


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 2,136,776  
Registration Date: February 17, 1998  
For the mark: THE WELLNESS RESOURCE

  
02-12-2004  
U.S. Patent & TMO/TM Mail Rpt Dt. #76

WELLNESS RESOURCES, INC.,

Cancellation No. 92041697

Petitioner,

v.

GRIFFIN, NANCY M.

Registrant

DECLARATION OF WARREN L. DRANIT IN SUPPORT OF  
REGISTRANT'S MOTION TO COMPEL RESPONSES,  
REQUEST FOR PROTECTIVE ORDER;  
REQUEST FOR SANCTIONS

I, Warren L. Dranit, declare:

1. I am an attorney at law, duly licensed to practice before the Trademark Trial and Appeal Board as well as all Courts of the State of California, the United States District Court for the Northern District of California, the United States Court of Appeals for the 9th Circuit, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court.

2. I am a partner with the law offices of Spaulding McCullough & Tansil LLP, attorneys of record for Registrant Nancy M. Griffin.

3. I have first-hand, personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify hereto.

4. On October 2, 2003, Ms. Griffin propounded a set of Interrogatories on Petitioner Wellness Resources, Inc. Rishell E. Peretson, secretary with Spaulding McCullough & Tansil LLP, served these interrogatories by mail. A true and correct copy of these Interrogatories, with the Certificate of Service, is attached hereto as Exhibit A, and incorporated herein by reference.

5. On October 2, 2003, Ms. Griffin propounded a set of Request for Production of Documents on Petitioner Wellness Resources, Inc. Ms. Peretson also served these requests for production by mail. A true and correct copy of these Requests for Production of Documents, with the Certificate of Service, is attached hereto as Exhibit B, and incorporated herein by reference.

6. WRI has not provided any responses to the discovery propounded by Ms. Griffin.

7. On November 12, 2003, I received a voicemail message from Stephanie James, attorney for WRI, advising that WRI should be able to provide responses in about three to four weeks. Ms. James explained that Byron Richards, President of WRI, was spending an extended time in Arizona where he did not have access to documents. A true and correct copy of a transcription of the voicemail is attached hereto as Exhibit C, and incorporated herein by reference. Based on my review of the voicemail message, the transcription accurately reflects the content of the message. Based on my multiple telephone conversations with Ms. James I am familiar with Ms. James' voice. The person who left the voicemail is Ms. James. In a subsequent telephone conversation, Ms. James confirmed that she left the voicemail message for me.

8. In a telephone conversation of December 2, 2003, Ms. James advised that Michael S. Sherrill of White Bear Lake, Minnesota, would be taking over as counsel for WRI. She explained that Mr. Sherrill would be providing responses to the pending discovery.

9. In my initial telephone conversation with Mr. Sherrill, Mr. Sherrill explained that he would be reviewing the file but also would require additional time due to a busy calendar.

10. On December 5, 2003, Mr. Sherrill sent correspondence with a proposed settlement offer which was unacceptable to Ms. Griffin. In correspondence dated December 12, 2003, Ms. Griffin rejected WRI's settlement offer, set forth a proposed structure for a different settlement, and agreed to the discovery deadlines proposed by WRI. In that correspondence, Ms. Griffin's attorney requested that WRI provide its discovery responses by December 24, 2003. I have not attached copies of these letters because they contain settlement negotiations between the parties.

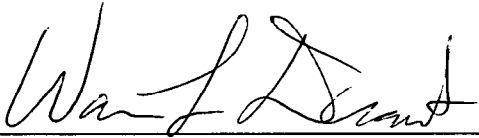
11. Although responses were not received by December 24, 2003, it continued to be Ms. Griffin's understanding that responses would be provided by WRI. As a continued professional courtesy to Mr. Sherrill, because of the holiday season and his recently taking over the action, Ms. Griffin decided to wait an additional period of time before making a follow up demand to the discovery due.

12. On January 22, 2004, WRI propounded Interrogatories, Requests for Production of Documents, and Requests for Admissions to Ms. Griffin. This discovery was propounded despite WRI having not provided responses to Ms. Griffin's discovery and the prior agreement by WRI that discovery responses would be provided. Having not received the discovery responses, this Motion to Compel has become necessary.

