

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

Shelma Kingberry
Waw Chemical

CIVIL ACTION NO. G-84-197

This Court will enter its docket control order within 120 days from the filing of the complaint. Rule 16(b), Fed.R.Civ.P., amended 8-1-83, and Rule 6A, Local Rules, Southern District of Texas.

Plaintiff's counsel is ORDERED to serve a copy of this Order and its attachments on all defendants with the summons and complaint and is further ORDERED to confer with defendants' counsel or defendants acting pro se immediately on their appearance regarding the deadlines and trial term set out in the docket control order.

Counsel for all parties and/or parties acting pro se are ORDERED to confer until agreement is reached. The docket control order must be signed by all parties and returned to the Clerk of Court within 90 days of filing of the complaint.

In the event the case is so unusual and complex that the attached original docket control order cannot be complied with and additional time for trial preparation is warranted, plaintiff's counsel will prepare a revised docket control order signed by all parties indicating their agreement. The proposed revised docket control order must include a concise factual statement as to why counsel feel that the Court's original schedule cannot be

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met and why the revised order better suits the needs of the particular case and the ability of the parties to meet each and every deadline proposed and the revised agreed order must be returned to the Clerk of the Court within 90 days of the filing of the complaint.

The attached docket control order will control the disposition of this case unless counsel submit an agreed revised docket control order which the Court approves and enters. No continuances will be granted absent unusual or extraordinary circumstances once a docket control order is entered.

Proof of service of process will be filed promptly with the Clerk. Rule 5(g), Fed.R.Civ.P. Parties not served within 120 days of the filing of the complaint will be dismissed. Rule 4(j), Fed.R.Civ.P. Further, you are admonished that this Court will impose sanctions available under Rules 16 and 26, Fed.R.Civ.P. where warranted.

NOTICE: Failure of plaintiff's counsel to serve copies of this Order together with the attachments will result in the imposition of sanctions including contempt.


UNITED STATES DISTRICT JUDGE

UCC 076541

THE HONORABLE HUGH GIBSON
UNITED STATES COURTHOUSE
611 Postoffice Building
Sixth Floor
Galveston, Texas 77550

Glenda J. Elms, Courtroom Deputy
Clerk
(409) 766-3533

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CONTACT WITH JUDGE, COURTROOM DEPUTY CLERK, LAW CLERK:

1. Counsel shall strictly abide by Local Rule 4 regarding communication with the Court.
2. All correspondence regarding pending cases must be directed to the U. S. District Clerk's Office. Do not address substantive issues of law in letter form to the Court since they are not docketed and made a part of the appellate record. Copies of urgent letters or briefs may be sent to Chambers.
3. Counsel shall refrain from contacting the Court's Law Clerks regarding cases or procedures.
4. With over 800 civil cases on this Court's docket, it is impossible to respond to casual telephone inquiries regarding trial settings, motions or other matters. Inquiries of this nature should be addressed by letter to the Courtroom Deputy Clerk or a motion to the Court. ~~Because of time constraints,~~ court personnel will be unable to answer questions regarding information that may be obtained by reading the docket control order, the Local Rules or the Federal Rules.
5. All correspondence regarding cases pending before Judge Gibson should be directed to:

U. S. District Clerk
611 Post Office Building
Galveston, TX 77550
6. While the Court is in session, the Courtroom Deputy Clerk will be available to make telephone calls only between the hours of 8:30 and 9:00 a.m. and 4:30 and 5:00 p.m., Monday through Friday.

EMERGENCY MATTERS:

1. Counsel may make emergency contact with the Courtroom Deputy Clerk requiring immediate action by the Court by contacting the U. S. District Clerk's Office, 611 Post Office Building, Galveston, Texas, (409) 766-3530.

2. In accordance with Local Rule 4, applications for restraining orders or other applications for immediate relief shall be made through the office of the Clerk. The Court will not entertain ex parte presentations of such applications unless the prerequisites of Rule 65(b) Fed.R.Civ.P. are met.

