

JOHN P. MESSINA

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August 9, 1990

Lazaar P. Raynal, Esq.
McDERMOTT, WILL & EMERY
227 West Monroe Street
31st Floor
Chicago, Illinois 60606-5096

Re: Grove Fresh v. Everfresh

Dear Mr. Raynal:

I am writing to confirm our conversation of August 7, 1990, in which you represented that the defense would be producing documents on August 13, 1990. You also agreed to extend the date for filing motions regarding outstanding interrogatories to August 20, 1990.

Pursuant to local rule 12k, I suggest that we meet on Wednesday, August 15, 1990, to discuss your objections to the document requests, requests for admissions, and interrogatories. I believe that our discussions will be more fruitful if, in advance of the meeting, you would provide me with answers to the following questions:

1. As of the date the complaint was filed in February 1989, was "Everfresh Juice Co." the name of a division of either John Labatt Ltd. ("Labatt"), or of a Labatt subsidiary?
2. If the answer to #1 is yes, what were the names of the corporations in the division?
3. As of today, is "Everfresh Juice Co." the name of a division of either Labatt or a Labatt subsidiary?
4. If the answer to #3 is yes, what are the names of the corporations in the division?
5. In or about January 1989, did Holiday Juice Ltd. merge into Everfresh Inc., as is indicated on a memorandum from the Minister of Consumer and Commercial Relations dated February 6, 1989? (A copy of that memorandum is enclosed.)
6. If the answer to #5 is yes, in what jurisdiction is the surviving corporation incorporated?

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7. What is the basis for the defense's position that the defendant in this case is "Everfresh Inc.," rather than "Everfresh Juice Co.," which is the entity named in the summons and complaint?

As I recall, the last 12k conference was held at your office. May I suggest that next week's meeting take place at my office, at 10 a.m.? Please let me know whether this is a convenient time.

Very truly yours,

A handwritten signature in cursive script that reads "John P. Messina". The signature is written in dark ink and is positioned to the right of the typed name.

John P. Messina

/jm

cc: Dale Crider, Esq.
Dorothy B. Zimbrakos, Esq.
Michael J. Weber, Esq.



Ministry of
Consumer and
Commercial
Relations

Ministère de la
Consommation
et du
Commerce

Companies
Branch
Direction des
compagnies

**Memorandum To File
For Microfilming**

**A joindre aux dossiers
aux fins de microfilmage**

ONT. CORP. NO.
N° DE LA COMP. EN ONT.
0293156

TPAN CODE
CODE D'ID
C
18

STATUS
SITUATION
F
28

AMALGAMATED ONT. CORP. NO.
N° DE LA COMP. ISSUE DE LA FUSION
0811369
66 72

FEB. 6, 19 89

Name of Corporation
Nom en français de la compagnie

HOLIDAY JUICE LTD.

The name of this corporation has been removed from the
current records of the Companies Branch.

The corporation has amalgamated on **JANUARY 30, 1989**
with

EVERFRESH INC.

La raison sociale de cette compagnie a été rajoutée aux
dossiers de la Direction des compagnies. **DE**
Cette compagnie a fusionné le
avec

FOR MICROFILMING

et poursuit ses activités sous la raison sociale

and continues under the name

EVERFRESH INC.

Controller of Records/Contrôleur des dossiers **AJ**

CD-305
07/89 (07/88)

#5801 Holiday Juice
58.2 Everfresh Inc