13. One final attempt was made to avoid the Motion to Compel by correspondence dated February 5, 2004. A true and correct copy is attached hereto as Exhibit D. In addition to expressing surprise at receiving WRI's discovery, Ms. Griffin proposed extending the time for her to respond to WRI's discovery pending WRI providing responses to Ms. Griffin's discovery. No response has been received to that letter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 12<sup>th</sup> day of February, 2004, at Santa Rosa, California.

  
\_\_\_\_\_  
Warren L. Dranit

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label number EV 089409482 US

I hereby certify that this DECLARATION OF WARREN L. DRANIT IN SUPPORT OF REGISTRANT'S MOTION TO COMPEL RESPONSES, REQUEST FOR PROTECTIVE ORDER; REQUEST FOR SANCTIONS is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service in an envelope addressed to:

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

on February 12, 2004

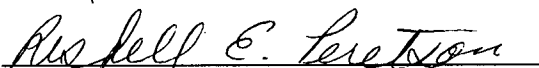
  
Rishell E. Peretson

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of DECLARATION OF WARREN L. DRANIT IN SUPPORT OF REGISTRANT'S MOTION TO COMPEL RESPONSES, REQUEST FOR PROTECTIVE ORDER; REQUEST FOR SANCTIONS is being deposited this day with the United States Postal Service, first class postage prepaid, addressed to Applicant's counsel of record as follows:

Michael S. Sherrill, Esq.  
Sherrill Law Offices PLLC  
4756 Banning Avenue, Suite 212  
White Bear Lake, MN 55110-3205

this 12<sup>th</sup> day of February, 2004

  
Rishell E. Peretson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

A

In the matter of trademark Registration No. 2,136,776  
Registration Date: February 17, 1998  
For the mark: THE WELLNESS RESOURCE

WELLNESS RESOURCES, INC.,

Cancellation No. 92041697

Petitioner,

v.

GRIFFIN, NANCY M.

Registrant

REGISTRANT'S FIRST SET OF INTERROGATORIES  
PROPOUNDED TO PETITIONER

Pursuant to Rule 2.120 of the Trademark Rules of Practice of the U. S. Patent and Trademark Office and Rule 33 of the Federal Rules of Civil Procedure, Registrant hereby requests that Petitioner Wellness Resources, Inc. ("Petitioner") answer the following interrogatories under oath within 30 days after service thereof.

STATEMENT

These interrogatories are propounded upon the following statement:

A. The following interrogatories shall be deemed to seek responses as of the date they are served and to be continuing pursuant to Rule 26 of the Federal Rules of Civil Procedure; therefore, any additional responsive information which becomes known to Registrant, up to and including the close of the testimony periods herein, shall be furnished to the Registrant within a reasonable time after such information becomes known to Petitioner.

B. As used herein, "Company" and "Companies" means a corporation, limited liability company, partnership, trust, association, firm or any other business entity in whatever form.

C. As used herein, "Person" or "Persons" means both natural persons and companies.

D. As used herein, unless otherwise specifically indicated, the terms "Petitioner," "you" and "your" refer to and include Petitioner Wellness Resources, Inc., all other corporations or business entities (whether or not separate legal entities) subsidiary to, parent to, predecessor to, successor to or affiliated with Petitioner, and all principals, officers, employees, agents, representatives, and consultants of Petitioner or any subsidiary, parent, or affiliated corporation or other affiliated business entity.

E. As used herein, "Document" and "Documents" means any paper or other writing and each item of graphic material, however recorded or produced, including drafts or other preliminary material, in Petitioner's possession, custody or control or of which Petitioner has knowledge, wherever located, whether an original or a copy. Each copy of a document embodying or having attached to it any alterations, notes, comments or other material not embodied in or attached to the original or any other copy being identified or produced shall be deemed a separate document.

F. Where identification of a natural person is requested, state the person's name, present business, business address, position held and, if the person is not an employee of Petitioner, the person's most recently known home address, home telephone number and business telephone number.

G. Where identification of a Company is requested, state the Company's correct legal name, the primary trade name used by the Company, the Company's address, and the telephone number of the principal office of the Company.

H. Where identification of a Document is requested, state the date of the Document or other means of identifying it, the Document's present location and custodian.