DOCKET CONTROL ORDER

1. Trial settings and discovery cut off dates will be assigned by the entry of a docket control order.
2. The docket control order will provide deadlines for the following:
 1. joinder of new parties
 2. filing of motions for leave to amend
 3. filing of dispositive motions
 4. designation of experts
 5. completion of discovery
 6. filing of pretrial order (see Appendix D-1 Local Rules)
 7. date and time for docket call
3. Counsel will comply with the docket control order unless relieved from its terms by Order following motion.
4. Counsel may request a settlement conference any time during the pendency of the case by contacting the Courtroom Deputy Clerk by letter.

MOTION PRACTICE

1. Judge Gibson follows the written motion practice as outlined in Local Rule 14.

2. UNOPPOSED MOTIONS shall contain a statement that all counsel concur and shall be submitted with a proposed order.

3. OPPOSED MOTIONS will be placed on the Court's written motion docket pursuant to Local Rule 14.

4. The SUBMISSION DATE of any motion may be extended by agreement of counsel EXCEPT when such extension violates a Court imposed deadline or when the motion is set for conference or hearing.

Counsel shall notify the Courtroom Deputy Clerk by letter as to an agreement to extend the submission date.

The Court will consider a motion fully briefed on the submission date and may disregard any material untimely filed. Counsel must file any supporting material on or before the submission date.

5. MOTION CONFERENCES may be set by the Court on contested motions at which time counsel may expect a ruling by the Court. Motion conferences will be held in chambers and will not require presentation of testimony.

Motion conferences will be set at the Court's discretion. Counsel will receive a written notice of the date and time of the setting by the Clerk. The setting will go forward at that time and will not be rescheduled at the request of counsel.

6. MOTIONS FOR DEFAULT shall be filed in accordance with Local Rule 13 B and Rule 55(b)(2) Fed.R.Civ.P. This Court will not accept the affidavit of counsel to support motion for default judgment, absent exceptional circumstances.

7. MOTION CUT-OFF DATE as imposed by docket control order can be extended only by leave of Court.

8. Counsel must advise the Court at once if any matter set is resolved prior to the setting.

APPEARANCES AT SETTINGS:

1. The attorney designated as "in charge" on the pleadings filed with the Clerk or an attorney familiar with the case who has authority to make decisions binding on the party represented must appear at all conferences, hearings and trial.
2. Counsel will jeopardize their case by failure to appear promptly for all settings.
3. Out-of-town counsel may appear for conferences by telephone conferences with prior arrangement through the Courtroom Deputy Clerk.

DOCKET CALL

1. The docket control order sets forth a date and time for the call of the docket. Cases will generally be called in numerical sequence and tried during the two-month period following the docket call. The Court may deviate from numerical sequence to accomodate jury cases or the court's schedule. Cases not reached are carried over and called for trial as soon as the Court's docket permits.
2. Personal appearance by counsel is required at docket call unless arrangments are made for an announcement of "ready" by all counsel in the case. In cases where a motion for continuance is pending, all counsel must appear unless otherwise notified by the Clerk.
3. Counsel shall refrain from contacting the Courtroom Deputy Clerk prior to the docket call regarding placement of a case on the docket. Counsel in the first two cases to be tried immediately following docket call will be notified in advance.
4. Counsel shall notify the Courtroom Deputy Clerk by letter of prior commitments, such as vacations and preferential trial settings in other Courts, during the two-month period.

COURTROOM PROCEDURE:

1. HOURS: Court will generally convene at 9:00 a.m. and adjourn at 5:00 p.m. The Court will allow an hour and fifteen minutes for lunch and a fifteen-minute recess in the morning and the afternoon.

2. PHONES: The Judge's staff will not take messages for counsel. A pay phone is available in the sixth floor stairwell. Please do not request the use of telephones in chambers.

3. FILING: Any instruments submitted for filing during the course of trial should be presented to the Courtroom Deputy Clerk in duplicate. (Original for filing; copy to the Court.)

