

Superior Court
of the
State of Delaware

Jan R. Jurden
Judge

New Castle County Courthouse
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Wilmington, Delaware 19801-3733
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August 6, 2010

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RE: Bruce Rezac

v.

**Atlantic Richfield Company, BP P.L.C., BP Corporation North
America, Inc., Chemcentral Corporation, Columbia Cement Co., Inc.,
DAP Products, Inc., D/B/A DAP, Inc., Deft, Incorporated, Eastman
Kodak Company, Fleet Wholesale Supply Co., Inc., Wisc., Hirshfields,
Inc., IPS Corporation, ITW Performance Polymers Consumer Division,
Mills Fleet Farm, Inc., Pratt & Lambert Paints, Ralph Wilson Plastics
Co., Sherwin-Williams Company, Valspar Corporation, Versachem
Corp., WD-40 Company, W.M. Barr & Company, Inc., Wilsonart
Internation, Inc., IBC TI-Kromatic Paints, Inc., ITW Philadelphia
Resins Corporation, Unocal Corporation, F/K/A Union Oil Company
of California, William H. Harvey Company
C.A. No. 06C-01-208-BEN**

Dear Counsel:

The Court has reviewed the briefing on defendant DAP, Inc.'s and I.V.C. North, Inc.'s summary judgment motions. Plaintiff shall immediately supplement his discovery responses and advise the Court as to why plaintiff failed to identify Ms. Erikson as a product identification

witness before the close of discovery. Without waiving their objections to the alleged discovery violations or impropriety and/or untimeliness of the Erikson affidavit, defendants shall have the option of deposing Ms. Erikson, and plaintiff shall make a good faith effort to secure Ms. Erikson's attendance at such deposition. Once defendants have had to opportunity to depose Ms. Erikson, the Court will hold oral argument on the outstanding summary judgment motions.

IT IS SO ORDERED.

Very truly yours,

Jan R. Jurden
Judge

JRJ:mls

cc: Prothonotary
All counsel via Lexis filing