I. As used herein, the term "Registrant's Mark" means that mark which is the subject of Registrant's United States trademark registration number 2,136,776 for THE WELLNESS RESOURCE.

J. As used herein, the term "Petitioner's '232 Mark" means that mark which is the subject of Petitioner's United States trademark registration number 2,132,232 for WELLNESS RESOURCES AND DESIGN.

K. As used herein, the term "Petitioner's '797 Mark" means that mark which is the subject of Petitioner's United States trademark application, serial number 78/151,797, for the WELLNESS RESOURCES word mark.

L. As used herein, the term "Petitioner's '522 Mark" means that mark which is the subject of Petitioner's United States trademark application, serial number 78/164,522, for WELLNESS RESOURCES and design.

M. As used herein, the term "Petitioner's Marks" means Petitioner's '232 Mark, Petitioner's '797 Mark, and Petitioner's '522 Mark.

N. As used herein, term "Petitioner's Trade Name" means the corporate name Wellness Resources, Inc. adopted by Petitioner on or about February 7, 1992.



## INTERROGATORIES

1. What has been Petitioner's principal type of business from 1985 to the present?
2. Identify each subsidiary or affiliate of Petitioner.
3. Identify all companies to which Petitioner is related.
4. On what date was Registrant's '797 mark selected?
5. Identify each and every search or investigation you conducted, or was conducted on your behalf, in order to determine whether Petitioner's Marks, individually or collectively, might infringe the rights of others.
6. Identify each and every search or investigation you conducted, or was conducted on your behalf, in order to determine whether Petitioner's Trade Name might infringe the rights of others.
7. For each search identified in response to Interrogatories 4 and 5, identify each alteration made in the design, wording, use or any other matter relating to the proposed mark as a result of the findings of any such search or investigation including, without limitation,
  - (a) A description of the alteration;
  - (b) Whether it was made to avoid conflict with another mark, and if so, give the name and address of the owner and the number or other means of identification of each such mark;
  - (c) For what other reasons the alteration was made;
  - (d) The date it was made.
8. Identify on what date the decision was made to adopt Petitioner's Trade Name and each of Petitioner's Marks.

9. For each subsidiary company, agent, licensee or other person you have permitted to use any of your marks, identify the following:

- (a) The name and address of the person.
- (b) The inclusive dates the person used the mark.
- (c) On what goods or services the person used the mark.
- (d) The relationship between you and that person.

(e) The name and address of the person who has custody of any contract that existed between you and the person as to the use of the mark.

10. For each of Petitioner's Marks, identify each period during which the use of the mark has been discontinued.

11. For each of Petitioner's Marks, identify each product or service used in connection with the mark.

12. State all facts that support your contention that you have acquired common law rights in the trademark "Wellness Resources" for use in connection with educational and counseling services in the field of health, nutrition, and healthy lifestyle.

13. State all facts that support your contention that you have acquired common law rights in the trademark "Wellness Resources" for use in connection with vitamin and mineral supplements.

14. State all facts that support your contention that the services identified in Registrant's United States trademark registration number 2,136,776 are closely related to the services provided and goods sold by you.

15. State all facts that support your contention that your use of WELLNESS RESOURCES in connection with vitamin and mineral supplements has priority over Registrant's Mark.

16. State all facts that support your contention that your use of WELLNESS RESOURCES in connection with educational and counseling services has priority over Registrant's Mark.

17. State all facts that support your contention that your use of WELLNESS RESOURCES in connection with instructional materials has priority over Registrant's Mark.

18. For each of Petitioner's Marks, identify each label, wrapper, package, sign, brochure, advertisement used on or in connection with any good or service from 1992 to the present.

19. For each of Petitioner's Marks, identify each and every method and mechanism by which the mark has been made known to the public including, without limitation, magazine articles, newspaper articles, trade publications.

20. Other than U.S. Registration No. 2,132,232, U.S. application Serial No. 78/151,797, U.S. application Serial No. 78/164,522, and your trade name application, have you filed any applications or achieved any registrations which include the term "Wellness Resources" or any similar variation thereof?

21. Identify each instance when a person has been confused, mistaken or deceived as to the source of your goods or services.

22. Identify each instance when a person has been confused, mistaken or deceived as to the source of Registrant's services.

