

UNION CARBIDE CORPORATION OLD RIDGEBURY ROAD, DANBURY, CT. 06817
LAW DEPARTMENT

May 25, 1984

VIA EMERY

F. Walter Conrad, Esq.
Baker & Botts
One Shell Plaza
Houston, Texas 77002

Re: Thelma O. Kingsbury v.
Union Carbide Corporation, et al.

Dear Walter:

Enclosed is a copy of Service of Process Transmittal Form, Summons and Plaintiff's Original Complaint in referenced litigation. Please defend our interests in this case.

Plaintiff, Thelma Kingsbury, is the surviving wife of decedent Thomas Page Kingsbury, who allegedly died from brain cancer known as malignant astrocytoma, because of exposure to vinyl chloride which was manufactured and sold by the five defendants--Dow, PPG, Union Carbide, Stauffer and Diamond Shamrock. Plaintiff's primary allegation is that defendants failed to warn decedent of the dangers of vinyl chloride and that vinyl chloride caused brain damage and brain cancer to decedent resulting in his death.

The complaint further states that decedent was an employee of Union Carbide from February 18, 1953 until January, 1983, and that Union Carbide failed: (a) to provide a safe place to work; (b) to warn; (c) to provide protective equipment, monitoring and medical surveillance; (d) to install proper ventilation; and, (e) to adopt a safety plan. Plaintiff further alleges that Union Carbide's negligence amounted to willful misconduct and evidenced a

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F. Walter Conrad, Esq.
Baker & Botts

May 25, 1984

conscious indifference to decedent's welfare. Plaintiff seeks to recover punitive damages of \$1,000,000 for Union Carbide's gross negligence but is not seeking actual damages from Union Carbide because of the Texas Workmen Compensation Laws.

As we have also discussed, you will now represent only Union Carbide and none of the other defendants in this litigation.

Please give me a call.

Sincerely,


Peter F. Davey

PFD:oid

Enclosures

bcc: Mr. J. F. Skislock (w/o encls)
Ms. C. E. Van Dyk (w/encls)
Mr. E. D. DeLoughy (w/encls)
Ms. E. M. Farah (w/o encls)
Mr. L. A. Crisorio (w/encls)

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URGENT

Date: Jg

To: J. W. Whittelsey - 46

From: Anne D. Haughton

FYI X

Comment _____

Action _____

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INTERNAL CORRESPONDENCE

SOLVENTS AND INTERMEDIATES DIVISION

P. O. BOX 471, TEXAS CITY, TEXAS 77500

December 18, 1980

12/18/80

To: Mr. J. B. Browning
Mr. A. G. Voress
Mr. J. W. Whittlesey ✓
Mr. L. A. Wilkinson
Mr. R. L. Yelton

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Copy to: Attendees - December 3rd Meeting
Mr. J. W. Thompson

You are aware that a group of us met on December 3 to outline possible responses when NIOSH reports on the Texas City brain tumor study. These possible conclusions by NIOSH were examined:

1. No increased incidence or association
2. A. Increased incidence - no association
B. Correlation with a specific chemical
C. Correlation with two or more chemicals
3. Study inconclusive - NIOSH recommends further study
4. Government agencies split on conclusions
5. The two NIOSH studies (cohort and case control) are not released at same time
6. Report identifies another form of cancer

We then moved to list logical actions for each of these eight possibilities. The list of thirteen possible actions needs further refinement and annotation to make sense to you, and will be available later.

However, we listed seventeen action steps that various attendees should undertake. Several of these are discussed briefly below:

1. An article for the Carbide World has been drafted by Ann Haughton.
2. A "backgrounder" paper for UCC personnel has been drafted.
3. An interim press release, to be continually updated, is being prepared by Cox and Ritchie.

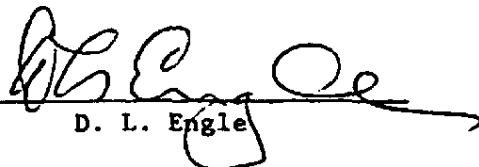
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4. An update for plant employees was published on December 10 (copy attached).
5. A random low-key survey was made of employee attitudes. In general, all employees are concerned, with older employees trusting the Company, but young employees unsure whether to believe us, or the worst of the press statements.
6. A special adversary skills (interviewing) workshop has been designed by Cox and is being evaluated.
7. A "Q & A" sheet is being prepared by Ann Haughton.
8. When NIOSH notifies us a report will be ready, a team will go to Cincinnati to "clear it for trade secrets" - to shorten OSHA lead time they would otherwise enjoy with the press.
9. Texas State Health Commissioner Bernstein has agreed to come to Texas City in January for an update before he decides on involvement by his office. We will suggest he look at the "Blue Ribbon Panel" approach Governor Carey used in the Love Canal matter if he insists the State of Texas should do something.

One of our most difficult problems is to keep the internal search for an answer moving along - that is, the scientific investigation, without aiding the plaintiff's lawyers in the "discovery" phase of the pending litigation. I am aware of the concern which Walter Conrad of Baker and Botts has and I do not want to weaken his position as our defense attorney. At the same time, we cannot place our internal epidemiology studies in limbo until that litigation is completed. This issue will require continued helpful guidance from John Whittlesey.

Overall, this is a very fluid situation. Something changes almost every day. For an update, please contact Dr. Austin, Ms. Haughton, Dr. Glenn, Ron Ritchie or me, as appropriate to your question.


D. L. Engle

/cs

Attachment

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