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August 21, 1985

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Re: Herman A. Dendinger, et al. v. Chrysler
Plastic Products Corporation, et al.;
United States District Court No. C84-7854

Gentlemen and Miss Friar:

On Monday, August 19, 1985, Judge John W. Potter conducted yet another perfunctory pretrial conference in the captioned matter. For the first time, counsel for all named parties defendant were present, but plaintiffs' counsel served notice by hand delivery of a motion for substitution, a copy of which is enclosed, that five additional parties would be named as defendants in the action. By filing the motion for substitution, plaintiffs' counsel hopes to indicate the identity of the five polyvinyl chloride resin manufacturers identified in the first amended complaint as John Doe, Inc. I-V. Of course, the motion for substitution will rise or fall upon the court's ruling on the motion to strike the first amended complaint, and the corresponding motion for leave to file the first amended complaint.

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 0826711

FULLER & HENRY

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August 21, 1985

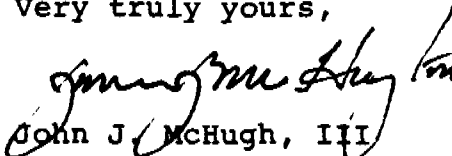
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Judge Potter was under the erroneous impression that there was further briefing to be conducted with respect to those motions. Having learned that the matter was decisional, he indicated that he would review the matter, and decide it promptly. Depending upon the outcome of the ruling, he would either set the matter for further pretrial conference if he decided to retain jurisdiction, or would dismiss the entire case if he decided that the filing of the amended complaint was appropriate, since diversity jurisdiction would no longer exist.

I expect that we might anticipate receiving a ruling within three to five weeks, and will forward any ruling to you as soon as it is received. As Lou Tosi indicated to you in his correspondence of August 6, 1985, we have fourteen days from the entry of the ruling within which to file a responsive pleading.

Should you have any questions, please do not hesitate to call.

Very truly yours,


John J. McHugh, III

JJM:rlm
enc.
3861-1

cc: Louis E. Tosi, Esq.
Mr. Prentice Hapgood (Ref: 048 L 72468) (with enc.)
Mr. J. Fred Turner (Ref: 048 L 72468) (with enc.)
Miss Pamela E. Thornton (with enc.)
Mr. Nelson R. Goodrich (Ref: 875ERB201697H) (with enc.)
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