23. On what date did you first become aware of Registrant's Mark?

24. Describe the circumstances through which you became aware of Registrant's Mark.

25. For each lawsuit or governmental proceeding involving one or more of Petitioner's Marks, state:

- (a) The name of the parties to the suit.
- (b) Your status with respect to the suit.
- (c) The name of the court where it was filed.
- (d) The date of filing and the file number.
- (e) The results of the trial, if any.
- (f) The ultimate disposition of the case.

26. For each of Petitioner's Marks, state the name and address of the persons most knowledgeable concerning:

- (a) The selection of the mark;
- (b) Adoption of the mark;
- (c) First use of the mark;
- (d) Continuous use of the mark;
- (e) Nature of the use of the mark including without limitation types of goods and services, channels of commerce, marketing efforts;
- (f) Sales of goods or service in connection with the mark;
- (g) Advertising of the goods or services used in connection with the mark;

and

- (h) Registration of the mark throughout the world.

27. For each of Petitioner's Marks, identify each and every product, brochure, pamphlet, label, tag, price list, catalog, catalog display, and other sales and promotional material distributed by or on your behalf which uses the subject mark.

28. For each of Petitioner's Marks, describe the market segment to which the goods or services sold under the mark are primarily promoted including, without limitation, geographic location, age group, sophistication of consumer, income of consumer, whether the consumer is a household or commercial enterprise, and whether the consumer is an end-consumer or purchasing agent.

29. For each of Petitioner's Marks, describe each and every method by which you distribute, sell, or advertise the products or services used in connection with the mark.

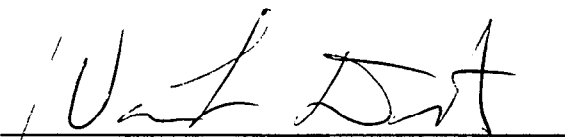
30. For each of Petitioner's Marks, identify the geographic location where you have advertised or sold services or products in connection with mark.

31. For each geographic location identified in Interrogatory 30, identify sales revenues, for each year from 1992 to the present, for each service or product used in connection with the mark.

32. For each geographic location identified in Interrogatory 30, identify how many consumers have purchased each service or product used in connection with the mark, for each year from 1992 to the present.

Dated: October 2, 2003

Spaulding McCullough & Tansil LLP

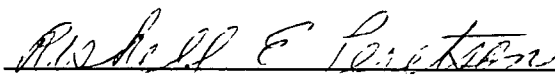
By   
Warren L. Dranit  
Attorneys for Registrant  
Nancy M. Griffin

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of REGISTRANT'S FIRST SET OF INTERROGATORIES PROPOUNDED TO PETITIONER is being deposited this day with the United States Postal Service, first class postage prepaid, addressed to Applicant's counsel of record as follows:

Stephanie J. James, Esq.  
Beck & Tysver, PLLC  
2900 Thomas Avenue South, Suite 100  
Minneapolis, MN 55416-4477

this 2<sup>nd</sup> day of October, 2003

  
Rishell E. Peretson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 2,136,776  
Registration Date: February 17, 1998  
For the mark: THE WELLNESS RESOURCE

**B**

WELLNESS RESOURCES, INC.,

Cancellation No. 92041697

Petitioner,

v.

GRIFFIN, NANCY M.

Registrant

REGISTRANT'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS  
PROPOUNDED TO PETITIONER

Pursuant to Rule 2.120 of the Trademark Rules of Practice of the U. S. Patent and Trademark Office and Rule 34 of the Federal Rules of Civil Procedure, Registrant hereby requests that Petitioner Wellness Resources, Inc. ("Petitioner") answer the following document production requests under oath within 30 days after service thereof.

STATEMENT

These document production requests are propounded upon the following statement:

A. The following document production requests shall be deemed to seek responses as of the date they are served and to be continuing pursuant to Rule 26 of the Federal Rules of Civil Procedure; therefore, any additional responsive documents which becomes known to Registrant, up to and including the close of the testimony

periods herein, shall be furnished to the Registrant within a reasonable time after such documents enter Petitioner's possession, custody or control.

B. As used herein, "Company" and "Companies" means a corporation, limited liability company, partnership, trust, association, firm or any other business entity in whatever form.

