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February 28, 2007

VIA EXPRESS MAIL

AMALIA RODRIQUEZ-MENDOZA
District Clerk
302 Courthouse
1000 Guadalupe Street
P.O. Box 1748
Austin, Texas 78767-1748

Re: Cause No. GN 1-23456; *ABC Services Corporation of Austin, L.P. v. XYZ, Inc.*; in
the 261st Judicial District Court of Travis County, Texas

Dear Ms. Rodriguez-Mendoza:

Please allow this letter to serve as a designation of additional items to be included in the Clerk's Record relating to the Notice of Appeal filed February 2, 2007, in connection with the above-referenced cases, in accordance with Texas Rule of Civil Procedure 34.5(c).

The additional items are to be included in the Clerk's Record:

08/01/05 Defendant's Brief in Further Support of its Motion for Summary Judgment
11/14/06 Order Denying Plaintiff's Motion for Summary Judgment
02/28/07 This letter request to supplement the Clerk's Record

Please stamp the enclosed copy of this letter and return with our courier. By copy of this letter, we are serving all counsel of record.

Thank you for your assistance in this matter. If you have any questions, or need additional information, please do not hesitate to contact me.

Very truly yours,

John M. Smith

FORM 5

Ms. Lolita Ramos
Jefferson County District Clerk
February 28, 2007
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cc: Mary J. Green
RODGERS & HAMMERSTEIN
515 Congress Ave., Suite 0000
Austin, Texas 78701

Via Regular Mail