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CHRIS N. KOLOS

April 3, 1997

FORWARDED BY FACSIMILE

David H. Pollack, Esquire
Courthouse Tower
44 West Flagler Street
Suite 408
Miami, Florida 33130

Re: *Anne M. Tinker, Executrix of the Estate of Timothy W. Tinker, Deceased*
vs. A.E. Clevite, et al. Ontario County Index No. 83778.

Dear David:

This will confirm our telephone conversation of yesterday concerning the Plaintiff's pending Motion to Compel. We went through the Motion to Compel with respect to the Plaintiff's Request for Production and First and Second Sets of Interrogatories and came to the following agreements.

You expressed satisfaction with Mack's answers to the Second Set of Interrogatories with respect to the Motion to Compel. However you made a reservation of rights to file a Motion to Strike statements you believe are non-responsive. You also wanted to reserve the right to consult with David Lipman about Mack's lack of knowledge as to the percentage of asbestos content in brakes, clutches and gaskets. I can tell you Mack's verified statement in this regard is not going to change. This information is simply not in Mack's possession, custody or control, and Mack's duty is only to provide such information which is.

With respect to the First Set of Interrogatories, you are satisfied with Mack's answers except for Interrogatories 10 and 11. On number 10, you wanted clarification as to whether asbestos-containing brakes were still supplied in the 1979-1980 time frame. With respect to number 11, you asked that the answer include reference to asbestosis and lung cancer in addition to mesothelioma. I have no problem with supplementing these two Interrogatories.

David H. Pollack, Esquire

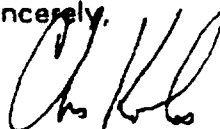
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As for the Request for Production, you are satisfied with Mack's responses except for our response that we will provide exemplar copies of documentation, if any are found, that are responsive to paragraphs 7 and 11. You state that you want all documents. This may be a moot point in that no Mack documents have been located to date which are in the nature of marketing materials Mack would have distributed to dealers, sales branches or to end users such as sales brochures, promotional pamphlets, replacement or maintenance instruction documents, etc. We plan to supplement to make this point clear.

Thank you for your attention to these matters.

Sincerely,



Chris N. Kolos

CNK:jo

cc: David Lipman, Esquire
Michael A. Ponterio, Esquire
Thomas M. VanStrydonck, Esquire

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TELECOPY COVER SHEET

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<u>NAME</u>	<u>TELECOPY NO.</u>	<u>CONFIRMATION NO.</u>
David H. Pollack, Esquire	(305) 377-3174	

FROM: Chris N. Kolos, Esquire

DATE: April 3, 1997

Comments: Transmitting correspondence dated April 3, 1997.

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