C. As used herein, "Person" or "Persons" means both natural persons and companies.

D. As used herein, unless otherwise specifically indicated, the terms "Petitioner," "you" and "your" refer to and include Petitioner Wellness Resources, Inc., all other corporations or business entities (whether or not separate legal entities) subsidiary to, parent to, predecessor to, successor to or affiliated with Petitioner, and all principals, officers, employees, agents, representatives, and consultants of Petitioner or any subsidiary, parent, or affiliated corporation or other affiliated business entity.

E. As used herein, "Document" and "Documents" means any paper or other writing and each item of graphic material, however recorded or produced, including drafts or other preliminary material, in Petitioner's possession, custody or control or of which Petitioner has knowledge, wherever located, whether an original or a copy. Each copy of a document embodying or having attached to it any alterations, notes, comments or other material not embodied in or attached to the original or any other copy being identified or produced shall be deemed a separate document.

F. Where identification of a natural person is requested, state the person's name, present business, business address, position held and, if the person is not an



employee of Petitioner, the person's most recently known home address, home telephone number and business telephone number.

G. Where identification of a Company is requested, state the Company's correct legal name, the primary trade name used by the Company, the Company's address, and the telephone number of the principal office of the Company.

H. Where identification of a Document is requested, state the date of the Document or other means of identifying it, the Document's present location and custodian.

I. As used herein, the term "Registrant's Mark" means that mark which is the subject of Registrant's United States trademark registration number 2,136,776 for THE WELLNESS RESOURCE.

J. As used herein, the term "Petitioner's '232 Mark" means that mark which is the subject of Petitioner's United States trademark registration number 2,132,232 for WELLNESS RESOURCES AND DESIGN.

K. As used herein, the term "Petitioner's '797 Mark" means that mark which is the subject of Petitioner's United States trademark application, serial number 78/151,797, for the WELLNESS RESOURCES word mark.

L. As used herein, the term "Petitioner's '522 Mark" means that mark which is the subject of Petitioner's United States trademark application, serial number 78/164,522, for WELLNESS RESOURCES and design.

M. As used herein, the term "Petitioner's Marks" means Petitioner's '232 Mark, Petitioner's '797 Mark, and Petitioner's '522 Mark.

N. As used herein, term "Petitioner's Trade Name" means the corporate name Wellness Resources, Inc. adopted by Petitioner on or about February 7, 1992.

### PRODUCTION REQUESTS

1. For each of Petitioner's Marks, documents sufficient to establish continuous use in commerce from the date of first use in commerce through to the present.

2. All documents that support your contention that you have acquired common law rights in the trademark "Wellness Resources" for use in connection with educational and counseling services in the field of health, nutrition, and healthy lifestyle.

3. All documents that support your contention that you have acquired common law rights in the trademark "Wellness Resources" for use in connection with vitamin and mineral supplements.

4. All documents that support your contention that the services identified in Registrant's United States trademark registration number 2,136,776 are closely related to the services provided and goods sold by you.

5. All documents that support your contention that your use of WELLNESS RESOURCES in connection with vitamin and mineral supplements has priority over Registrant's Mark.

6. All documents that support your contention that your use of WELLNESS RESOURCES in connection with educational and counseling services has priority over Registrant's Mark.

7. All documents arising from or related to the circumstances through which you became aware of Registrant's Mark.

8. All documents that support your contention that your use of WELLNESS RESOURCES in connection with instructional materials has priority over Registrant's Mark.

9. For each of Petitioner's Marks, an exemplar of each label, wrapper, package, sign, brochure, advertisement used on or in connection with any good or service from 1992 to the present.

10. For each of Petitioner's Marks, an exemplar of each and every method and mechanism by which the mark has been made known to the public including, without limitation, magazine articles, newspaper articles, trade publications.


11. All documents arising from or related to any registration or application to register "Wellness Resources", whether as a word mark or in connection with a design, including, without limitation, U.S. Registration No. 2,132,232, U.S. application Serial No. 78/151,797, U.S. application Serial No. 78/164,522, and your trade name application.

12. All documents arising from or related to each instance when a person has been confused, mistaken or deceived as to the source of your goods or services.

13. All documents arising from or related to each instance when a person has been confused, mistaken or deceived as to the source of Registrant's services.

