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May 10, 2011

Via E-Mail

Laraine Pacheco, Esq.
Settlement Master
Law Office of Laraine Pacheco
2401 East Calle Sin Controversia
Tucson, AZ 85718

October 2011 *In Extremis* Cases

Dear Laraine:

We write as defendants' liaison counsel regarding the non-Weitz, non-Early & Strauss cases proposed for the October 2011 cluster. Set forth below are defendants' objections to those cases. Please note that, as always, there has been very little discovery in these cases, and we reserve our right to make additional objections as discovery progresses.

Belluck & Fox

1. Apfelbaum, Henry E.: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.
2. Barbieri, Frank: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.
3. Gorham, William Joseph: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.
4. Guthrie, Walter D.: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.
5. Harriott, Louis: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.

6. Luciano, Luis Enrique Sr.: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.

7. Martin, Joseph: Defendants object to this case, as the pathology report supplied is not diagnostic. Specifically, the report states “Although the cytologic appearance from the current material is compatible with primary bronchogenic carcinoma, the possibility of metastasis from breast cannot be ruled out on the basis of this material above” Moreover, plaintiff has not provided proof of in extremis.

8. Marqusee, Charles: This case is a holdover. Defendants continue to object to this on forum grounds (Florida resident).

9. Mazer, Michael Jr.: Defendants continue to object to this holdover case on forum grounds. Plaintiff is a New Jersey resident who alleges exposure from 1940s-1980 at various sites in New Jersey and from 1944-1946 in the US Navy, at various shipyards including Boston, Brooklyn, Norfolk and Pearl Harbor.

10. Zachman, George: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.

Fanning & McCrorie

1. Powell, Patricia: Defendants object to this holdover case on forum grounds. Defendants object to this case as plaintiff's counsel has not appeared in this action, nor have they been properly substituted.

Karst & von Oiste

1. Muise, Arthur: Defendants object to this case on forum grounds. Plaintiff is a New Hampshire resident who alleges exposure from 1943-1946 and 1950-1952 in US Navy at various sites including Sampson, NY; Grate Lakes, IL; Mississippi; Brooklyn, NY and Norfolk, Virginia shipyard.

2. Waddleton, Janice M.: Defendants object to this case as plaintiff has failed to provide interrogatory answers or any proof of medical diagnosis. Plaintiffs have failed to provide authorizations to RecordTrak.

Levy Phillips & Konigsberg

1. Crater, Donald: Defendants object to this case on forum grounds. Plaintiff is a Long Island, New York resident (Suffolk County) and alleges exposure from 1958-1993 at various Long Island, New York sites.

2. DeRogatis, Frank: Defendants object to this case as plaintiffs have failed to provide proof of in extremis.

3. Pologeogris, Andrew N.: Defendants object to this case as plaintiffs have failed to provide proof of any diagnosis or proof of in extremis. Plaintiffs have failed to provide authorizations to RecordTrak.

4. Rekofsky, Frank: Defendants object to this case as plaintiffs have failed to provide proof that plaintiff died from an asbestos-related disease. Plaintiff has failed to provide updated government authorizations to RecordTrak.

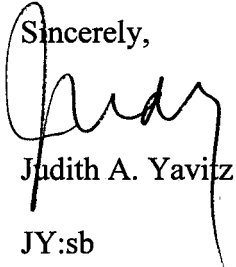
5. Wilson, Carmen: Defendants object to this case as plaintiffs have failed to provide a death certificate or any proof that plaintiff died from an asbestos-related disease.

Napoli Bern Ripka

1. Chilarksi, John: Defendants object to this holdover case as plaintiff has failed to provide updated government authorizations to RecordTrak.

2. Martinez, Angel: Defendants object to this holdover case as plaintiff has failed to provide updated government authorizations to RecordTrak.

Sincerely,



Judith A. Yavitz

JY:sb

cc: **Via E-Mail**

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