

PLAINTIFF'S EXHIBIT

MAC-42

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CHRIS N. KOLOS

April 14, 1997

Sent Via Facsimile

David M. Lipman, Esquire
5901 S.W. 74th Street
Suite 304
Miami, Florida 33143Re: *Tinker v. Mack Trucks, Inc., et al.*
Ontario County Index No.: 83778

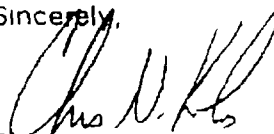
Dear David:

As a follow-up to my letters of April 3 and April 9, 1997, Mack reports to me that they have found documents responsive to paragraphs 7 and 11 of the Request to Produce and that they are willing to produce all that they find and not just exemplar copies. Thus, I believe this matter, which is the final one on my list, has been resolved. Mack has committed to produce the documents to me within one week. By then, I will also have the verification to the Supplemental Response to the First Set of Interrogatories served April 9th.

Based on my conversations with David Pollack, I believe this resolves all the outstanding issues with Mack. My intent here is to obviate my need to travel to Rochester for the hearing. Please advise if there is any reason why the Motion to Compel as to Mack is not resolved. The only issue remaining in David Pollack's mind was Mack's answers concerning its lack of knowledge of the percentage content of asbestos in its products. I told David that Mack already answered that it does not have that information. Pollack said he wanted to confer with you about this. All I can tell you David is that Mack stands by that answer.

Thank you for your attention to this matter.

Sincerely,


Chris N. Kolos

CNK/mdh

David M. Lipman, Esq.

April 14, 1997

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cc: Tom Wilcox, Esq.
Tom VanStrydonck, Esq.
Michael Pontiero, Esq.
David H. Pollack, Esq.