Dated: October 2, 2003

Spaulding McCullough & Tansil LLP

By   
Warren L. Dranit  
Attorneys for Registrant  
Nancy M. Griffin

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of REGISTRANT'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO PETITIONER is being deposited this day with the United States Postal Service, first class postage prepaid, addressed to Applicant's counsel of record as follows:

Stephanie J. James, Esq.  
Beck & Tysver , PLLC  
2900 Thomas Avenue South, Suite 100  
Minneapolis, MN 55416-4477

this 2<sup>nd</sup> day of October, 2003

  
\_\_\_\_\_  
Rishell E. Peretson

Transcription of Voicemail  
Received November 12, 2003

C

Hi, Warren. Stephanie James returning your call. We need some more time to finish responses to the discovery requests. So, I request your cooperation with that. Byron is, as usual, spending a long time in Arizona where he has no access to any documents, and so it makes it difficult for him. So, we will be working on that and I think he will be able to complete responses in about three to four weeks. And the other thing is that we are working on a settlement proposal that will follow the general outlines of yours and then have some additional provisions. And so that may be of interest to you to and we're working out some details on that and I will send that—I think that will be before the end of the week as long as I can reach Byron. Okay, talk to you later. Bye-bye.

rep

SPAULDING MCCULLOUGH & TANSIL LLP  
ATTORNEYS AT LAW

February 5, 2004

*By Fax and U. S. Mail*

Michael S. Sherrill, Esq.  
Sherrill Law Offices PLLC  
4756 Banning Avenue, Suite 212  
White Bear Lake, MN 55110-3205

Re: Wellness Resources v. Griffin  
Our File No. 5516  
Your Ref: WEL002ZZTM01

Dear Mr. Sherrill:

I am in receipt of Wellness Resources, Inc.'s discovery propounded to Nancy Griffin on January 22, 2004. Having not received your client's responses to Ms. Griffin's discovery, I was surprised to see this discovery arrive in the mail. In propounding this discovery, you are taking unfair advantage of the professional courtesy that I provided to you and your predecessor, Ms. James.

Initially, Ms. James advised that she needed until Thanksgiving 2003 to prepare responses to the discovery. Prior to providing responses, you took over as counsel of record. In our first telephone conversation, you advised that you were reviewing the matter but that you had a busy schedule that would prevent you from promptly managing the case.

On December 5, 2003, I received a letter from you that set forth a proposed resolution of this matter that was unacceptable to Ms. Griffin. In my responding letter of December 12, 2003, I confirmed that Ms. Griffin was still willing to resolve the matter but on different terms. I also noted that if the parties were not going to resolve the matter, your client should provide discovery responses by December 24, 2003.

As a professional courtesy, and recognizing that you had recently taken over the case and it was the holiday season, I elected to wait a bit longer to receive your client's responses. Based on my communications with you and Ms. James, it was my understanding that you would be providing responses. I am surprised that a Motion to Compel actually will be necessary. If a motion is truly necessary, the motion will also seek discovery sanctions and a Protective Order with regard to the discovery propounded by your client.

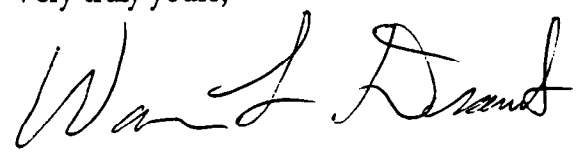
**D**  
Gregory G. Spaulding  
Kevin J. McCullough  
Jan Gabrielson Tansil  
Kevin S. Veenstra  
Warren L. Dranit  
Karin P. Beam  
Terry S. Sterling  
Douglas J. (DJ) Drennan  
Lisa Ann Hilario  
Frank R. Bailey, III - of Counsel

SMT

Michael S. Sherrill, Esq.  
February 5, 2004  
Page 2

I remain available to resolve this matter in a way that does not require the TTAB's intervention and is equitable to both parties. I suggest that your client stipulate to a continuance of its discovery pending providing responses to Ms. Griffin's discovery. Certainly, however, your decision to take unfair advantage of the professional courtesy extended to you and Ms. James is disappointing. Your client's failure to respond to Ms. Griffin's discovery only to propound its own discovery requests is completely untenable.

Very truly yours,



Warren L. Dranit

WLD:rep