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Letter from Jacob Stein

Jacob Stein

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May 5, 1976

Mr. A. J. Mooney, Jr.
Statitrol Corporation
140 S. Union
Lakewood, Colorado 80226

Dear Mr. Mooney:

I am pleased to advise you that the Court dismissed the law suit filed by the Grosses against Sears, Roebuck and other defendants and that the dismissal has become final. The matter is now entirely concluded and I want to thank you for your cooperation in assisting us with the development of the defense.

Yours very truly,

Jacob K. Stein

cc:  Mr. Tim L. Campbell
March 12, 1976

TO: Duane Pearsall

FROM: Art Mooney

SUBJECT: Dr. George, et.al.

Confirming information telephoned to me this date by Tim Campbell, he has had telephone advice from Mr. Stein of Paxton & Seasingood, Cincinnati that the judge in the case not only dismissed the class action nature of Dr. Gore's suit, but also dismissed the entire suit as having no basis in fact.

From what Tim tells me, Dr. Gore had our SmokeGard tested by an independent testing laboratory (?). The SmokeGard was found to be operative in every respect except that since the date of purchase, it had never been adjusted. Somehow, Mr. Stein was able to elicit this information from a witness for the plaintiffs and the judge immediately dismissed the whole suit.

Plaintiffs have 20 to 30 days in which to appeal the judge's ruling, however both Stein and Campbell believe that we have more than an even chance of no appeal being filed and if even it is, a good chance of success at the appellate court.

Thanks for you help with the deposition.

Art Mooney

cc: TAB
ALM
Bart Hegarty, Insurance of Denver