

NUTTER, McLENNEN & FISH

ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-2699

TELEPHONE: 617 439-2000 FACSIMILE: 617 973-9748

DIRECT DIAL NUMBER:

(617) 439-2460

February 26, 1991
18371-1

John R. Downey, Esq.
Union Carbide Chemicals and Plastics Company, Inc.
Law Department
39 Old Ridgebury Road
Danbury, CT 06817-0001

Re: Alice L. Warren, Administratrix
v. The Dow Chemical Company, Union Carbide, et al

Dear John:

I enclose our statement for services rendered for the period ending January 31, 1991. Your share of this bill is \$9,745.65. This reflects a courtesy discount of my rate from \$220.00 to \$210.00 per hour. Please let me know if you have any questions.

Best regards.

Very truly yours,

Sharon R. Burger

Sharon R. Burger

SRB/jlf
enclosure
5178i/34

Proj. # 13-3326

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

RECEIVED
FEB 28 1991

NUTTER, McCLENNEN & FISH

ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-2699
(617) 439-2000

February 26, 1991

John R. Downey, Esq.
Union Carbide Chemical & Plastics Company, Inc.
39 Old Ridgebury Road
Danbury CT 06817-0001

Judith Elledge, Esq.
Conoco Inc.
600 North Derry Ashford
P.O. Box 2197
Houston, Texas 77252-2197

Mary Sundt, Esq.
The Dow Chemical Company
D30 Willard H. Dow Center
Midland, Michigan 48674

Client 018371
Matter 0001

Bill No. 46794
SRB

FOR PROFESSIONAL SERVICES rendered and unbilled
through January 31, 1991 in connection with Alice L. Warren,
Administratrix of the Estate of John Warren v. The Dow
Chemical Company, et al, including:

Date	Description	Aty	Hours
01/02/91	Review correspondence regarding discovery and related matters; office conference with S.Parsons regarding sophisticated user defense, discovery status and medical documents; telephone conference with J.Downey and telephone conference with M.Sundt regarding discovery and status; placed telephone call to J.Elledge regarding discovery orders.	SRB	2.60

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 081088

PAYMENT DUE WITHIN THIRTY DAYS OF BILLING DATE
BALANCES OVER THIRTY DAYS ARE SUBJECT TO A MONTHLY FINANCE CHARGE OF ONE AND ONE HALF PERCENT

John R. Downey, Esq.
Judith Elledge, Esq.
Mary Sundt, Esq.
February 26, 1991
Page 2

Date	Description	Aty	Hours
01/02/91	Conference with S.Burger regarding responses to discovery; letter to M.Sundt regarding decedent's medical records.	SLP	0.80
01/03/91	Attention to recent decision regarding sophisticated user theory.	SRB	0.10
01/03/91	Research law regarding sophisticated user defense.	LJS	3.20
01/03/91	Telephone call from J.Elledge regarding responses to plaintiff's document requests.	SLP	0.30
01/04/91	Office conference with S.Parsons regarding Conoco discovery issues and discovery status in general.	SRB	0.30
01/04/91	Research law and draft memorandum to S.Burger regarding sophisticated user defense.	LJS	4.20
01/04/91	Conference with S.Burger regarding Conoco's response to plaintiff's discovery.	SLP	0.30
01/07/91	Letter from J.Elledge and review materials regarding "Lone Pine" orders; office conference with S.Parsons regarding meeting at Union Carbide and preparation for meeting, including review and organization of documents.	SRB	2.80
01/07/91	Revisions to memorandum regarding sophisticated user defense.	LJS	0.70

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 081089

John R. Downey, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 3

Date	Description	Aty	Hours
01/07/91	Review documents forwarded by Union Carbide's counsel; conference with S.Burger regarding meeting with client.	SLP	0.50
01/08/91	Meeting in Danbury, Connecticut with J.Downey, N.Wheeler, D.Von Ehrenberg and S.Parsons regarding discovery and documents.	SRB	12.50
01/08/91	Meeting with Union Carbide regarding responses to plaintiff's interrogatories and document requests.	SLP	12.50
01/08/91	Begin deposition summary of Ruth Griffith Vol. 2.	SEG	3.00
01/09/91	Attention to papers regarding discovery.	SRB	0.10
01/09/91	Continue deposition summary of Ruth Griffith Vol. 2.	SEG	2.00
01/10/91	Conference with paralegal regarding obtaining plaintiff's medical records; conference with L.Shapiro regarding sophisticated user defense.	SLP	0.30
01/10/91	Further review of medical documents; conference regarding medical analysis; attention to file maintenance and organization.	SEG	3.00
01/11/91	Research law regarding Sophisticated User; State of the Art; conference with S.Parsons.	LJS	0.60
01/11/91	Telephone call from Dottie von Ehrenberg regarding response to discovery.	SLP	0.30
01/11/91	Continue deposition summary of R.Griffith Vol II; review medical documents; draft document request to Dr. Quinlan; memo regarding same.	SEG	3.10

