

18 A Patricia Lynne Worsham.

19 Q And what is your professional address?

20 A 1425 Porter Street, Bacteriology Division,
21 USAMRIID, Fort Detrick.

22 Q And Dr. Worsham, have you ever had your
23 deposition taken before?

24 A I think so. Maybe not quite this
25 dramatically, but --

1 will?

2 A It could be somewhat of both.

3 Q And what -- do you have a Reader's Digest
4 version of -- explanation of why you believe that?

5 A I think I summarized it before to a certain
6 extent, in that I don't believe that we had facilities
7 at USAMRIID to make that kind of preparation. It would
8 have taken a great deal of time; it would have taken a
9 huge number of cultures; it would have taken a lot of
10 resources that would have been obvious to other people
11 within containment when they wanted to use those
12 resources.

13 We did not have anything in containment
14 suitable for drying down anything, much less a quantity
15 of spores. The lyophilizer that was part of our
16 division was in noncontainment. If someone had used
17 that to dry down that preparation, I would have
18 expected that area to be very, very contaminated, and
19 we had nonimmunized personnel in that the area, and I
20 might have expected some of them to become ill.

21 Q And maybe I misunderstood you, because I
22 wanted to ask you those questions that you just
23 answered, but what you just talked about, though, was
24 the actual production capability, correct?

25 A It's part of the science.

1 but have you had any discussions with Dr. Ravel about
2 his analysis?

3 A Jacques Ravel did the sequencing.

4 Q Right.

5 A I think he's a good sequencer.

6 Q And have you had discussions with him about
7 his work and what he did and how he arrived -- he and,
8 I think it's Dr. Liggett, if I recall correctly?

9 A There are a number of us on that paper.

10 Q -- how he arrived at the conclusions that
11 RMR 1029 was the source?

12 A He did not come to that conclusion.
13 Jacques Ravel did the sequencing of the ancestral M
14 strain and the variants that the FBI gave him to
15 sequence. The actual interpretation of where they
16 believe that material came from was done by the FBI,
17 not by Jacques Ravel.

18 Q All right. Now, you mentioned some other
19 things. You said that Dr. Ivins, you didn't feel, had
20 the expertise to accomplish this, and what did you mean
21 by that?

22 A For as long as I have been at USAMRIID, we
23 have exclusively used liquid spore preparations for our
24 animal challenges, and that's what we have been trained
25 to produce, and produce well. I have not seen any

1 evidence of anyone getting any training that would
2 allow them to do that.

3 Q To do what?

4 A Produce dried material of that quality.

5 Q Is that something that is complicated,
6 difficult to do?

7 A I think it would be very difficult to go,
8 given the equipment that we have, because our equipment
9 is not made for that.

10 Q So you're saying that absolutely and
11 without question, in your mind the equipment that's at
12 USAMRIID could not have been used to prepare the dried
13 spore preparations used in the letters.

14 A Not any equipment that I have seen.

15 Q And you mentioned that it was a huge amount
16 of material that was involved in the attack letters,
17 correct?

18 A (Witness nods head.)

19 Q Yes?

20 A Yes. Sorry.

21 Q The -- and is that based on visual
22 observation or what is that based on?

23 A The sheer number of spores contained in
24 those preparations.

25 Q And the number of spores is determined,

1 the years. I don't recall specifically what we had in
2 that year.

3 Q And to get back to the expertise end of it,
4 I know that's not something that you all that work
5 there customarily did, correct?

6 A Correct.

7 Q I mean, you developed spore preparations in
8 liquid media, right?

9 A Um-hmm.

10 Q And then at some point, for aerosolyzing
11 tests, it had to turn into a vapor, right?

12 A There is what they call a nebulizer, and
13 Collison nebulizer that sprays the liquid into very
14 fine particles. So it retains its liquid state.

15 Q So the aerosol tests are very small micron
16 droplets, if you will, of the liquid that you prepare,
17 right?

18 A That's generally true. They have the
19 capability of doing polydispersed aerosols as well,
20 which have multiple-sized particles, but generally we
21 do small particles, which is at a micron.

22 Q Did you ever discuss with Dr. Ivins -- and
23 again, outside the presence of any FBI folks -- did you
24 ever discuss with Dr. Ivins the process for
25 accomplishing this type of an attack?

1 State of Maryland

2 County of Howard, to wit:

3 I, George W. Tudor, a Notary Public of the
4 State of Maryland, County of Howard, do hereby certify
5 that the within-named witness personally appeared
6 before me at the time and place herein set out, and
7 after having been duly sworn by me, according to law,
8 was examined by counsel.

9 I further certify that the examination was
10 recorded stenographically by me and this transcript is
11 a true record of the proceedings.

12 I further certify that I am not of counsel
13 to any of the parties, nor in any way interested in the
14 outcome of this action.

15 As witness my hand and notarial seal this
16 18th day of February, 2011.

17

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20 _____
George W. Tudor

21 Notary Public

22

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24 My Commission Expires:

25 March 1, 2011