

R12-7-87

MARCUS & LEVY

ATTORNEYS AT LAW

ALBERT E. LEVY (1976 Ret.)  
WILLIAM V. MARCUS (1976 Ret.)  
LARRY A. LEVY  
KENNETH W. LEVY

Valley National Bank Bldg.  
80 Broadway (Route 4)  
Elmwood Park, N.J. 07407

(201) 791-8500

S. ROBERT PRINCOTTO\*  
RUSTINE TILTON  
DAVID L. RUTHERFORD  
CLIFFORD B. SINGER\*

December 3, 1987

\* Member N.J., D.C. & Ga. Bars  
\* Certified Civil Trial Attorney

Hon. Nicholas G. Mandak, A.J.S.C.  
Passaic County Court House  
Paterson, NJ 07505

RE: Memice v. PPG Industries, Inc., et al  
Docket No. L-20509-87

Dear Judge Mandak:

This matter is listed for a case management conference on December 11, 1987. Please be advised that pursuant to the last case management order, I served interrogatories upon all Defendants that have made a motion for summary judgment. It is my recollection that Your Honor indicated that the Defendants should answer said interrogatories as soon as possible and responsively and the motions for summary judgment were carried until December 11, 1987. Please be advised that I have not received answers to said interrogatories from any of the Defendants and therefore, I must enter my objection to the granting of these motions based upon the Defendants' failure to provide this discovery.

Pursuant to previous orders, five of the Defendants were to answer general sets of interrogatories. Those Defendants are PPG, Georgia-Pacific, Uniroyal and Ethyl Corporation and they have answered interrogatories. I have discussed more specific answers to these interrogatories with Claire T. Barile and have forwarded a letter to her confirming my request and she will advise which interrogatories will be answered voluntarily and which may require a judicial determination. The basis for more specific answers for almost all of the interrogatories is that no answer was given. I have enclosed for Your Honor a copy of the set of Interrogatories and at the present time requests have been made for answers to the following numbers: 3, 4, 5, 6, 7, 9, 10, 14, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59. I am hopeful that I will have a response from Claire Barile as to which interrogatories will be answered without order and I would request that the balance be taken under consideration by Your Honor at the case management conference on December 11, 1987.

UCC 076614

**MARCUS & LEVY**

ATTORNEYS AT LAW

ALBERT E. LEVY (1976 Ret.)  
WILLIAM V. MARCUS (1976 Ret.)  
LARRY A. LEVY  
KENNETH W. LEVY

Valley National Bank Bldg.  
80 Broadway (Route 4)  
Elmwood Park, N.J. 07407

(201) 791-8500

S. ROBERT PRINCIOTTO\*  
RUSTINE TILTON  
DAVID L. RUTHERFORD  
CLIFFORD B. SINGER\*

\* Member N.J., D.C. & Ga. Bars  
\* Certified Civil Trial Attorney

Hon. Nicholas G. Mandak, A.J.S.C.

December 3, 1987

Page 2

With regard to expert reports, I respectfully request that at the case management conference, a time be set, within which the Defendants shall supply medical expert reports and liability expert reports, if any, and that a trial date be fixed.

Finally, during the month of November, I had telephone conversations with lead counsel, Claire T. Barile, relative to the settlement of this matter and I made a demand for settlement. She has indicated to me that there is some interest in settling this matter and she is awaiting responses from her respective clients. In the event that Ms. Barile is of the opinion that a settlement conference would be productive, I would respectfully request that the Court entertain a settlement conference on December 11, 1987.

Respectfully yours,

MARCUS & LEVY



S. ROBERT PRINCIOTTO

SRP:amr  
Enclosure  
cc: All Counsel

UCC 076615