

SEARS

PAXTON & SEASONGOOD

1700 CENTRAL TRUST TOWER

CINCINNATI, OHIO 45202

(513) 381-4188

May 5, 1976

FREDRIKS D. BERGER  
JAMES B. O'DONNELL, JR.  
SIMON LAZARUS, JR.  
WILLIAM T. BAHLMAN, JR.  
MELVIN J. KESSEL  
CHARLES WM. ANNESS  
DAVID W. GOLDMAN  
HENRY H. HERSCH  
LEONARD S. MERANUS  
MARTHA BETTY SEMMONS  
JACOB K. STEIN  
ROBERT W. CRAWFORD  
ALBERT D. CASH, JR.  
MELVIN E. MARMER  
ALAN C. JOSEPH

ROBERT B. CASH  
PAUL M. SCHINDLER  
JON HOFFHEIMER  
GERALD W. SIMMONS  
STANLEY L. RUBY  
THOMAS L. EAGEN, JR.  
DAVID J. HARWOOD  
WILLIAM L. MARTIN, JR.  
HAROLD L. CALDWELL  
DANIEL O. BERGER  
GEORGE K. FOGG  
RICHARD J. RUEBEL  
BRUCE M. ALLMAN  
DEBORAH DeLONG

MURRAY SEASONGOOD  
ROBERT P. GOLDMAN  
HARRY STICKNEY  
GEORGE E. FEE  
JOHN R. HAHN  
RICHARD A. CASTELLINI  
MAURICE H. KOODISH  
WILLIAM F. MEYER  
COUNSEL

PREDECESSOR FIRMS:  
DOLLE, O'DONNELL  
CASH, FEE & HAHN  
PAXTON & SEASONGOOD

CABLE ADDRESS: PAXWAR

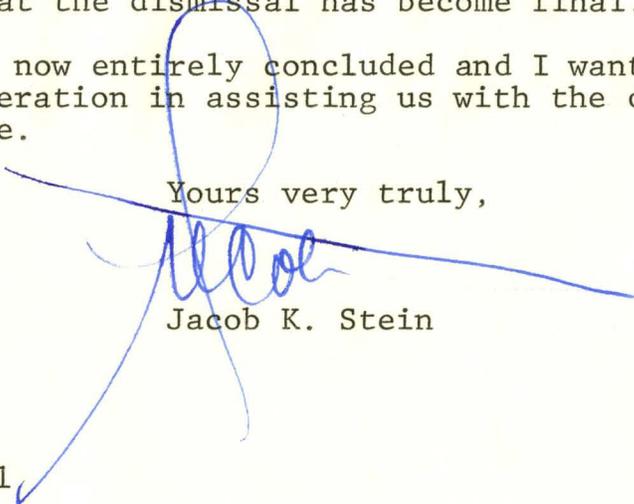
Mr. A. J. Mooney, Jr.  
Statitrol Corporation  
140 S. Union  
Lakewood, Colorado 80226

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

JKS:jh

cc: Mr. Tim L. Campbell

cc: TAB  
DDP  
REGAN  
Aly & Co.

SEARS

*follow*

CONFIDENTIAL

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 & Seasongood, 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 ellicit 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