FILE NAME: Union Carbide (UC)

DATE: 2008 Sept 17

DOC#: UC371

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PLAINTIFF'S EXHIBIT

DMA-1176

AFFIDAVIT OF FACT

State of Texas §
§
County of Harris §

Before me, the undersigned authority, personally appeared David A. Werner, who being by me duly sworn, deposed as follows:

My name is David A. Werner. I am Manager of Shell Legal Services Document Management Group. I am of sound mind, over the age of eighteen, capable of making this affidavit, and personally acquainted with the facts herein stated:

Attached hereto are documents labeled ABS-028794 through ABS-028817 from the records of Shell Oil Company ("Shell"). These documents are kept by Shell in the regular course of business. With regard to the document labeled ABS-027894 (the Shell memorandum dated April 19, 1973) it was the regular course of business of Shell for an employee or representative of Shell, with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or transmit information thereof to be included in such record; and to make the record at the time that the recorded act, event, condition, opinion, or diagnosis occurred or reasonably soon thereafter. The document attached hereto is an exact copy of the original document. With regard to the documents labeled ABS-028795 through ABS-028817, it was the regular course of business of Shell for an employee or representative of Shell with knowledge of the act, event, condition, receipt, opinion, or diagnosis recorded to receive and maintain such documents, and the record was kept and maintained at the time that such record was received or reasonably soon thereafter. The documents attached hereto labeled ABS-028795 through ABS-028817 are exact copies of the original documents.

Further affiant sayeth not.

David A. Werner

Subscribed and sworn to before me this 17th day of September, 2003, which witness my hand and official seal.

DEBORAH K MICHELLI
Notary Public
State of Texas
My Commission Expires
March 7, 2006

Deborah K. Michelli

NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, TEXAS

Printed name: Deborah K. Michelli

My Commission Expires: 3/7/08