

8/6/84 R.Wise - Please review and give me a call Peter Davey
E. Del

BAKER & BOTTS
ONE SHELL PLAZA
HOUSTON, TEXAS 77002
TELEPHONE (713) 229-1234
TELECOPIER (713) 229-1730
TELEX 76-2779

8/15/84

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AUG 6 1984

P. F. DAVEY

1701 PENNSYLVANIA AVE., N.W.
WASHINGTON, D. C. 20006

1410 UNITED BANK TOWER
400 WEST FIFTEENTH STREET
AUSTIN, TEXAS 78701

D-25,854
Dorothy Bell v. Union
Carbide Corporation

July 31, 1984

Mr. Peter F. Davey
Union Carbide Corporation
Old Ridgebury Road
Danbury, CT 06817

Dear Peter:

We have received answers by the plaintiff's widow to the written interrogatories previously served upon her in this case. This is one of the two outstanding alleged vinyl chloride caused brain tumor cases among former Union Carbide Texas City Plant workers.

Mrs. Bell and her husband were both high school graduates from the Galveston/LaMarque area. They had been married for approximately thirty years at the time of his death in 1984. Mrs. Bell is fifty-four years of age and has not remarried. She resides at 236 South Algeria Street in Texas City. Mr. and Mrs. Bell had four children; all daughters. Three are legal adults and two of those are married. Only the youngest child, LaTrava Dionne Bell, age sixteen, is dependent upon her parents. One of the other children, however, Carol Lynette Bell, unmarried and age twenty-eight, also claims to be a plaintiff in this case and seeks damages. The damages sought are \$800,000 for the death of Mr. Bell.

Mr. Bell was employed by Union Carbide for twenty-six years and was earning \$2,978 per month at the time of his death. The answers indicate he was employed first as a laborman, then in the tool room; next as a maintenance division foreman and finally a shift superintendent. Mr. Bell's only other employment had been for two individuals, Hudler Moore and T. A. Newman, for some four years before going to work for Union Carbide as a laborman.

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Mr. Bell lists as his foremen at Union Carbide Jim Floyd, Jim DeMint, and Tim L. C. Disinier. He also lists as co-workers: Marcellus Pollard, Fred Thordard, Elma Bell, Mr. Hudler, Mr. T. A. Newman, Mr. Jim Floyd, Jim DeMint and Tim L. C. Disinier. PLEASE ASCERTAIN WHETHER ANY OF THESE MEN STILL WORK FOR UNION CARBIDE AND WHICH COULD BE COUNTED ON TO PRESENT ACCURATE, RELIABLE TESTIMONY IN THIS CASE. We may wish to interview these individuals.

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this

Mr. Bell was treated by Drs. Weldon Kolb, Dr. Howard C. Moench, Dr. Charles Borne, and Dr. David Gill. We have previously taken the deposition of Dr. Borne in the Leuvel Malone case. Dr. Borne's testimony was favorable to Union Carbide. By copy of this letter, I am asking Dr. Glenn if he is familiar with any of the other three physicians and, if so, what is their specialty and their reputation in the medical community.

Mr. Bell was apparently hospitalized at Jenny Sealy Hospital in Galveston and County Memorial Hospital of Galveston in Texas City. The dates of hospitalization begin in 1981 in January and extend through January, 1984. They include January 5-27, 1981; September 30-October 20, 1981; August 22-27, 1982; September 11-18, 1982; August, 1983 through January 6, 1984. The hospital bills are approximately \$32,000. We are in the process of obtaining the medical records of the four physicians and two hospitals. We will summarize those for you as soon as we have obtained them.

Mr. Bell died at the age of fifty-three. He earned \$31,615 in 1980 and \$34,564 in 1981. He was unable to work after 1981. Assuming lost wages, therefore, of twelve years at \$35,000 per year would be a lost wage claim of \$420,000.

Mrs. Bell states in the written interrogatory answers that Mr. Bell was required to clean tanks, chip chemicals off motors, and clean pipes, all of which contained a form of vinyl chloride. She admits that none of his treating physicians have expressed any opinion that his cause of death was contributed to by the workplace environment and also that no physician has advised her that any specific chemical or vapor therefrom has caused or contributed to cause his death. She also states that there has been no determination as of yet of the witnesses or experts that will be used in the case in behalf of the plaintiffs.

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Mr. Bell never filed any workman's compensation claim as a result of his alleged exposure to vinyl chloride. Mrs. Bell is presently unemployed but does not have any present health disorder.

Sincerely yours,

BAKER & BOTTS

By: 

F. Walter Conrad

FWC:118

cc: Dr. David H. Glenn
Ms. Noreen L. Pritchett
(Claim No. 710 CM 310207 XOD)

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