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†not admitted in MI

April 1, 2005

**** Via Facsimile and Regular Mail ****

Brent R. Canning, Esq.
Hinckley, Allen & Snyder LLP
1500 Fleet Center
Providence, RI 02903-2393

Re: Intermark Fabric Corporation v. Microfibres, Inc.
Civil Action No.: 3:02-CV-1267 (AVC)
Our File Number: IFA-0002-AN

Dear Brent:

I am writing you in response to your letter dated March 25, 2005. First, we believe that Intermark's answers and objections to Microfibres' Second Set of Interrogatories are proper.

With respect to Intermark's answers to Interrogatories 1, 2, 3 and 14, in addition to the interrogatories being premature, Microfibres has failed to fully and properly respond to Intermark's discovery requests concerning the same or similar topics. Intermark will of course supplement its answers to interrogatories to the extent necessary upon Microfibres' proper response to Intermark's discovery requests on these related topics. With respect to Intermark's answer to interrogatory number 8, Intermark has identified Mr. Turcotte as requested and has provided instances responsive to Interrogatory number 8.

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Very truly yours,

Charles F. O'Brien

Intern. mark / Microfibres

CANTOR COLBURN LLP

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FACSIMILE TRANSMITTAL SHEET

TO: *Brent R. Cuming, Esq.*

FROM: Charles O'Brien, Esq.

COMPANY: Hinckley, Allen & Snyder, LLP

DATE: APRIL 1, 2005

TOTAL NO. OF PAGES INCLUDING COVER

401-277-9600

PHONE NUMBER:

SENDER'S REFERENCE NUMBER: IFA 0002 AN

RE: Internark Fabric v. Microfibres

YOUR REFERENCE NUMBER:

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Civil Action No.: 3:02-CV-1267 (AVC)
Our File Number: IFA-0002-AN

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Very truly yours,

Charles F. O'Brien

Law Office of
JEANNE M. SCOTT, LLC

TELECOPIER COVER SHEET

Date: 3/31/05

Number of pages including cover: 6

From: **Jeanne M. Scott, Esq.** @ fax. # (401) 849-6655

To: Brent Canning @ fax. # ( ) 277-9600

If there is a problem with the transmittal please call (401) 849-6650.

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170 Aquidneck Avenue, Middletown, RI 02842

STATE OF RHODE ISLAND **SUPERIOR COURT**

NEWPORT, Sc.

PETER LUDWIG and JANICE LUDWIG	:	
	:	
vs.	:	**C.A. NO. NC04-0609**
	:	
WILLIAM C. O'CONNELL and MARTHA CHRISTINE O'CONNELL	:	

MOTION FOR TEMPORARY RESTRAINING ORDER

Now come the Defendants and hereby request that this Court issue a Temporary Restraining Order against Plaintiffs, restraining them from causing or permitting an interruption of Defendants' quiet enjoyment of the real property that is the subject of this dispute. As grounds therefore, Defendants filed a counterclaim against Plaintiffs alleging Defendants adversely possess the disputed property since on or before October 2003. On March 29, 2005, Defendants noticed that Plaintiffs had caused stakes to be placed in the disputed area. Said stakes are labeled "driveway". Should Plaintiffs proceed with placement of a driveway through the disputed property, Defendants will suffer immediate and irreparable harm more fully described in their Counterclaim.

Defendants further state that:

1. There is a reasonable likelihood that they will succeed on the merits of their claims against Plaintiffs.

2. Unless the Court grants the injunctive relief sought, Defendants will suffer and continue to suffer immediate and irreparable harm for which there is no adequate remedy at law.

3. The harm to Defendants in the absence of the requested injunctive relief would far outweigh the harm, if any, to Plaintiffs should the requested injunctive relief

issue since the relief simply preserves the status quo.

4. The public interest would not be adversely affected by the issuance of the requested injunctive relief.

In further support of their Motion, Defendnats rely upon their Amended Answer and Counterclaim filed with this Court on February 14, 2005.

