

) HIEBER
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) Counsel of Record for this Party:
)
) Cori J. Kapusta, Esquire
) PA I.D. No. 91958
)
) Carrie L. Furlan, Esquire
) PA I.D. No. 87447
)
) GOLDBERG, PERSKY & WHITE, P.C.
) 1030 Fifth Avenue
) Pittsburgh, PA 15219
) (412) 471-3980
) Firm # 744
)
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) JURY TRIAL DEMANDED
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Safety First Industries' Motion For Summary Judgment, Or In The Alternative Motion For Reconsideration Of Defendant Safety First Industries' Motion For Summary Judgment, and in support thereof aver the following:

1. The above -captioned case is scheduled for trial on November 30, 2004.
2. Defendant, Safety First Industries, filed their Motion for Summary Judgment, on or about July 30, 2004, based on its claim that Plaintiffs failed to produce sufficient evidence of exposure to Defendant's asbestos-containing products.

6. An electronic message sent by the Court's associate clerk on October 21, 2004, confirms that this Court denied Defendant's Motion for Summary Judgment. **(See Exhibit "A", page 9, attached herewith).**

7. Plaintiff mailed settlement demand letters to Defendant, Safety First Industries, in the above-captioned case on or about October 26, 2004.

8. Subsequently, Defendant's served Plaintiff with the October 15, 2004 Order which erroneously indicates that the Defendant's Motion for Summary Judgment was granted. **(See Exhibit "C" attached herewith).**

herewith as Exhibit “B”).

12. Plaintiff’s response to Defendant’s Motion for Summary Judgment, establishes that a material issue exists as to whether the decedent, Calvin Hieber, was exposed to Defendant’s asbestos-containing products, rendering Summary Judgment inappropriate.

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