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Corresp.

November 10, 1988

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Re: *Cox v. Georgia Gulf, et al.*
C.A. Nos. 8:88-1399-3 and 8:88-1400-3

Ladies and Gentlemen:

Enclosed is correspondence from plaintiff's attorney, Bob Ariail, in which he renews his settlement demand of \$450,000. Mr. Ariail has indicated that the demand will increase if our motion for summary judgment is denied.

Also enclosed is a notice from the federal district court scheduling a bar meeting in the Cox cases for Monday, November 28, 1988. At that time, the Cox cases will be set for trial probably sometime during the first two weeks of December. F. 11/14/88

Our motion for summary judgment will be filed on or before November 15. We expect that the plaintiff will file a responsive brief in opposition to our motion and will attempt to raise "genuine issues of material fact" as to whether Stauffer, the decedent's employer, was a sophisticated user of PVC resin. We understand Mr. Ariail is attempting to elicit an affidavit statement from the Stauffer Anderson plant manager that he was unaware that there was a cancer danger to Cox because of the extremely low or nonexistent levels of vinyl chloride exposure. Ariail will probably argue that Stauffer was never aware or warned of any danger to Cox and therefore the PVC resin was unreasonably dangerous and the suppliers are strictly liable for Cox's death. We have addressed this anticipated argument in our brief.

We are also in the process of drafting responses to the plaintiff's document requests for those of you who have provided us with the requested documents.

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We will keep you closely advised. Please contact me if you have any questions or concerns.

Very truly yours,

OGLETREE, DEAKINS, NASH,
SMOAK AND STEWART

Mary Lou Hill

Mary Lou Hill

MLH:agd
Enclosures

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