

124571  
PITNEY, HARDIN, KIPP & SZUCH

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FACSIMILE (201) 966-1550

ROBERT L. HOLLINGSHEAD

DIRECT DIAL NUMBER

(201) 966-8017

*LIT*  
*Colby, Phyllis V*  
*UCC*

NEWARK OFFICE  
33 WASHINGTON STREET  
NEWARK, NEW JERSEY 07102  
(201) 623-9880

June 19, 1991

John Downey, Esq.  
Union Carbide Corporation  
Law Department E3-285  
39 Old Ridgebury Road  
Danbury, CT 06817-0001

Re: Colby v. Union Carbide Corporation

Dear John:

*filed CT 6/14/91*

Enclosed please find a copy of the Answer and Separate Defenses that we filed on June 14 on behalf of Union Carbide in this matter. I trust that it meets with your approval.

Please call me if you have any questions.

Sincerely,

*RLH*

ROBERT L. HOLLINGSHEAD

RLH:pc  
Enclosure

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JUN 21 1991

J. R. DOWNEY

UCC 076173

124571  
Lit  
Colby, P. 4/16/91

PITNEY, HARDIN, KIPP & SZUCH

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NEWARK, NEW JERSEY 07102

(201) 623-1980

ROBERT L. HOLLINGSHEAD

DIRECT DIAL NUMBER

(201) 966-8017

May 29, 1991

John R. Downey, Esq.  
Union Carbide Corporation  
Law Department E3-285  
39 Old Ridgebury Road  
Danbury, CT 06817-0001

Re: Colby v. Union Carbide

Dear John:

Thank you for your letter of May 23 requesting that this firm represent Union Carbide in the defense of the above-entitled matter. We will, of course, be pleased to represent Union Carbide and look forward to working with you again.

Because the Summons and Complaint were served on CT Corporation System on March 11, 1991, Union Carbide's time to file its Answer ran on April 15, 1991. I have obtained Mr. Levinson's assurance that he will not move for a default and an extension until June 14 to file the Answer. I will prepare a draft of the Answer for your review before that time.

Thanks again for referring this matter to us.

Sincerely,

*Bob*

ROBERT L. HOLLINGSHEAD

RLH:pc

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MAY 31 1991

J. R. DOWNEY

*no cost in it* *L.T. Colby Crv.*

UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC.  
LAW DEPARTMENT  
39 Old Ridgebury Road  
Danbury, CT 06817-0001

May 23, 1991

OVERNIGHT DELIVERY

Robert L. Hollingshead, Esq.  
Pitney, Hardin, Kipp & Szuch  
Park Avenue at Morris County  
Morristown, NJ 07962-1945

Re: Phyllis Colby, et al. v. Union Carbide, et al.

Dear Mr. Hollingshead:

This confirms our telephone conversation of 5/17/91, with your firm. You have agreed to represent Union Carbide Chemicals and Plastics Company Inc. in the above-captioned litigation. CT Corporation System was served as agent for the Corporation on 3/11/91, and we received notice on 3/12/91. The Corporation has 35 days to answer, or otherwise respond. I enclose the original two Service of Process Transmittal Forms, Summons, and Complaints. In light of the delay, I appreciate your attempts to avoid a default against Union Carbide.

As you know, I will be the lawyer responsible for the management of this case. 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 hourly billing rate is \$250.00 per hour. The associate/paralegal billing rate will be provided upon identification. Increases in these fees will be cleared with me before becoming effective.

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UCC 076175

May 23, 1991

Page 2

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.

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. Please provide your estimate of expenses and fees for the current year also.

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

Insurance. The UCC&P insurance carrier may 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 Solvents and Coatings Materials Division will coordinate the technical aspects of the case in conjunction with the Law Department.

By copy of this letter, I am requesting R. C. Wise to preserve any records which are relevant to the defense of this case.

I look forward to working with you on this case.

Sincerely,

  
John R. Downey

JRD/es

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

Letter dictated by Mr. Downey; signed and sent in his absence by secretary.

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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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PHILLIP ROSARIO  
BARBARA L. S. SCHADT  
JEROME R. SCHIFFERLI  
AMY L. STAROBIN

SAMUEL S. CROSS  
JOSEPH W. DRAKE, JR.  
COUNSEL

**March 22, 1991**

**VIA POST OFFICE EXPRESS**

CCR Pleading's Coordinator  
Center For Claims Resolution  
CN5319  
Princeton, New Jersey 08543-531

*JRD  
This is address to  
notify coordinator of  
substantive case, per Judd.  
A letter has recently been  
sent notifying that there is  
not an asbestos case.  
Eller*

**RE: Phyllis Colby, Executrix of the Estate of Lawrence Colby,  
vs. Union Carbide Corporation, Superior Court of New  
Jersey, Middlesex County, Docket No. L-1979-91**

**Dear Sir/Madame:**

On behalf of Union Carbide Corporation, a confidential member of The Center For Claims Resolution, we are enclosing a copy of **THE SUMMONS AND COMPLAINT**. Please assume Union Carbide's representation in the above matter and forward the enclosures to the proper liaison counsel for appropriate handling.

By copy of this letter, we request Union Carbide's Insurance Department to notify the Corporation's insurers of this case.

Very truly yours,

*Alan J. Gerson/ke*

**Alan J. Gerson**

cc: E. D. DeLoughy - w/encl and data sheet  
T. J. McGuire - w/cover letter  
Ms. Roseann Shea - data sheet  
Law Files - Stamford - w/encl and data sheet

AJG:kc

**UCC 076177**

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ORDER"**

**RECEIVED**

**MAY 2 1991**

**R. DOWNEY**