

BROWN, TODD & HEYBURN

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January 20, 1992

TO: CLIENTS AND COUNSEL

REC'D JAN 23 1992

Special Report Polyurethane Foam and Vinyl Targeted By Plaintiffs Happy Land Social Club Fire

Dear Clients and Counsel:

On November 6, 1991, attorneys representing the estates of 87 people which were killed in the Happy Land Social Club Fire in Bronx, New York, filed a Complaint which names over 25 defendants as being manufacturers or suppliers of various materials and products which were located in the social club at the time of the fire. The Complaint alleges, among other things, that the various materials and products located within the social club caused the fire to spread rapidly and become uncontrollable, and as a result thereof, unreasonably exposed the plaintiffs' decedents to "fire, smoke, noxious and poisonous fumes and gases."

Among the named defendants are four companies which are alleged to have manufactured and/or supplied chairs, stools or other items of furniture which were constructed using polyurethane foam and vinyl fabric. The four furniture companies which were named in the Complaint are:

1. L & B Contracting Industries, Inc.;
2. GAR Products Co.;
3. Virco Manufacturing; and
4. Prince Seating Corp.

As you know from the San Juan DuPont Plaza Hotel Fire Litigation, polyurethane foam and vinyl are major targets in fire disaster litigation of this type. Not surprisingly, the plaintiffs

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Clients and Counsel
Page 2
January 20, 1992

BROWN, TODD & HEYBURN

have asked the Court to expedite discovery regarding the identity of the polyurethane and vinyl suppliers. A motion currently pending before the Court seeks to require the furniture manufacturers to provide the names and addresses of all of their suppliers of polyurethane foam and vinyl for the last ten years including, of course, specifically identifying the names and addresses of the suppliers of the polyurethane foam and vinyl for the furniture that was in the social club at the time of the fire.

While the Court may limit the scope of discovery, we believe that the Court will require the disclosure of the identity of the polyurethane foam and vinyl suppliers for these companies during the period of time that the furniture in question was produced. During the past 30 days we have been working closely with the attorneys for the four furniture manufacturers and they have agreed to provide us with advance notice of the identity of these suppliers. We will supply you with this information as soon as it is available.

Once these producers of polyurethane foam and vinyl are identified to the plaintiffs, we anticipate that they will promptly file an amended complaint naming each of these companies as defendants in this action. Further, we have received some indication from the plaintiffs that they will next attempt to identify the suppliers of the various chemical components used to produce the polyurethane foam and vinyl products.

As I believe you know, we conducted the full investigation of the Happy Land Social Club Fire simultaneously with the plaintiffs and property owners and have been involved in this litigation since the onset on behalf of several of our clients from the San Juan DuPont Plaza Hotel Fire Litigation. As we did in the San Juan Fire Litigation, we are prepared to protect the interests of polyurethane foam and vinyl should it become necessary.

We will attempt to keep you posted of any developments that may affect you, and if you have any questions, please do not hesitate to contact us.

Sincerely,



Winston E. Miller

Enclosures

Copy to Mr. Carl Arthur Henlein

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