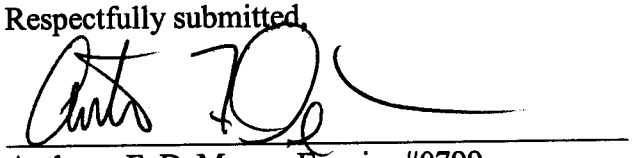
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator of the Estate of Derek J. Gray, and on behalf of JANI L. GRAY-MCGILL, minor child of the Decedent, Derek J. Gray, et al	:	
vs.	:	C.A. No. 04-312-L
JEFFREY DERDERIAN, MICHAEL DERDERIAN, DERCO, LLC, ET AL	:	

OBJECTION OF THE DEFENDANTS, JEFFREY DERDERIAN AND MICHAEL DERDERIAN, TO THE PLAINTIFFS' MOTION FOR PARTICULARIZED NEED

Jeffrey Derderian and Michael Derderian object to the plaintiffs' motion for particularized need. In support of their objection, the defendants rely on the attached memorandum of law.

Respectfully submitted,



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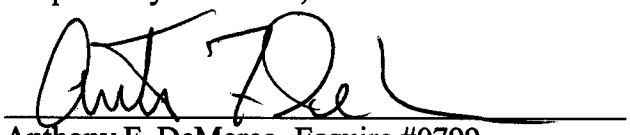
MEMORANDUM OF LAW IN SUPPORT OF OBJECTION OF THE DEFENDANTS, JEFFREY DERDERIAN AND MICHAEL DERDERIAN, TO THE PLAINTIFFS' MOTION FOR PARTICULARIZED NEED

The plaintiffs request the entry of an order requiring the defendants, State of Rhode Island and the Town of West Warwick, to produce portions of the foam which is now in possession of the State of Rhode Island. The foam was seized by the State, pursuant to a search warrant in the criminal case brought against the defendants, Jeffrey and Michael Derderian. (K103-654A, K103-655A, respectively). The aforementioned case is now pending before Judge Francis J. Darigan, Jr. who has been supervising and continues to supervise all evidentiary issues in the case. Judge Darigan is uniquely positioned to ensure that the defendants' constitutional rights are preserved, while also ensuring that the plaintiffs have a fair opportunity to prosecute their civil complaints.

Additionally, the plaintiffs' motion is based on conclusions which may or may not be accurate. (For example, the plaintiffs have, in their memorandum of law, speculated with respect to planned foam testing and the amount of the foam available for testing). Also, if the plaintiffs' request is granted, the ability of the defendants to properly defend themselves in the criminal action may be irreversibly impaired.

Finally, a status conference is scheduled before Judge Darigan on January 21, 2005. At that time, all parties who have an interest in the issue will be heard.

Respectfully submitted,



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