

McDERMOTT, WILL & EMERY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

75 STATE STREET
BOSTON, MASSACHUSETTS 02109
617/343-5000

2029 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
213/277-4100

201 SOUTH B. SCAYNE BOULEVARD
MIAMI, FLORIDA 33131
305/358-3500

227 WEST MONROE STREET
CHICAGO, ILLINOIS 60606-5096

312/372-2000

CLIENT/ATTORNEY RECEPTION - 44TH FLOOR
MAIL/MESSANGER RECEPTION - 31ST FLOOR

FACSIMILE 312/984-7700

TELEX 253565, 2.C079

CABLE MILAM

1301 DOVE STREET
NEWPORT BEACH, CALIFORNIA 92660
714/85-0633

121 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036
212/768-3400

1850 K STREET, N.W.
WASHINGTON, D.C. 20006
202/887-8000

December 13, 1991

DIRECT LINE
312/984-3653

VIA FACSIMILE

John Messina, Esq.
135 South LaSalle Street
Suite 1960
Chicago, Illinois 60603

Re: Bio-Trade Records

Dear John:

As best can be determined, no Everfresh officer or director has personal knowledge of facts concerning the chain of custody of the Bio-Trade documents referenced in Dave Murray's deposition. As such, we are providing you this letter in response to Judge Zagel's direction.

Shortly after Mr. Murray found the documents at Everfresh's Warren facility, he forwarded them to our offices along with other materials. Therefore, we did not locate them when we searched Everfresh's files. Quite frankly, when we made our first production, we overlooked their presence in our files.

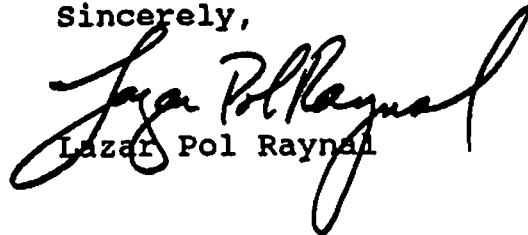
Some time between late June, 1990 (when we first produced documents) and December 11, 1990 (when Mr. Murray was deposed), we found the documents in our files. Because the Bio-Trade item was not listed on the batch sheets, it was not clear that the documents were responsive to Grove Fresh's outstanding discovery requests as written. When Mr. Murray was deposed on December 11, 1990, he identified the documents, Grove Fresh requested them, and they were produced pursuant to that request and in connection with our supplemental discovery for the 1983-1986 period.

With respect to the three depositions in Detroit, we are in the process of setting dates in late January. Hopefully, they can all occur on the same day. I can advise you that we

John P. Messina, Esq.
December 13, 1991
Page 2

expect that Mr. Cranmer may represent one or more of the employees at their deposition(s). He has requested that we schedule them for a Friday to comport with his schedule. We expect to notify you of possible dates by the end of this month. If there are any dates that you are unavailable, please let us know.

Sincerely,



Lazar Pol Raynal

cc: David J. Stetler
Jeffrey E. Stone
Joseph A. Cancila