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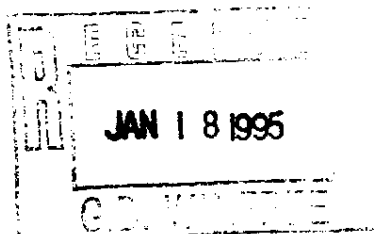
DATE: January 18, 1995

TO: Gregory D. Winfree
FAX #: Union Carbide Corporation
912037946269

FROM: Scott C. Solberg
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SUBJECT:
COMMENTS:

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January 12, 1995

VIA FACSIMILE

Catherine Baen, Esq.
Williams, Bailey & Wesner, L.L.P.
441 Gulf Freeway, Suite 600
Houston, Texas 77017

Re: Ellen v. UCC&P, Civil Action No. H-94-1103

Dear Ms. Baen:

The purpose of this letter is to both address certain unresolved discovery issues and attempt to coordinate future discovery between your clients and Union Carbide.

During our telephone conversations of November and December regarding outstanding discovery requests, you agreed to supplement your previously submitted responses to Union Carbide's First Set of Interrogatories. Unfortunately, even at this late date, we have not yet received the agreed to supplemental answers. However, in an effort to avoid the necessity of filing a motion to compel, I have detailed below which interrogatories still remain to be supplemented, and request that you promptly provide the agreed upon information as promised:

Interrogatory No. 1: Please provide the requested information concerning the decedent's alleged exposure to Vinyl Chloride;

Interrogatory No. 3: Please provide the requested information concerning the decedent's consumption of alcohol since he reached the age of majority (18 years of age); and

Interrogatory No. 5: Please provide the requested information concerning each doctor or health care provider seen by decedent since the age of majority (18 years of age).

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In addition to the above information, we need the following information to coordinate Union Carbide's future discovery in this action:

1. The names and addresses of Bob Schrull ("Schrull"), Joe Morullo ("Morullo"), and Phil Muzar ("Muzar"), identified in your answers to Interrogatory No. 1(c);
2. Your Rule 26 disclosure letter dated June 6, 1994 identifies 40 individuals who, you claim, have knowledge concerning the disputed facts in the action. Please provide the last known addresses for each of these individuals to permit the scheduling of their depositions. In lieu of providing information on each of the listed individuals, you may instead designate those persons whom you plan to actually call as witnesses and we will limit our initial depositions to these individuals; and
3. Potential dates for the deposition of your experts, as well as for Messrs. Schrull, Morullo and Muzar. Similarly, I need to arrange dates for the depositions of the Plaintiffs, Doris, Robert Jr. and Sheila Eirven.
4. The expert reports, previously produced by your clients, reference certain undisclosed statements made by Schrull, Morullo and Muzar. Since the experts apparently relied upon these statements in forming their opinions, please provide the exact content of these statements. Similarly, please provide all documents, not previously produced, which were given to your experts which formed the basis of the opinions found in their reports.

With regard to your request to reschedule the deposition dates for your experts and Schrull, Morullo and Muzar, we are willing to accommodate you. However, as I discussed with you over the telephone last week, we need to depose these individuals in advance of February 20th (the date that we must disclose our expert witnesses). In that regard, please pick any days for these depositions that are convenient to you. We must request however that these deposition be completed in advance of February 13th. I expect that the experts will require a day each but that we should be able take the six other witnesses more quickly. If you can get back to me or Mr. Wood as soon as possible with available dates, we will proceed with adjourning

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the scheduled deposition dates in a written stipulation which is
satisfactory to you.

Thank you for your prompt attention to these matters.

Sincerely,

Theodore J. Theophilos

cc: Reginald Wood, Esq. (via facsimile)