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MEMORANDUM

To: All Defendants in the NYCAL
From: Laraine Pacheco, Special Master
Date: February 1, 2010
Re: Enclosed invoices

_____ IF THIS LINE IS CHECKED, YOUR CLIENT(S) OWES ARREARS!!!

The enclosed invoice(s) is issued to you pursuant to a court order (the Case Management Order "CMO") that governs asbestos litigation in New York City.

Invoices are sent to all active defendants for the asbestos year 2/1/10 through 1/31/11. An "active" defendant is defined as a defendant who remains active in an unresolved in extremis case or in a clustered FIFO case. I obtain the names of active defendants in large part from the service lists given to me by counsel for plaintiffs. Each defendant in the litigation is charged a standard fee for my services.

This invoice is for two separate installments of the annual fee. THIS IS THE ONLY INVOICE YOU WILL RECEIVE FOR THE YEAR. *If you send this invoice on to a carrier or client I suggest you make a copy of it for yourself to avoid having to ask me for a duplicate when the second installment is due.* The first installment is due on March 1. The second installment is due on September 1. To the extent you can issue a firm check and recoup the disbursement from your client or the carrier, I would greatly appreciate it.

PLEASE DO NOT COMPEL ME TO CHASE AFTER YOU FOR PAYMENT.

over, please

If your client has outstanding arrears, I have contacted you numerous times over the past year to try to obtain payment. PLEASE remit payment at once to settle these arrears.

Justice Heitler has expressed her dismay about firms who are delinquent in their payment of this court-ordered fee.

If this invoice has been sent to you in error – e.g., the named defendant is not your client or is not actively involved in the asbestos litigation – please advise me at once via email. Do not simply ignore the invoice. Again, use email, NOT snail mail.

Similarly, if you represent a defendant in the litigation for whom I have not sent you an invoice, please advise me of that representation.

I would appreciate it if, after sending the invoice to your client or carrier, you would follow up regularly to ensure the invoice gets paid.

Again, payment is due in thirty days.

Our litigation has an exceptional website, www.nycal.net, which you should consult regularly. On it you will find, among other things, a copy of the current CMO, deposition schedules, settlement conference schedules, important dates and deadlines and memoranda. There is a separate password-protected section for defendants only.

Ken Purnell, who is our Webmaster, will issue you a separate invoice to cover the services provided on the web. That fee, which was agreed upon by counsel, is per law firm, no matter how many defendants your firm represents. Ken can be reached at purnellk@cox.net. He also assigns passwords. All issues regarding the website should be directed to him. Please note: Ken has a separate address, email, phone and fax.

If I do not already have your email address, please send me your email address to my email address listed above. All of my written communication with counsel is done via email. Do not hesitate to call me or email me if you have any questions. **I prefer not to receive snail mail.**

Do not send checks via any method that requires signature.