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Peterson v. ICC
WHL

PITNEY, HARDIN, KIPP & SZUCH

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MAY 11 9 1989

J. R. DOWNEY

May 2, 1989

Betty-Lynn White, Esq.
Union Carbide Corporation
Law Department E3-274
39 Old Ridgebury Road
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MAY 03 1989

B. L. WHITE

Re: Peterson v. Union Carbide Corporation

Dear Betty-Lynn:

As you know, the plaintiffs' motion for leave to file an Amended Complaint in this matter was scheduled for argument on Friday, April 28, 1989. It had been scheduled for a ruling on the papers, but Judge Breitkopf, who is the Assignment Judge for Middlesex County, directed counsel to appear for an oral argument. Although I personally was unable to attend, my partner, Paul Graham, appeared to argue our position in opposition to plaintiffs' application.

Judge Breitkopf ultimately granted the plaintiffs' application and indicated that the matter will be listed for trial in September 1989. In that regard, you will be receiving a copy of Paul's letter and the form of Order reflecting the Court's determination.

Basically, Judge Breitkopf indicated that he was granting the requested relief because he did not believe that the plaintiffs should be penalized as a result of their counsel's lackadaisical handling of this matter. Indeed, he recognized that the issue as to the presence of other chemicals had been

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 088721

PITNEY, HARDIN, KIPP & SZUCH

Betty-Lynn White, Esq.

May 1, 1989

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raised in our answers to interrogatories approximately one year ago and that the plaintiffs' attorneys had failed to react in a timely fashion to the objections which we raised at that time. He further added that the reason for his requiring counsel to appear for argument on this motion was to permit him to express his displeasure with plaintiffs' counsel's having waited such a long period of time to act on this issue.

Obviously, if you have any questions concerning the above, you should not hesitate to telephone me. In the interim, I will advise you as to any further developments.

Very truly yours,



ROBERT L. HOLLINGSHEAD

RLH:kau

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
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Peterson, ICC

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ATTORNEYS FOR Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. L-060148-87

JOHN PETERSON and SHIRLEY MAE :
PETERSON, his wife, :

Plaintiffs, :

-vs- :

UNION CARBIDE CORPORATION, :
etc., :

Defendant. :

Civil Action

ORDER GRANTING MOTION TO
AMEND COMPLAINT

This matter having come before the Court on the application of Levinson, Axelrod, Wheaton & Grayzel for an Order granting leave to amend the Complaint in this matter, in the presence of Pitney, Hardin, Kipp & Szuch on Friday, April 28, 1989, and the Court having considered the papers submitted in support of and in opposition to this motion, and for good cause having been shown,

IT IS on this day of May, 1989,

UCC 088732

ORDERED that leave is granted to amend the Complaint in the form submitted with the Notice of Motion; and it is

FURTHER ORDERED that this matter shall be removed from the trial list of May 8, 1989; and it is

FURTHER ORDERED that this matter shall be listed for trial on the first available trial date in September 1989.

HERMAN L. BREITKOPF, J.S.C.

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MAY 03 1989

B. L. WHITE

May 1, 1989

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Honorable Herman L. Breitkopf
Assignment Judge
Middlesex County Court House
1 Kennedy Square
New Brunswick, New Jersey 08903

Re: Peterson v. Union Carbide Corporation
Docket No. L-MC-060148-87

Dear Judge Breitkopf:

Enclosed, please find the original and two copies of a form of Order relative to Your Honor's determination on plaintiffs' motion to amend the Complaint in this matter. That matter was heard by Your Honor on Friday, April 28, 1989. By copy of this letter I am providing a copy of the enclosed form of Order to counsel for plaintiff and, should Your Honor not receive any written objection to the form of the enclosed Order within five days, I would appreciate it if Your Honor would execute the original and copies of the Order, returning one copy thereof to me in the enclosed, self-addressed, stamped envelope.

Thank you for your attention to this matter.

Respectfully yours,

PAUL E. GRAHAM

PEG:kan
Enclosures
cc: Alfred A. Levinson, Esq. (w/enc.)
bcc: Betty-Lynn White, Esq. (w/enc.)

UCC 088734