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October 11, 1989

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

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

Re: Peterson v. Union Carbide Corporation
and
Joan Bernadino, Executrix of the
Estate of Robert J. Bernadino
v. Union Carbide Corporation

Dear John:

Please be advised that, apparently through inadvertence, the Court entered an Order consolidating the Peterson and Bernadino cases. This Order was the one submitted by plaintiffs' counsel, Mr. Levinson, when he responded to our motion regarding his expert reports in Peterson. When Judge Brietkopf signed our proposed Order with changes on September 18, his chambers advised us that the Order submitted by Levinson was not being signed. However, on September 25, the Judge signed the Order of consolidation.

I have spoken to Mr. Levinson on this issue. Because of the approaching trial date in Peterson, which is now scheduled for October 30, he recognizes that the consolidation request was a mistake. He only asked for it on the assumption that the Court would give both parties a realistic extension of the discovery period to properly prepare the case. Therefore, he has prepared a Consent Order disconsolidating the cases (a copy is enclosed) and I have signed same and returned it to him.

10/11/89

J. L. Downey

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10/11/89

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John Downey, Esq.
October 11, 1989
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With regard to the listed trial date in Peterson, Mr. Levinson has advised me that Dr. Epstein is in Europe on a lecture circuit and will not return until middle or late October. Therefore, he will have the trial adjourned for at least one month. Because Nick Wheeler also will be vacationing in London in November and because we need time to provide our expert reports, I agreed to his making the adjournment request.

Please call if you have any questions regarding the above.

Sincerely,

Robert L. Hollingshead
ROBERT L. HOLLINGSHEAD (JH)

RLH:lh
Enclosure

cc: Mr. R. C. Wise
(w/enc.)

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