

1699
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ROBERT L. HOLLINGSHEAD
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NEWARK OFFICE
33 WASHINGTON STREET
NEWARK, NEW JERSEY 07102
(201) 623-1980

November 10, 1989

John Downey, Esq.
Union Carbide Corporation
Law Department E3-285
39 Old Ridgebury Road
Danbury, CT 06817-0001

Re: Peterson v. Union Carbide Corporation

Dear John:

Enclosed please find copies of two letters of today's date from me to Mr. Levinson, supplementing Union Carbide's answers to the plaintiffs' Interrogatories and Supplemental Interrogatories. Also enclosed is a copy of Mr. Levinson's letter of October 31 regarding the plaintiffs' damages.

Sincerely,



ROBERT L. HOLLINGSHEAD

RLH/da
Enclosures

RECEIVED
NOV 13 1989
J. R. DOWNEY

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 088468

1647
a.t.
Peterson
Corv.
UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC.

Law Department

39 Old Ridgebury Road
Danbury, CT 06817-0001

November 10, 1989

Robert L. Hollingshead, Esq.
Pitney, Hardin, Kipp & Szuch
163 Madison Avenue
P.O. Box 1945
Morristown, NJ 07962-1945

Re: John Peterson, et ux, et al. v. Union Carbide Corporation

Hazel J. Benedict v. Union Carbide Corporation

Joan Bernadino, Executrix of the Estate of Robert J.
Bernadino v. Union Carbide Corporation

Dear Mr. Hollingshead:

Following up on our conversations of November 6, 1989 in regard to the above three files, I did want to discuss my understanding of our relationship with respect to increase of fees.

There is language in all retention letters on the topic. If you look at the letter of August 3, 1989 in the Bernadino file, for example, you will see that the letter states the following concerning legal fees: "Increases in these fees will be cleared with me before becoming effective."

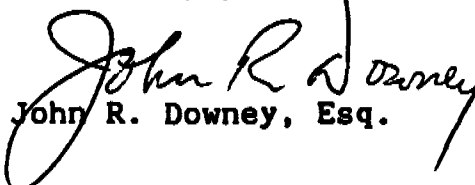
As discussed with you in our conversation on November 6th, there had been no prior discussion concerning the increase of fees with your firm prior to receipt of your bill dated October 26, 1989.

Might I suggest that we take a second look at the circumstances surrounding the 14.6% increase in your fees. It had been my understanding that your fee would be the same throughout the balance of the services rendered on a particular file.

Why don't we plan on resolving this if we can within the next fifteen days? In the meantime, as you have suggested, we will not process your bills in the above three files.

Very truly yours,

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ORDER"


John R. Downey, Esq.

JRD/es

cc: Betty-Lynn Whit, Esq.

UCC 088469

1699 411
Peterson v JCC

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November 10, 1989

Alfred A. Levinson, Esq.
Levinson, Axelrod, Wheaton & Grayzel
2 Lincoln Highway
Box 2905
Edison, New Jersey 08818

Re: Peterson v. Union Carbide Corporation

Dear Mr. Levinson:

The defendant Union Carbide Corporation hereby supplements its answers to the Plaintiffs' Interrogatories in this matter, as follows:

38. Attached hereto collectively as Exhibit A are copies of PVC resin bag labels, identified as follows:

- PVC Suspension Resin - Domestic Bag (1967)
- PVC Suspension Resin - Domestic Bag (1968-1970)
- PVC Suspension Resin - Export Bag (1970-1977)
- PVC Suspension Resin - Domestic Bag (1971-1974)
- PVC Suspension Resin - Domestic Bag (1975-1977)
- PVC Nonsolvent Resin - Export Bag (1970)
- PVC Nonsolvent Resin - Domestic Bag (1970)
- PVC Solution Resin - Domestic Bag (1966-1970)
- PVC Solution Resin - Domestic Bag (1970-1972)
- PVC Solution Resin - Domestic Bag (1973-1976)
- PVC Solution Resin - Domestic Bag (1976-1981)
- PVC Solution Resin - Domestic Bags - Filled

UCC 088470

PITNEY, HARDIN, KIPP & SZUCH
Page 2
Alfred A. Levinson, Esq.
November 10, 1989

- OSHA Warning Label for Pallets and Bulk
Containers (1975-1977)

39. See answer to no. 38.

44. The defendant intends to offer the expert testimony of Dr. Ted Loomis and R.N. Wheeler, Jr. at the trial in this matter.

45. The expert reports of Dr. Loomis and Mr. Wheeler have been provided to plaintiffs' counsel.

52. Copies of 8 Product Standards and 35 Material Safety Data Sheets (MSDS's) are attached hereto collectively as Exhibit B. Product Standards were issued before MSDS's were in general use.

