

STATE OF INDIANA)
) SS: IN THE BENTON CIRCUIT COURT
COUNTY OF BENTON)

IN THE MATTER OF THE ESTATE)
OF PAUL LYNN MARTIN,)
Deceased,) CAUSE NO. 04C01-88-12ES62

DECREE OF AUTHORITY TO
COMPROMISE WRONGFUL DEATH CLAIM

This matter came before the Court on the Verified Petition for Authority to Compromise Wrongful Death Claim of Joyce M. Brooks, the duly appointed and qualified Administratrix of the Estate of Paul Lynn Martin, Deceased ("Administratrix" and "Decedent", respectfully), which is as follows:

(H.I.)

Being duly advised in the premises, the Court now finds that the allegations contained in the Petition are true and grants the relief prayed for in the Petition in full.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that:

1. The Administratrix is authorized and directed to compromise the wrongful death claim made against Union Carbide Corporation, who is now known as Union Carbide Chemicals & Plastics Company Inc., for the death of Decedent and pending in the Fountain Circuit Court, County of Fountain, State of Indiana, Cause No. 23C01-8907-CT-00183.

2. The Administratrix is authorized and directed to execute the proposed "Mutual Covenant Not To Sue" attached to the Petition as Exhibit "A".

3. The Administratrix is authorized and directed to dismiss with prejudice the pending action against Union Carbide Corporation, who is now known as Union Carbide Chemicals & Plastics Company Inc., in the Fountain Circuit Court, County of Fountain, State of Indiana, as Cause No. 23C01-8907-CT-00183, with the parties to each bear her or its own respective costs incurred therein.

ENTERED this ____ of _____, 1989.

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 086109

Judge, Benton Circuit Court

Copies to:

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1050j/ms

STATE OF INDIANA)
) SS: IN THE BENTON CIRCUIT COURT
COUNTY OF BENTON)

IN THE MATTER OF THE ESTATE)
OF PAUL LYNN MARTIN,)
Deceased,) CAUSE NO. 04C01-88-12ES62

PETITION FOR AUTHORITY TO
COMPROMISE WRONGFUL DEATH CLAIM

Joyce M. Brooks, the appointed and qualified Administratrix of the Estate of Paul Lynn Martin, Deceased ("Administratrix" and "Decedent" respectfully), having been duly sworn upon her oath, respectfully shows the Court as follows:

1. Decedent died on or about September 25, 1987.
2. Administratrix filed a Complaint for Damages in the Tippecanoe Circuit Court, State of Indiana, as Cause No. 79C01-8905-CP-222, on or about May 9, 1989, which case has been venued to Fountain Circuit Court, County of Fountain, Indiana, Cause No. 23C01-8907-CT-00183 ("Lawsuit"), wherein Administratrix claimed that the illness and resulting death of Decedent were proximately caused by an allegedly defective product manufactured and sold by defendant Union Carbide Corporation, who is now known as Union Carbide Chemicals & Plastics Company Inc. ("UCC"), to-wit: Polyvinyl Chloride ("PVC"), and by alleged negligence, reckless conduct and other wrongful acts on the part of UCC in connection with the manufacture and sale thereof. Administratrix alleged in the Lawsuit that Decedent had been exposed to PVC manufactured and sold by UCC during Decedent's employment at Essex Wire Company ("Essex") in Lafayette, Indiana.
3. In the Lawsuit, Administratrix prosecutes a Wrongful Death Action against UCC on behalf of Decedent under Ind. Code §34-1-1-2.

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UCC 086111

4. Decedent left only the following surviving heirs and next of kin:

- a. Joyce M. Brooks ("Wife");
- b. Anthony Martin ("Son"); and
- c. Paul Martin ("Son").

5. Administratrix has been represented by Robert G. Zeigler, Esq. in the Lawsuit, who has made extensive investigation of all the facts and circumstances surrounding the illness and death of the Decedent and research of the law applicable thereto.

6. Based upon that investigation of facts, including depositions and production of records, and circumstances and research of the law, Administratrix has determined that UCC did not sell any PVC to the employer of Decedent, Essex, to which Decedent was exposed prior to his death. UCC has denied that Decedent was exposed to any product manufactured by it and that any product manufactured by it was in any way defective or negligently manufactured or sold.

7. Negotiations have been conducted between Administratrix and UCC to compromise the claims arising out of the illness and death of the Decedent and all claims asserted against UCC.

8. Administratrix, with the advice and concurrence of her attorneys, believes that a Mutual Covenant Not To Sue, which has been submitted by UCC and is attached hereto as Exhibit "A", should be accepted as a compromise of the Wrongful Death Claim against UCC, and any claims UCC has against Administratrix arising out of the Lawsuit.

WHEREFORE, Administratrix prays that:

1. The Court authorize her to execute the Mutual Covenant Not To Sue attached as Exhibit "A" and to direct her attorneys to execute such papers as are necessary to dismiss the Lawsuit with prejudice;

2. For all other proper relief in the premises.

Joyce M. Brooks, Administratrix of
the Estate of Paul Lynn Martin,
Deceased

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me, a Notary Public in and
for such County and State this ____ day of _____,
1989.

() Notary Public

My Commission Expires:

My County of Residence:

1049j/ms

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STATE OF INDIANA) IN THE FOUNTAIN CIRCUIT COURT
) SS:
COUNTY OF FOUNTAIN)

JOYCE M. BROOKS, as)
Administratrix of the Estate)
of Paul Lynn Martin,)
Deceased,)

Plaintiff,)

v.)

UNION CARBIDE CORPORATION,)

Defendant.)

CAUSE NO. 23C01-8907-CT-00183

ORDER OF DISMISSAL WITH PREJUDICE

This matter came before the Court upon the Stipulation of
Dismissal With Prejudice of plaintiff and defendant, which is
as follows:

(H.I.)

Being duly advised, the Court now approves such Stipulation.

IT IS, THEREFORE, ORDERED that plaintiff's claims, causes
of action, the Complaint and all matters involved in this
action are dismissed with prejudice and each party shall bear
her or its own costs and no party shall be entitled to recover
any costs herein.

ENTERED this ____ of _____, 1989.

The Honorable Vincent Grogg, Judge
Fountain Circuit Court

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UCC 086114

STATE OF INDIANA) IN THE FOUNTAIN CIRCUIT COURT
) SS:
COUNTY OF FOUNTAIN)

JOYCE M. BROOKS, as)
Administratrix of the Estate)
of Paul Lynn Martin,)
Deceased,)

Plaintiff,)

v.)

CAUSE NO. 23C01-8907-CT-00183

UNION CARBIDE CORPORATION,)

Defendant.)

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Joyce M. Brooks, as Administratrix of the Estate of Paul Lynn Martin, Deceased, and defendant, Union Carbide Corporation, now known as Union Carbide Chemicals & Plastics Company Inc., stipulate as follows:

1. Plaintiff's claims, causes of action and the Complaint and all matters involved in this action shall be dismissed with prejudice.

2. Each party shall bear her or its costs, if any, incurred in this action and no party shall be entitled to recover any costs herein.

EXECUTED this _____ day of _____, 1989.

Robert G. Zeigler

Attorney for Plaintiff

FREDERICK WM. LACAVA & ASSOCIATES
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UCC 086115

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Katherine L. Shelby

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