

*U.C.T.
Bernadino v. UCC
Cor.*

UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC. 39 Old Ridgebury Road
Law Department Danbury, CT 06817

August 3, 1989

OVERNIGHT DELIVERY

Robert L. Hollingshead, Esq.
Pitney, Hardin, Kipp & Szuch
163 Madison Avenue
Morristown, NJ 07960-1945

Re: Joan Bernadino, Executrix of the Estate of Robert J.
Bernadino v. Union Carbide Corporation (PVC)

Dear Mr. Hollingshead:

This confirms my telephone conversation of 8/3/89 with your secretary whereby your firm has agreed to represent Union Carbide Chemical and Plastics Company Inc. in the above-captioned litigation. The CT Corporate System was served as agent for the Corporation on 7/31/89, and we received notice on 8/2/89. The Corporation has 35 days to answer, or otherwise respond. I enclose a copy of the Service of Process Transmittal Form, Summons, and Complaint.

As you know, I will be the lawyer responsible for the management of this case for Union Carbide Chemical and Plastics Company Inc. All pleadings, motions and other papers prepared by your firm should be submitted to me in draft for review and comment before service upon other parties and filing with the court. Prior to filing an Answer, please contact me so we can develop our initial defense strategy.

You will be the primary attorney working on this case for your firm, although I understand you may be assisted by an associate or paralegal to be identified later.

Fees and Billing. Your billing rate is \$205 per hour. The associate/paralegal billing rate will be provided upon identification. Increases in these fees will be cleared with me before becoming effective.

Bills should be sent to my attention on a monthly basis. Bills should contain a specific description of the services performed and the date of such services, show the name of the attorney who provided the service, the hours that were involved, and the amount charged per hour, as well as an itemized list of out-of-pocket expenses. The bills should also reference the UCC project number 13-3349. This will facilitate our accounting procedures.

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ORDER"

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Budget Plan. We request that you provide us with a litigation budget plan on the attached form within sixty days (Attachment A). While we understand the budget plan is an estimate, we view the budget as a necessary and significant tool for managing the costs in this case. Accordingly, we request your estimate be as accurate as possible and you pre-clear with me any significant budget overruns before they occur.

Travel. In connection with the budget, it is understood air travel will be by coach.

Insurance. The Union Carbide Corporation insurance carrier will contact you through its local representative. You should keep the insurance company advised of the status of the case. This usually entails two annual litigation status reports, the content and purpose of which are set forth in Attachment B. The insurance representative may be used as an information or investigatory resource when appropriate.

Technical Contact. In addition, R. C. Wise of the (Health & Safety) Solvents and Coatings Materials Division will coordinate the technical aspects of the case in conjunction with the Law Department. Mr. Wise should also be copied on the litigation reports and court filings. His location at Union Carbide's Headquarters in Danbury, Connecticut is K4-440, and his telephone number is 203-794-2939.

I look forward to working with you on this case.

Sincerely,


John R. Downey

JRD/els
3076R

Attachments

cc: E. D. DeLoughy: Please notify appropriate insurance companies.
R. P. Lawlor
T. J. McGuire
R. C. Wise

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bcc: D. Von Ehrenberg -- See LDS, which will be sent separately.

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