94. Union Carbide's Medical Directors from 1967 to 1981 were Dr. Jack Walsh and Dr. Tom Lincoln.

143. Additional persons who have knowledge of facts relating to this case are:

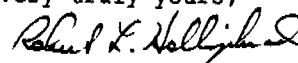
Present or former employees of Union Carbide Corporation, including R.N. Wheeler, A.O. Bowles, E.F. Clower, William Mazzolini, Frank Johnson, W.W. Henderson, J.L. Hockersmith, Ed Bell, R.J. Hanna, Jack F. Erdmann, D.L. Engle, Tom Dawson, J.J. Brushinski, C.E. Fry, R.C. Wise, Bob Frantz, and M.E. Eisenhour.

Former employees of Amboy Terminaling Company, including Neuberne Brown, E. Ball, Emil Borch, R. Humbertson, and David Romaine.

Record custodian and personnel of Gollob Analytical Service Corp., Berkeley Heights, N.J.; record custodian and personnel of Perth Amboy General Hospital, Perth Amboy, New Jersey and The Mount Sinai Hospital, New York, New York.

You may accept these answers as though fully certified. Accordingly, unless I hear from you to the contrary, I will assume that you will accept this letter in lieu of a formal response.

Very truly yours,



ROBERT L. HOLLINGSHEAD

RLH/da
Enclosures

UCC 088471

UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC.

Law Department

39 Old Ridgebury Road
Danbury, CT 06817-0001

November 3, 1989

Robert L. Hollingshead, Esq.
Pitney, Hardin, Kipp & Szuch
163 Madison Avenue
CN 1945
Morristown, NJ 07960-1945

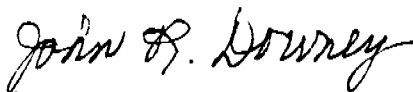
Re: John Peterson v. Union Carbide Corporation, et al.

Dear Mr. Hollingshead:

Thank you for your letter of October 30, 1989.

Given the lack of supporting expert testimony, what is the posture of the plaintiff now? Additionally, what are we going to do with our own experts in that regard? Finally, when is the new trial date?

Very truly yours,


John R. Downey

JRD/es

Letter dictated by Mr. Downey; signed and sent in his absence by secretary.

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ORDER"

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Peterson v. JCC

Levinson Axelrod Wheaton
& Grayzel
ATTORNEYS AT LAW

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*Alfred A. Levinson
*Richard J. Levinson
*Robert Jay Axelrod
*David T. Wheaton
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****William D. Levinson
Patrick R. Caulfield
Managing Partner
Workers' Compensation

Elaine Brennan
**J. Stewart Husid
Robert E. Bennett
**Richard Marcolus
Gary G. Flynn
James J. Dunn
Kevin M. Sullivan
Rae T. Horowitz
*George H. Conover, Jr.
Of Counsel

October 31, 1989

Pitney, Hardin, Kipp & Szuch, Esqs.,
Box 1945,
Morristown, N.J. 07962

Attn. Robert Hollingshead:

Dear Mr. Hollingshead: Re: Petersen v. Union Carbide

Mr. Tuzzio of your office wanted more specific information on medical bills which I am attempting to obtain. I have written for them on several occasions but have had no response. I will try again to obtain this information.

In the meantime, I wish to advise you that John Petersen lost approximately six weeks from work during and prior to his operation by Dr. Biller and lost approximately three months after the operation as well as two weeks for treatment. He was earning \$700 per week so that there was a loss of approximately five months or the sum of \$14,000 representing his special damages in this connection.

When the plant closed on October 1, 1986, he went to work for the Bermuda Lines for approximately six weeks earning approximately \$500 per week. He did not get a job again until January 1987 losing ten weeks or the sum of \$5000. He worked for the Perth Amboy High School in maintenance until May 1, 1987 earning \$4800. This job terminated. He was unable to find any jobs because no employer wished to take him on in view of his difficulty with speech and also fear of any further illness which might affect their health plan and his ability to work.

UCC 088474

*Certified Civil Trial Attorney
**Certified Criminal Trial Attorney
***Also Member of Pennsylvania Bar
****Also Member New York Bar

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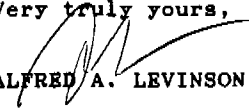
Please Reply To Edison

He worked part time once more for the Bermuda Company earning about \$8000 in a six month period. In March of 1988 he got the job with Summit Corporation starting at \$8.25 per hour and in July of 1989 he was raised to \$10 per hour.

May I add in passing that he was earning much less than he was earning while employed by ATC. Mr. Petersen feels his ability to earn as much as he did in his prior employment with ATC is due to the fact that he is presently incapacitated as a result of the condition brought on by his exposure to PVC and VC.

Unless I hear from you to the contrary, I shall assume that you will accept this letter in lieu of more formal answers herein.

Very truly yours,


ALFRED A. LEVINSON

AAL:ff

UCC 088475