

LAW OFFICE
OF
KENNETH M. HOMSEY
300 ESSEX STREET
LAWRENCE, MASSACHUSETTS 01840

TELEPHONE
(978)682-7273

FACSIMILE
(978)794-4785

October 11, 2000

Attorney Kenneth Brekka
32 Main Street
Hubbardston, MA 01452

RE: Commonwealth v. Michael Elbery
Framingham District Court No. 0049CR1893

Dear Attorney Brekka:

As you know from our telephone conversation, I represent the Mobil Oil Corporation relative to issues raised by your subpoena duces tecum to Dolly Olecki, Framingham, Mobil, 696 Cochituate Road, Framingham. Pursuant to our agreement, I enclose the following in lieu of the appearance of Ms. Olecki and in satisfaction of your subpoena:

1. Address and telephone data for James Regal;
2. The Register tape for the date and time in question;
3. The training manual excerpts relative to "Drive-off procedures;"
4. Excerpts of the Register Training Manual;
5. The Accounting/category summary for Mr. Elbery's shift of 02/03-02/04 showing a "drive-off of \$24.60;"
6. A Register tape copy for 07/03-07/04/00;
7. A Credit Card invoice slip for 07/04/00 at 12:47 p.m. showing payment of \$24.60;
8. Data given by police (longhand notes) of drive-off vehicle owner-Peter Gear;

9. Payroll Records for 6/30-07/06/00 showing employee names;

10. An Adams data card for Mr. Elbery's pay period ending 07/06/00.

Thank you for letting me know prior to October 17, 2000 whether you expect a hearing on that day, and what issues will be discussed. Please feel free to call if you have any questions or concerns, and direct all future inquiries to this office.

Sincerely,

Kenneth M. Homsey

KMH:wic
Enc.