WHEREFORE, Defendants respectfully request a Temporary Restraining Order against Plaintiffs be issued to preserve the status quo pending a full evidentiary hearing.

WILLIAM and MARTHA CHRISTINE O'CONNELL,
By their attorneys,

Andrew M. Teitz, Esq. #3503
Jeanne M. Scott #6178
Ursillo Teitz & Ritch Ltd.
2 Williams Street
Providence, Rhode Island 02903
(401) 849-6650 phone
(401) 849-6655 fax

CERTIFICATION

I hereby certify that I notified Plaintiffs' attorney, Brent Canning, Esq. of Hinkley Allen & Snyder LLP, 1500 Fleet Center, Providence, RI 02903 on March 31, 2005 by telephone of the within motion to be heard on April 1, 2005 and that I sent by facsimile on March 31, 2005 a copy of the motion.

03/31/2005 THU 18:13 FAX 401 849 9841 scott / kissell 003/006

STATE OF RHODE ISLAND **SUPERIOR COURT NEWPORT,**

Sc.

PETER LUDWIG and JANICE LUDWIG :
:
vs. : **C.A. NO. NC04-0609**
:
WILLIAM C. O'CONNELL and :
MARTHA CHRISTINE O'CONNELL

TEMPORARY RESTRAINING ORDERS

This matter came on for hearing before this Court, J. Stephen J. Fortunato, Jr. presiding, on the 1st day of April, 2005, on Defendants' Motion for Temporary Restraining Order, and after hearing thereon and in consideration thereof, it is hereby,

ORDERED

That Plaintiffs be and they hereby are temporarily restrained from causing or permitting an interruption of Defendants' quiet enjoyment of the real property that is the subject of this dispute. Said Order shall remain in effect until further order of this Court.

ENTERED as an Order of this Court this day of , 2005.

ENTER: PER ORDER:

_____ _____
J. Clerk

Presented by:

Jeanne M. Scott #6178
Ursillo Teitz & Ritch, Ltd.
170 Aquidneck Avenue
Middletown, RI 02842
401-849-6650
401-849-6655 (fax)

STATE OF RHODE ISLAND SUPERIOR COURT
NEWPORT, Sc.

PETER LUDWIG and JANICE LUDWIG)
)
v.) C.A. No. NC 04-0609
)
WILLIAM C. O'CONNELL and)
MARTHA CHRISTINE O'CONNELL)

AFFIDAVIT OF WILLIAM C. O'CONNELL

I, William C. O'Connell, duly sworn, hereby depose and state the following:

1. I own property located at 7 Acacia Drive, Middletown, Rhode Island, also known as Plat 109NE, Lot 190 on the Tax Assessor's Map of the Town of Middletown where I reside with my wife, Martha O'Connell.

2. Plaintifffs own property located at 9 Acacia Drive, Middletown, RI also known as Plat 109NE, Lot 171.

3. On October 12, 2004, Plaintiffs in this action filed a Notice of Intent to Dispute Adverse Possession addressed to my wife and I.

4. On December 29, 2004, Plaintiffs filed a Complaint against my wife and I seeking a declaratory judgment and quiet title with respect to land adversely possessed by my wife and me.

5. My wife and I filed a counterclaim for adverse possession and seeking injunctive relief enjoining the Plaintiffs from interfering with our use of the land.in question.

6. On March 30, 2005, Plaintiffs caused stakes to be placed on the area of land in dispute. Said stakes are labeled "driveway."

7. Said stakes abut one of our bulb/flower gardens. The attached color photograph was taken by me in 2003.

8. My attorney and I took the attached pictures of the stakes in the disputed land on March 30, 2005.

William O'Connell

STATE OF RHODE ISLAND
NEWPORT COUNTY

SUBSCRIBED AND SWORN to before me this 31st day of March, 2005.

Notary Public
My commission expires: 4/9/05

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