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TELECOPIER COVER LETTER

TO: Paul Merrill FROM: Ed Roth
DATE: 11/24/93 TIME: 1:14 a.m. or p.m.
RE: Gaffney v. Montague
PAGES: 2, including cover letter
TELECOPY SENT BY: W. Anne (314) 231-9600
TELECOPIER NUMBER: (314) 231-9480
COMMENTS: _____

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November 24, 1993

BY HAND

Hon. Jean C. Hamilton
United States District Judge
United States Courthouse
1114 Market Street
St. Louis, Missouri 63101

Re: William R. Gaffey v. Peter G. Montague and Environmental
Research Foundation, No. 91-1938-C-7

Dear Judge Hamilton:

On Monday of this week I had delivered to you a Motion to Continue Trial Date in this case as well as an explanation that recent circumstances surrounding the case, including the disqualification of Evans & Dixon as defense counsel, and this firm's entry of appearance less than two weeks ago, have complicated the upcoming trial date as well as compliance with this Court's discovery order.

There is also pending a Motion to Disqualify the Coburn & Croft firm, who seeks to represent third party witnesses who are being produced for deposition this Saturday. It is with the greatest reluctance that I bring this to your attention on Thanksgiving eve, but we are confronted with conflicting pressures of the trial date, the discovery cut off, the ability of counsel to proceed, and disputes over outstanding discovery matters, all in a case that in my judgment presents profound issues concerning my clients' survival as well as constitutional rights.

Any guidance you could provide would be greatly appreciated.

Very truly yours,


Joseph L. Leritz

cc: All Counsel (by telecopy)

END