4. DECORUM: Counsel will stand when addressing or being addressed by the Judge.

Witnesses will be questioned while counsel are seated or standing at counsel table or at the podium.

Counsel are responsible for summoning witnesses into the courtroom.

Counsel may approach the witness where absolutely necessary with permission of the Court.

Counsel will address the Judge and will not direct arguments or remarks to each other in the hearing of the jury.

Counsel are reminded that Local Rule 2 regarding Courtroom Procedure will be strictly enforced.

Counsel will strictly abide by Local Rule 3 and the Free Press-Fair Trial Guidelines incorporated in it.

5. EXHIBITS: All exhibits must be marked and exchanged among counsel prior to trial. Exhibits must be marked with the case number, exhibit number, date of proceeding and name of the party offering exhibit. Exhibit Labels are available in the Clerk's office.

Each party shall submit an exhibit list to the Courtroom Deputy Clerk with copies to all counsel.

All exhibits to which admissibility has been agreed upon may be offered as the first order of business at trial.

Counsel will submit exhibits to opposing counsel in advance of offer.

Exhibits of unmanageable size (such as charts, diagrams, posters, etc.) will be withdrawn immediately upon the completion of trial pursuant to Local Rule 13 A unless otherwise ordered by the Judge.

Exhibits will be offered and admitted before the witness is questioned unless otherwise instructed by the Court.

All exhibits will go to the jury at the end of trial. Unless otherwise permitted by the Judge, counsel will not distribute exhibits to the jury during trial.

6. EQUIPMENT: An easel with writing pad and a screen are available.

Counsel are responsible for providing sound and video equipment and must obtain prior permission through the Courtroom Deputy Clerk in order to pass the security guard.

7. OBJECTIONS: Objections must be made by rising, saying "I object" and giving the grounds for the objection. Counsel will not make arguments while objecting in the presence of the jury.

When the Judge denies a motion or overrules an objection, it will be presumed that counsel except. Counsel will not state that they except in the presence of the jury.

8. USE OF DEPOSITIONS: In a trial to the Court, counsel may offer deposition testimony by offering the original deposition as a trial exhibit or read the deposition into the record.

If a deposition that is part of the Court's file is to be used by counsel during trial, they are to advise the Courtroom Deputy Clerk so that it will be readily available.

If portions of the deposition are to be offered, counsel shall offer the original deposition and shall file with the Clerk a designation of excerpts. The designation shall list by line and page number the excerpts to be offered.

10. JURY TRIAL: Counsel shall submit to the Court proposed voir dire and charge to the jury including special interrogatories with their PRETRIAL ORDER.

The Judge will conduct the examination of prospective jurors.

Counsel shall remain readily available during jury deliberations.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CIVIL ACTION NO. G-84-197

DOCKET CONTROL ORDER

The disposition of this case will be controlled by the following schedule of deadlines:

DEADLINES

1. December 7, 1984 NEW PARTIES will be joined by this date. The party causing such joinder will provide copies of this docket control order with the attachments to the new parties.
2. January 4, 1985 MOTIONS for leave to file AMENDED or SUPPLEMENTAL pleadings will be filed by this date.
3. February 8, 1985 DISPOSITIVE MOTIONS (e.g., motions for summary judgment, motions to dismiss) will be filed by this date.
NOTE: The court will not act upon any motions, dispositive or non-dispositive, which fail to comply with LOCAL RULE 14. Absent specific order of the Court, discovery is not to be held in abeyance pending ruling of the Court on any motion.
4. February 8, 1985 EXPERTS to be used will be designated in accordance with Rule 26(b), Fed.R.Civ.P. by this date. No additional experts will be permitted to testify except for good cause shown.
5. May 3, 1985 DISCOVERY should be completed by this date. Counsel may, by agreement, continue discovery beyond the deadlines, but there will be no intervention by the Court, such as Rule 37 proceedings, without a showing of extreme prejudice. No trial setting will be vacated because of information acquired in post-deadline discovery.

