

LAW OFFICES OF JOHN K. DEMA, P.C.

15 October 1992

JOHN K. DEMA
CAREY-ANNE MOODYVia Facsimile Transmission
(809) 767-9177Eugenio C. Romero, Esquire
Goldman Antonetti Ferraiuoli & Axtmayer
P. O. Box 70364
San Juan, Puerto Rico 00936-0364RE: Tutu Well Water Contamination Litigation
Request for Site Investigation at Esso Tutu

Dear Attorney Romero:

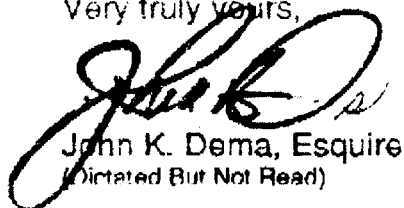
In response to your letter of October 13, 1992, please be advised that the Plaintiffs in this litigation have never agreed to waiving their request for site investigation pursuant to Federal Rule of Civil Procedure 34. To the contrary, we have presented a work plan to which the Esso Defendants have never responded.

We will discuss this matter with you in person on October 15, 1992 and will attempt to bring this matter to resolution before the Honorable Judge Brotman if we fail to reach an amicable solution.

I advise you in advance that your failure to respond to our work plan and your response that you will do the work yourselves is sufficient under the Federal Rules. I would ask that you analyze our work plan and make substantive comment on its content in order to finalize our request through negotiation rather than motion.

Since this is a litigation matter, I do not understand your continual referencing of this matter to the EPA. I would suggest that we agree on a plan before involving the EPA any further in this litigation.

Very truly yours,


John K. Dema, Esquire
(Dictated But Not Read)

JKD/s

cc via facsimile transmission:

Caroline Kwan, Esquire, EPA
Andrew P. ...
All Counsel of Record

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