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G-45,618

April 3, 1990

RECEIVED

APR 10 1990

G. J. TRIPLETT

Mr. G. J. Triplett
Senior Regional Counsel
Union Carbide Chemicals and Plastics Company Inc.
437 MacCorkle Avenue, S.W.
South Charleston, WV 25303

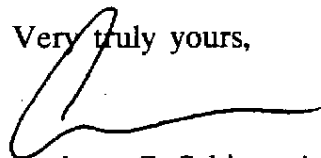
Re: Jerlean Clay vs. Union Carbide

Dear Joe:

I have enclosed a copy of Plaintiff's Motion to Retain case on the docket. The Plaintiff's Motion to Retain will be heard by the Court on Thursday, April 5, 1990. The case will be routinely retained. Plaintiff states that the case should be ready for trial in the fall or winter of 1990. I will speak with Mr. Gordon Davenport about entering into an agreed pretrial order to govern the disposition of this matter.

I will keep you informed of developments. Should you have any questions in the interim, please do not hesitate to contact me at (713) 229-1179.

Very truly yours,


Andrew C. Schirrmeister III

ACS:1397
Enclosure

L0867/1397/02SK01

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 070884

NO. 87-CV-0488

JERLEAN CLAY	:	IN THE DISTRICT COURT OF
	:	
V.	:	
	:	GALVESTON COUNTY, TEXAS
AMERICAN MOTORISTS INSURANCE	:	
COMPANY, UNION CARBIDE CORP.	:	
and FOLEY PROVENZANO	:	122ND JUDICIAL DISTRICT

PLAINTIFF'S MOTION TO RETAIN

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Plaintiff, JERLEAN CLAY, and files this Motion to Retain and in support would respectfully show the court as follows:

I.

This is wrongful death case. Causby Clay worked for Union Carbide and was exposed to vinyl chloride during his employment. He subsequently died of liver cancer. This case is a consolidation of two cases. First, Plaintiff is attempting to recover widow's benefits under the Texas Worker's Compensation laws. Secondly, in as much as the case involves a death, she has also filed to recover punitive damages on the basis of gross negligence of the employer, Union Carbide.

II.

Plaintiffs have obtained the personnel records and medical records from the Defendant, UNION CARBIDE and various hospitals that the deceased was in. These records are currently being reviewed and, based upon the results of the review, the case will be ready for trial in the fall or winter of 1990.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the above case be retained on the court's active docket and for general

UCC 070885

relief.

Respectfully submitted,

LAW OFFICE OF GORDON E. DAVENPORT, JR.

By: Gordon E. Davenport, Jr.
GORDON E. DAVENPORT, JR.
1600 East Hwy. 6, Ste. 400
Alvin, Texas 77511
713/331-4242
SBOT #: 05414500

ATTORNEYS FOR PLAINTIFF

THE STATE OF TEXAS :

COUNTY OF BRAZORIA :

BEFORE ME, the undersigned authority, on this day personally
GORDON E. DAVENPORT, JR., who, being by me duly sworn did state
upon his oath as follows:

My name is Gordon E. Davenport, Jr. I am
the attorney of record for the Plaintiff in
the foregoing case. I have read the Motion to
Retain and the facts stated therein are true
and correct.

Gordon E. Davenport, Jr.
GORDON E. DAVENPORT, JR.

SWORN AND SUBSCRIBED TO on this the 26th day of March,
1990.

Barbara Joe Duhon
Notary Public in and for
The State of TEXAS

BARBARA JOE DUHON
Notary Public in and for the State of Texas
My Commission Expires 11-9-93

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion has been served on all counsel of record listed below in the manner specified on this the 26 day of March, 1990.

Name

LEE H. ROSENTHAL
Attorney at Law
One Shell Plaza
910 Louisiana
Houston, Texas 77002

Nature of Service

Certified-Return
Receipt Requested
Mail-Postage Prepaid


GORDON E. DAVENPORT, JR.

UCC 070887