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COUNSEL

January 4, 1984

^oNOT ADMITTED IN NEW YORK

Alan M. Robinson, Esq.
Law Department - 3259
Union Carbide Corporation
Old Ridgebury Road
Danbury, CT 06817

Re: Sireci v. Union Carbide, et al

Dear Alan:

Thank you for your letter of December 27, 1983.

As you recall at the October 13 meeting counsel for each of the co-defendants agreed not to assert cross-claims against each other nor seek discovery from one another, at least initially. It was further agreed that the cross-claims asserted on behalf of Rohm & Haas against each of the co-defendants would be withdrawn. Siff & Newman, attorneys for Monsanto, agreed to draft and circulate an appropriate stipulation withdrawing the cross-claims of Rohm & Haas and reserving the rights of each of the co-defendants to assert cross-claims at a later date.

As you know upon our receipt of this proposed stipulation, we suggested an amendment which was subsequently agreed to by each of the co-defendants. A revised stipulation was circulated, but we have not yet received a final copy of the stipulation executed by all of the co-defendants. It is our understanding that the attorneys for Rohm & Haas are still awaiting final approval from their clients before executing

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LAW DEPARTMENT

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A. M. RUBINSON

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January 4, 1984

this agreement. However, we have received assurances that this approval will be forthcoming.

At the October 13 conference it was also agreed that Kelley Drye would attempt to set-up a meeting between all of the co-defendants and representatives from Kalex for the purpose of determining whether grounds exist for a motion for summary judgment on the basis of the statute of limitations. My letter to you of December 16, 1983 outlines the progress we have made to date regarding this matter.

The co-defendants also agreed at the October 13 meeting to delay bringing any motion to compel plaintiff to respond to the defendants' initial discovery requests. To date plaintiff has not responded to any of the co-defendants discovery requests. Counsel for each of the respective co-defendants have agreed to wait until the meeting with Kalex before making any such discovery motions.

As requested, I am enclosing copies of various litigation papers which have been served since the October 13 meeting. These papers include American Cyanamid's verified answer, demand for medical records and autopsy authorizations, demand for witnesses and party statements, and demand for medical reports. Also included are Rohm & Haas' answer with cross-claims, demand for a verified bill of particulars, demand for authorizations and notice to take depositions. We have served on behalf of Union Carbide a verified answer, a demand for a verified bill of particulars and a demand for medical record authorizations. While much of this material may have been forwarded to you previously, I am enclosing a complete set of copies for your file.

I will be in touch with you again once a firm date for the Kalex meeting has been established.

Best wishes for the New Year.

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Sincerely yours,

James V. O'Gara

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JVOG:mre

Enclosure

Note: On 1/16/84, I informed Jim that copy of this letter, with attachments, should be forwarded to Kemper representatives.