

FROM BAKERBOTTSLLP

(TUE) 7. 30' 02 11:30/ST. 11:28/NO. 4860402333 P 2

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

KELLY-MOORE PAINT COMPANY, INC.

v.

C.A. No. 02-CV-00477-G

**THE DOW CHEMICAL COMPANY,
UNION CARBIDE CORPORATION,
COOPER INDUSTRIES, INC., AND
THE FLINTKOTE COMPANY**

JURY

**UNION CARBIDE CORPORATION'S NOTICE OF ORAL
DEPOSITION AND CERTIFICATION IN SUPPORT OF NOTICE**

To: Plaintiff, Kelly-Moore Paint Company, Inc., through its attorney of record, W. Mark Lanier, The Lanier Law Firm, P.C., 6810 F.M. 1960 West, Houston, Texas 77069.

Please take notice that, under Federal Rule of Civil Procedure 30(a)(2)(c), defendant Union Carbide Corporation ("Union Carbide") will take the oral deposition of Ian Sayers on Friday, August 2, 2002, at 9:00 a.m. E.D.T., at the offices of Orrick, Herrington & Sutcliffe, L.L.P. 666 Fifth Avenue, New York, NY 10103-001. The deposition will be videotaped and recorded stenographically.

Union Carbide has filed this notice pursuant to Federal Rule of Civil Procedure 30(a)(2)(c) which provides that a party may seek to take a deposition before the time specified in Rule 26(d) provided "the notice contains a certification, with supporting facts, that the person to be examined is expected to leave the United States and be unavailable for examination in this county unless deposed before that time." Fed. R. Civ. P. 30(a)(2)(c); *see Greenwell v. Raytheon Aerospace, Inc.*, C.A. No. 95-2138, 1996 WL 325593, at *1 (E.D. La. June 13, 1996) (stating that plaintiff had noticed the

