

Mr. Messina:

You appear to be fighting a losing battle and continue to misdirect your efforts. If I might suggest, you should drop all efforts but one and that is proving Labate corporate involvement and knowledge of adulteration.

The following items exist and can be obtained through the use of a subpoena for documents served on Labate.

- 1. Overfresh acquisition contracts. Normal warranties and representations regarding adherence to regulations regarding product formulation are NOT contained in these contracts. Approval of the removal of these W&R was given by either P. Widdrington or George Taylor.
- 2. Dave Murray performed hundreds of internal product analyses as well as hundreds of external (outside labs) analyses of EF as well as competitive product beginning in mid 1986 up to the current date.
- 3. The EF acquisition documents disclose pending litigation with Purity Products subsequently settled by Labate to avoid publicity.
- 4. The driving force in all decisions was increased earnings ~~at the expense of~~ ~~the consumer~~ ~~and the environment~~.

My suggestion is you pursue points 1. and 2. and drop your other efforts.

My recommendation is you settle for \$100,000 to \$200,000 and be satisfied because you will have a difficult time proving damages.