

FACSIMILE TRANSMITTAL

(Number of pages in this transaction, including this page: 5).

| | |
|---|---|
| DATE: May 4, 2006 | FROM: MARITZA PEÑA |
| TO: Lisa G. London, Esq. Edwin Mortell, Esq. Elizabeth Metzger, Esq. Harold Melville, Esq. Daniel Britto, Esq. | |
| | OUR FILE NO: A178-18582 |
| FAX NO.: 850 245-2301 772/220-1784 772/464-8220 561/659-0323 | PLEASE CONTACT: Monika Baez at 786/999-1969 if you have not received all pages referenced above. |

THIS FACSIMILE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS FACSIMILE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE FACSIMILE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL FACSIMILE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

Confirmation Report - Memory Send

Page : 001
Date & Time: May-04-06 02:31pm
Line 1 : 305-446-3667
Machine ID : Marlow Connell

Job number : 202
Date : May-04 02:26pm
To : 6069#18582#15616590323
Number of pages : 005
Start time : May-04 02:29pm
End time : May-04 02:31pm
Pages sent : 005
Status : OK

Job number : 202

*** SEND SUCCESSFUL ***

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Page : 001
Date & Time: May-04-06 02:25pm
Line 1 : 305-446-3667
Machine ID : Marlow Connell

Job number : 199
Date : May-04 02:23pm
To : 6069#18582#18502452301
Number of pages : 005
Start time : May-04 02:23pm
End time : May-04 02:25pm
Pages sent : 005
Status : OK

Job number : 199

*** SEND SUCCESSFUL ***

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Page : 001
 Date & Time: May-04-06 02:27pm
 Line 1 : 305-446-3667
 Machine ID : Marlow Connell

Job number : 200
 Date : May-04 02:24pm
 To : 6069#18582#17722201784
 Number of pages : 005
 Start time : May-04 02:25pm
 End time : May-04 02:27pm
 Pages sent : 005
 Status : OK

Job number : 200

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Page : 001
 Date & Time: May-04-06 02:29pm
 Line 1 : 305-446-3667
 Machine ID : Marlow Connell

Job number : 201
 Date : May-04 02:24pm
 To : 6069#18582#17724648220
 Number of pages : 005
 Start time : May-04 02:27pm
 End time : May-04 02:29pm
 Pages sent : 005
 Status : OK

Job number : 201 *** SEND SUCCESSFUL ***

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IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY,
FLORIDA

CASE NO. 04 CA 000986 (OC)

FLORIDA TIRE RECYCLING, INC.,
a Florida corporation,

Plaintiff,

vs.

LEXINGTON INSURANCE COMPANY, a
foreign corporation, and WEBSTER
INSURANCE, INC., a foreign corporation,

Defendants.

LEXINGTON INSURANCE COMPANY, a
foreign corporation.

Defendant/Third Party Plaintiff

vs.

WILLIS of NEW HAMPSHIRE, Inc.,

Third Party Defendant.

RE-NOTICE OF TAKING DEPOSITION DUCES TECUM

(Date and time cleared with all counsel of record)

PLEASE TAKE NOTICE that the undersigned attorneys will take the deposition of:



| <u>NAME</u> | <u>DATE & TIME</u> | <u>PLACE</u> |
|-----------------|--------------------------------------|---|
| Joe Lurix | Monday, May 8, 2006 at 10:30 a.m. | Department of Environmental Protection 400 N. Congress Avenue Suite 200 West Palm Beach, FL 33401 (561) 681-6668 |
| William Forrest | Monday, May 8, 2006 at 1:30 p.m. | Department of Environmental Protection 400 N. Congress Avenue Suite 200 West Palm Beach, FL 33401 (561) 681-6668 |

upon oral examination before any Notary Public or other officer authorized by law to take depositions in the State of Florida. The deponent is commanded to appear on the date and time noted above and to have with you at the said time and place the following:

A true and correct copy of all documents and color laser prints in your possession relating to the Florida corporation known as Florida Tire Recycling, Inc. located on 9675 Rangeline Road, Port St. Lucie, Florida 34987, from January 1, 1996 to the present, including but not limited to the following:

- 1. All Waste Tire Facility Quarterly Reports with any and all attachments;**
- 2. All Waste Tire Processing Facility Permit Applications and attachments;**
- 3. All Waste Tire Collection Center Permit Applications and attachments;**
- 4. All Financial Assurance Cost Estimate Forms and attachments;**
- 5. All Waste Tire Collector Annual Reports and attachments;**
- 6. Any and all documents, records and correspondence in the possession of the Department of Environmental Protection as they relate to Florida Tire Recycling, Inc. and the fires which occurred on their premises on August 31, 2003 and September 14, 2003.**

7. **Your worksheets, notes, reports, and photographs following any inspections performed at Florida Tire Recycling, Inc. from January 1, 1999 through December 31, 2004.**
8. **Telephone logs following any conversations with Florida Tire Recycling, Inc. regarding the August 2003 and September 2003 fires.**
9. **Color laser prints of any photographs taken at the Florida Tire Recycling, Inc. facility following the August 2003 and September 2003 fires.**

The oral examination will continue from day to day until completed. The depositions are being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the applicable and governing rules.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was faxed and mailed this 4th day of May, 2006 to **Harold G. Melville, Esq., Attorneys for Florida Tire Recycling, Inc.**, Laurel Professional Park, 2940 South 25th Street, Fort Pierce, Florida 34981-5605 and **Daniel D. Britto, Esq., William W. Price, PA., Attorneys for Webster Insurance, Inc.**, 320 Fern Street, West Palm Beach, FL 33401, **Edwin Mortell, Attorneys for Defendant Willis of New Hampshire**, Peterson Bernard, 301 East Ocean Blvd., Suite 200, Stuart, Florida 34994.

MARLOW, CONNELL, VALERIUS,
ABRAMS, ADLER, NEWMAN, LEWIS &
BLEVINS

Counsel for Lexington Insurance Company
4000 Ponce De Leon Boulevard, Suite 570
Coral Gables, FL 33146
Telephone No.: 305/446-0500
Facsimile No.: 305/446-3667

By: 

MARITZA PENA/ Fla. Bar No.: 145637