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November 8, 2000

VIA FAX: (978) 794-4785

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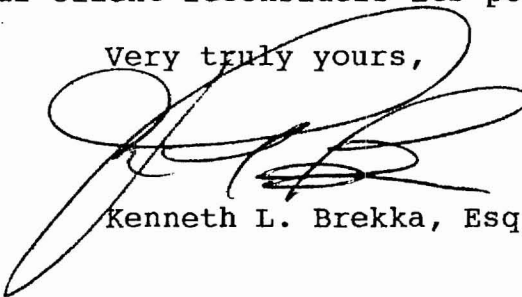
RE: Michael Elbery

Dear Attorney Homsey:

I am in receipt of your letter dated November 7, 2000. It is unfortunate that your client has decided to take the positions stated in your letter. My client will take the necessary steps to obtain a court order to access the information vital to his defense. Additional subpoenas will result from Mobil's decision not to cooperate. I have received information from Jay Regal that the Mobil station is in the process of obtaining a new security system. The security system that was in existence on July 3, 2000 through July 4, 2000 at the Mobil Station where my client worked must be preserved as it is material evidence in a criminal case. I trust, as member of the bar, that you will ensure that said security system is preserved and not destroyed until I can obtain a preservation order by the court.

I will be at the Mobil station around lunch time to take photographs of the inside of the store. Please advise the employees of the store. Also, I urge you to ask your client to reconsider their position and allow me to complete the investigation today to avoid further court action. Please call my office this morning if your client reconsiders its position.

Very truly yours,

  
Kenneth L. Brekka, Esq.

KLB

cc: Michael Elbery