

MORRISON, MAHONEY & MILLER

COUNSELLORS AT LAW
250 SUMMER STREET
BOSTON, MASSACHUSETTS 02210
617-439-7500
FACSIMILE 617 439 7590 OR 617-737 8890
TELEX 94-0878

POST OFFICE BOX 825
3180 MAIN STREET
BARNSTABLE, MASSACHUSETTS 02630
508-362-5595
FACSIMILE 508-362-5178

700 PLEASANT STREET
NEW BEDFORD MASSACHUSETTS 02740
508-999-0014
FACSIMILE 508-990-0316

ONE OLD STONE SQUARE
PROVIDENCE, RHODE ISLAND 02903
401-331-4660
FACSIMILE 401-351-4420

1130 MECHANICS BANK TOWER
100 FRONT STREET
WORCESTER, MASSACHUSETTS 01608
508-757-7777
FACSIMILE 508-752-6224

145 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103
413-737-4373
FACSIMILE 413-739-3125

SIX LLOYDS AVENUE
LONDON, EC3N 3AX ENGLAND
01-44-71-4862964
TELEX 681764 FACSIMILE 011-44-71-4806158

WRITER'S DIRECT DIAL NUMBER:

(617) 439-7518

ALAN B. MILLER*
STEPHEN J. PARIS
ALAN H. ROBBINS
DAVID A. BAKET
PAUL W. GOODRICH
EDWARD T. CROSSEN
RICHARD R. EUBANK
STEPHEN J. ANDRICK
MICHAEL DANN
JOEL F. PIERCE
RICHARD M. PETTINGELL
PETER C. KNIGHT
MARK P. HARTY

JAMES M. GRAHAM
JOHANN P. KEATINGE***
CAROL A. GRIFIN*
LAWRENCE A. OUSAN*
PAUL J. MUELLO
JEFFREY D. PETHICK**
JOHN F. BURKE JR.
BARBARA L. COSTA
HUNTER O'HANNAH
NANCY REGAN
WILLIAM BOGAERT
FAITH A. LABALLE**
JOSEPH E. RENDON*
JOHN A. SAKAREENY
THOMAS C. FEDERICO
CAREY HUGH SMITH
THOMAS G. FIORE***
DAVID J. HANDELBERGER*
LAWRENCE E. DEMOREST***
THOMAS M. ELCOCK
BARY W. HARVEY
KIMBERLY M. SALLANT
LINDA W. WILCOX
KATHRYN M. WHINN*
DAVID E. MAGLIO**
KEVIN S. WREGE
HARRY PAT. WELLY**
JOSEPH F. STURSKI, JR.
MARK P. BAILEY
JOSEPH A. BECKLER
CYNTHIA R. KOEHLER**
LAUREN S. PILLSBURY
RHONDA L. BITTENBERG

* ALSO MEMBER OF FLORIDA BAR
* ALSO MEMBER OF NEW YORK BAR
* ALSO MEMBER OF NEW MEXICO BAR
* ALSO MEMBER OF ALABAMA BAR
* ALSO MEMBER OF MARYLAND BAR
* ALSO MEMBER OF ARIZONA BAR
* ALSO MEMBER OF NEW HAMPSHIRE BAR
* ALSO MEMBER OF MAINE BAR

JEAN M. KELLEY
MARK S. GRANGER
ALAN M. REISCH
RICHARD BRIDGY
D. ALICE OLSEN
LAWRENCE F. BOTLE
MARK R. SEGALINI
PAUL S. GRANDO
ALAN S. RINDLE**
MICHAEL A. PEZZA JR.
LEE STEPHEN MACPHEE**
JOSEPH S. BUCKLEY JR.
SAMUEL PERRINS

MART M. PERRY
MICHAEL READY
JOHN C. WYTE
SEAN J. MILANO***
LAURIE J. CONDOE
JOCELYN M. SEDNEY**
THOMAS A. MONTMINY**
JAMES E. MCCAMBRIDGE, M.
LAUREN MOTOLA-DAVIS**
KEVIN P. LONAN
DARRELL E. BAKER, JR.*
MICHAEL A. FAGER
PAUL E. MYCHELL
ROBERT M. MACK
CAROLE A. BAKOWSKI
MARIA E. DELUZO
JUDITH A. PERRITANO
STEPHEN P. MARTEN**
KATHY T. HICKS
GEORGE J. YORRIN JR.
DAVID W. NEWMAN
ALYNN T. POWELL
RYA B. GYLBERG
ROBERT J. PELLEGRINI
JOYCE E. DAVIS
FRANCIS K. TOTO**
SHERRI M. ROZANSKY**
CAROL A. CAMEL
CHARLES M. VELEN
JAMES M. FAY**
JOHN W. HAVERTY
DREW W. COLBY
SCOTT DOUGLAS BURKE*

