

Sneckenberg Thompson & Brody, LLP

ATTORNEYS AT LAW

Stuart M. Brody, Esq. • smb@stbtrial.com

March 12th, 2009

VIA FED EX

William S. Thomas, Esq.
Rabbitt, Pitzer & Snodgrass, P.C.
100 South Fourth Street
Suite 400
St. Louis, MO 63102
Phone No. (314) 335-1360
Fax No. (314) 421-3144
E-Mail: Thomas@rpslaw.com

Re: Depositors Insur. a/s/o Unger v. Hamilton Beach/Proctor-Silex, Inc.
Federal Court – southern district of Illinois
Case No: 3:08-cv-00125

Dear Mr. Thomas:

We are in receipt of your correspondence regarding the written discovery, and we have reviewed your requests for further compliance with the Requests for Production and the Interrogatories previously served.

This letter shall serve as our formal response and we will respond to each of your numbered items accordingly:

- (1) Enclosed please find our supplemental production of the additional non-privileged claim file materials, as requested. Also, enclosed please find a copy of Plaintiff's Privilege Log, which includes the privileged communications contained in the claim file materials.
- (2) At this time, there is no additional information or documentation in our possession or to which we have knowledge of that is responsive to your request nos. 4 and 28. As we have noted, our investigation is ongoing throughout the course of this litigation and we will certainly produce any additional information or documentation if and when it becomes available to us.
- (3) There is no lost wage claim to our knowledge. If the insureds are claiming such a loss of their own, you will have to question them in this regard at their depositions on March 18th and then they will need to assert that claim in some fashion.

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- (4) Enclosed please find a preliminary report issued by our expert, Michael Maccanelli, P.E. Please note that no final report has been issued or written by Mr. Maccanelli since he is continuing his investigation with CPSC as to the exemplar toasters and he is awaiting the supplemental production of documents owed to Plaintiff which is the subject of Plaintiff's Motion to Compel. Once his investigation is completed, he will then finalize his opinions and issue a final report on this case. When such a final report is issued, we will timely supply you with a copy.

Additionally, enclosed please find a copy of the recorded statement of the insured, Michael Unger.

- (5) We believe that you are now in possession of copies of all photographs related to this claim.
- (6) We believe that you are already in possession of copies of all documents substantiating Plaintiff's damages.
- (7) Enclosed please find an additional copy of the relevant policy, which we believe was previously produced to you.
- (8) The recall information is being sought by our experts from CPSC, but is not in our possession to date. We anticipate that it will be contained in Mr. Maccanelli's final report when issued. Also, the recall information sought pertains to the exemplar toasters which were specifically identified for you in Plaintiff's Supplemental Production Requests.
- (9) We believe that our answers to your interrogatories are current. Our inclusion of the statement "investigation continues" is simply our acknowledgment of the reality that as the litigation proceeds, additional facts, information, and documentation may become known to us and that we will timely supplement our answers to your interrogatories and requests for production accordingly.
- (10) We disagree that our answer to interrogatory number 18 is non-responsive. We clearly state that, to Plaintiff's knowledge, the toaster oven was not plugged into a power strip. Your interrogatory indicates that if it was not, we were to provide information regarding how the toaster was connected to the residence's electrical system. Our answer is responsive to that portion of the interrogatory and further notes that more details regarding this can be obtained during the insured's depositions which are currently scheduled for March 18th, 2009. If you require additional information on this matter following the Ungers' depositions, we can revisit this issue at the appropriate time.

William S. Thomas, Esq.
March 12th, 2009
Page 3

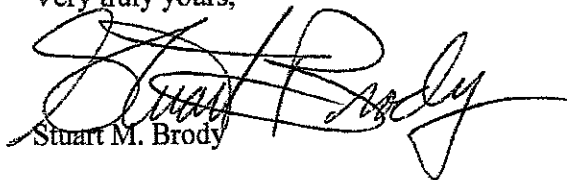
- (11) Our 26(a) Disclosures should suffice in response to interrogatory nos. 22, 23, 24. Additionally, please see point number (4) above. Furthermore, please see the copy of the preliminary report of Mr. Maccanelli being produced herewith.

If you have additional questions, we can discuss specific points with the Judge if you feel that they have not been addressed by way of this letter and our discovery answers or in our 26(a) Disclosures.

I am confident that this letter and the supplemental production resolves your concerns and any outstanding discovery disputes contained in the Defendant's Motion to Compel.

If you would like to discuss any of the matters above, please do not hesitate to contact me directly.

Very truly yours,


Stuart M. Brody

SMB/egk
Enclosures