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6. July 12, 1985

SIGNED JOINT PRETRIAL ORDER which conforms to the format set forth in Appendix D of the Local Rules, proposed voir dire, jury charge and interrogatories or proposed findings of fact and conclusions of law, and legal memoranda citing issues to be tried are due by this date.

7. August 19, 1985

9 a.m.

AUGUST-SEPTEMBER

DOCKET CALL will be held on this date. Counsel should be prepared for trial on this date and thereafter are subject to call by the Clerk on short notice during the two-month term.


HUGH GIBSON

United States District Judge

AGREED TO:

Counsel for

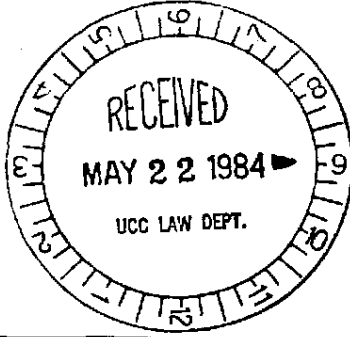
Counsel for

Counsel for

Counsel for

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SUMMONS IN A CIVIL ACTION

United States District Court		SOUTHERN DISTRICT, GALVESTON DIVISION	
THELMA O. KINGSBURY, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF THOMAS PAGE KINGSBURY v. DOW CHEMICAL COMPANY, ET AL		DOCKET NO. G-84-197	
		TO: (NAME AND ADDRESS OF DEFENDANT) UNION CARBIDE c/o C.T. CORPORATION SYSTEMS REPUBLIC NATIONAL BANK BUILDING DALLAS, TEXAS 75201 <i>5/14/84</i>	
YOU ARE HEREBY SUMMONED and required to serve upon			
PLAINTIFF'S ATTORNEY (NAME AND ADDRESS) Mr. David A. Slaughter McConnico, Houchins, Slaughter & Purcell 17040 El Camino Real Houston, Texas 77058			
an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.			
			
CLERK JESSE E. CLARK, Clerk		DATE MAY 14 1984	
(BY) DEPUTY CLERK <i>Nancy Washburn</i>		UCC 076553	

LAW DEPARTMENT

Data Sheet

Litigation (Judicial and Administrative)

4/24/86 to 10/1/85

John R. Bartel at
PantastakTitle & Action: LOTTIE MEMICE V. UNION CARBIDE CORP. et alForum (Court or Agency): UNITED STATES District Court District
of New JerseyDocket Number: 86-740Date Filed: 3/14/86 ^{2/24/86} Date Served: 2/24/86 ^{2/22/86} Date Rec'd 3/19/86 ^{3/4/86}

Unfavorable outcome is: possible: _____ probable: _____ remote: _____

Nature of Action:

-Alleged Cause of Action: Plaintiff's husband, while employed at Pantastak, NJ, 1960-8,
was allegedly exposed to vinyl chlorides (VCM) ... allegedly causing
angiosarcoma of the liver which lead to decedent's death on June
29, 1984 at age 66. Claims based on defendant's negligence,
failure to warn, breach of warranty and strict liability.

-Damages Claimed: Unspecified Compensatory and punitive-Other Relief Sought: Loss of Consortium

Outcome (include date and brief statement of terms):

-Settled: Date: _____ Terms: _____

-Trial Verdict: Date: _____ Terms: _____

-Appealed: Yes: _____ No: _____

-Appealed: Verdict Sustained: _____ Reversed: _____ Date: _____

Terms: _____

-Further Appeal: Prior Appeal Decision Sustained: _____ Reversed: _____

Insurance Coverage: _____

UCC Trail Counsel:

-Firm: Pitney, Hardin, Kipp, and Szuch-Partner in Charge: Robert L. Hallingshead, Esq.-Address: 163 Madison Ave. CN 1945 Morristown, NJ 07960

-Phone: _____

Law Department Attorney in Charge: P.F. Davey, Esq.

CZLB

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

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