*** ALSO MEMBER OF RHODE ISLAND BAR
** ALSO MEMBER OF WASHINGTON D.C. BAR
** AND NEW YORK BAR
** ALSO MEMBER OF NORTH CAROLINA BAR
** MEMBER OF NEW YORK BAR ONLY
*** ALSO MEMBER OF WASHINGTON D.C. BAR
*** ALSO MEMBER OF CONNECTICUT BAR
*** ALSO MEMBER OF GEORGIA BAR
*** ALSO MEMBER OF RHODE ISLAND BAR ONLY

JOHN J. DAVIS
MICHAEL F. AYWARD**
ELIZABETH M. PARET**
JAMES J. MORAN JR.
WILLIAM F. BARRY
MYCHELL S. KING
GERALD TABIANO
BRUCE R. HENRY
JOSEPH A. REGAN
VALERIE NOEL CIARRO
LEONARD H. KESTEN
RALPH C. SULLIVAN

ROBERT F. FRENEY
SUSAN E. BERNSTEIN
HOLIE J. BETHS
ROBERT P. COOK
CYNTHIA STONE PHELAN
CATHERINE J. CHANDLER
DAVID S. MACLEOD
FRED L. MARSH, JR. **
GORDON L. STYKS
ELIZABETH M. WATERFIELD
PAUL D. GROARK
CHERYL A. ENRIGHT
DANIEL E. DILORATI
ANNE-MARIE REGAN*
MARIA O. BERGI
OSCAR W. WEEKES
ELLEN F. MCCARTHEY**
SONNIE M. GILLESPIE-PERRY
MICHAEL D. JAMES
MART P. PROULX
MICHAEL R. O'MALLEY
W. JOSEPH FLANAGAN
WILLIAM P. ROSE
MARION MONAGHAN BOX
ROSEANN DIPIETRO
ROBERT E. KELLY
AMY E. STYLSSTER
ARTHUR R. FANTACI, JR.
CHRISTOPHER A. KENNEY
DAVID A. MOSE
PATRICK T. VOKE
WILLIAM J. DOWERTY
JULIE A. FRIEDMAN

RECEIVED

July 12, 1991

JUL 15 1991

S.R.B.

James H. Tourtelotte, Esq.
Keith A. Minoff, Esq.
Robinson Donovan Madden & Barry P.C.
1500 Main Street-Suite 1400
PO Box 15609
Springfield MA 01115

Alice A. Warren, et. al. v The Dow Chemical Company
Our File Number: D16183. USDC CA # 89-30201 F

Gentlemen:

I have received Keith Minoff's FAX of July 8, 1991 which arrived in our office after business hours that day. I am writing in response to that letter.

In the first place let me express my displeasure with a copy of that letter having been sent to the Magistrate. I believe that we were charged with the responsibility to attempt to negotiate closing papers as to CONOCO and Union Carbide. I believe that it was inappropriate to send a letter with your opening position in it to the Court. As there have

UCC 081424

MORRISON, MAHONEY & MILLER

James H. Tourtelotte, Esq.
Keith A. Minoff, Esq.
July 12, 1991
Page 2

now been communications with the Court regarding this matter and since Ms. Burger is, to my understanding sending a copy of her response to Magistrate Ponser I will also send it a copy of this letter to him.

As I indicated to you after Court on June 25th, my client is not interested in foreclosing its ability to raise any legitimate and appropriate defenses at the trial of this action. I indicated to you that I would not agree to a blanket restriction on mentioning CONOCO or Union Carbide at the trial of this action. My client will abide by the appropriate Federal Rules of Evidence and Federal Rules of Civil Procedure as to this and all other issues relating to discovery and trial. For these reasons, your Stipulation was and is unsatisfactory to my client.

I would suggest that you simply dismiss the case against CONOCO and Union Carbide without prejudice and without any other restrictions on mentioning them or bringing them back into the case.

As for your request for an extension regarding the formal demand with supporting documentation I would be glad to give a one week extension. However I will note that I will be going on vacation starting July 26th and would need to receive it well prior to that date.

I would be glad to discuss this further with you at your convenience.

Very truly yours,

MORRISON, MAHONEY & MILLER


Mark S. Granger

cc
Honorable Michael Ponser
Sharon Burger, Esq.
16183A71.91

UCC 081425