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081090

NUTTER, McCLENNEN & FISH

John R. Downey, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 4

Date	Description	Aty	Hours
01/12/91	Review documents regarding Mrs. Warren and draft subpoena duces tecum.	SEG	1.50
01/14/91	Revise document request to Dr. Quinlan; review documents; continue deposition summary of R.Griffith Vol. 2; conference regarding medical document request with clerk of court.	SEG	4.20
01/15/91	Telephone call to D.von Ehrenberg regarding documents to be forwarded; telephone call from J.Elledge regarding responses to document requests.	SLP	0.50
01/15/91	Conclude deposition summary of R.Griffith Vol 2; prepare and edit document request; review plaintiff's documents regarding Mrs. Warren.	SEG	3.30
01/16/91	Office conference with S.Parsons regarding discovery; office conference with S.Glancy about, and review of, deposition subpoena and notice; letter from K.Minoff with and attention to R.Griffith deposition sheet; telephone call from D. von Ehrenberg from Union Carbide regarding discovery; review 93A demand letters; letters from J.Elledge regarding discovery; letter from D. von Ehrenberg regarding same.	SRB	1.70
01/16/91	Begin review of documents forwarded by Conoco; memo to file regarding same; conference with S.Burger regarding same.	SLP	2.30

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081091

John R. Downey, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 5

Date	Description	Aty	Hours
01/16/91	Edit and proof deposition summary of R.Griffith Vol. 2; conference regarding document request to Dr. Quinlan with S.Burger; review documents; general file maintenance.	SEG	4.50
01/17/91	Conference with S.Burger regarding response to 93A demand letter and related Chapter 93A issues.	JGB	0.50
01/17/91	Review correspondence regarding 93A demands; telephone calls to all counsel regarding same and internal communications (J.Blute) and review of memorandum and articles regarding 93A liability; further office conferences with S.Parsons regarding discovery; telephone conference with J.Downey regarding 93A; letter to J.Downey, J.Elledge and M.Sundt regarding 93A demand letters and reply issues.	SRB	4.10
01/17/91	Conference with S.Burger and S.Parsons regarding 93A letters.	LJS	0.40
01/17/91	Review documents forwarded by Conoco; conference with S.Burger regarding strategy in responding to plaintiff's interrogatories.	SLP	5.80
01/17/91	Memo regarding document request; organize medical documents; telephone conference with USDC.	SEG	4.70
01/18/91	Telephone call from J.Rendini regarding subpoena of records; Review Conoco documents.	SLP	3.40
01/18/91	Prepare medical analysis; organize medical documents.	SEG	4.50
01/19/91	Research law regarding 93A issues.	LJS	2.60

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081092

NUTTER, McCLENNEN & FISH

John R. Downey, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 6

Date	Description	Aty	Hours
01/21/91	Attention to correspondence from J.Johnson (Dow paralegal) regarding discovery; review various cases regarding duty to warn, product identification and sophisticated user defense.	SRB	2.00
01/21/91	Incorporate and review Dow's responses to plaintiff's discovery; review accompanying documents; prepare answers on behalf of Union Carbide; telephone call to J.Elledge regarding Conoco's discovery.	SLP	7.50
01/22/91	Review articles from K.Minoff regarding VCM latency periods; office conferences with S.Parsons regarding discovery matters.	SRB	1.00
01/22/91	Further review and consideration of sophisticated user defense; office conference with S.Glancy regarding medical records organization and summaries; return telephone call to K.Tubman (The Travelers Company); return telephone call to J.Elledge regarding discovery, Chapter 93A and legal issues; office conference with L.Shapiro regarding Chapter 93A issues and sophisticated user defense; return telephone call to and letter from K.Minoff regarding discovery and latency issues.	SRB	4.20
01/22/91	Research law regarding sophisticated user defense; 93A claims-privacy and interstate commerce defenses.	LJS	2.90

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081093

NUTTER, McCLENNEN & FISH

John R. Downey, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 7

Date	Description	Aty	Hours
01/22/91	Review documents and prepare responses on behalf of Union Carbide and Conoco; conference regarding motion for protective order on behalf of Conoco; revise Dow's discovery responses.	SLP	7.80
01/22/91	Continue to organize documents and prepare medical analysis; conference with S.Burger regarding facts of case and medical analysis.	SEG	5.00
01/23/91	Telephone call to K.Minoff regarding discovery and related legal issues; letter from K.Minoff; letter to M.Sundt regarding latency periods; telephone conferences with J.Downey and M.Sundt regarding discovery, 93A and legal issues; office conference with L.Shapiro regarding 93A issues and protective order for Conoco; office conference with S.Parsons regarding discovery; begin review of draft discovery responses of Dow.	SRB	3.70
01/23/91	Research law regarding 93A exemptions, protective order for discovery; draft protective order for Conoco; draft memorandum to S.Burger regarding 93A.	LJS	6.80
01/23/91	Conference with S.Burger regarding preparation of discovery responses; review Union Carbide's documents; conference call with Dow regarding responses to discovery; revise Union Carbide's discovery responses and Conoco's discovery responses; telephone call to	SLP	8.50

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081094

NUTTER, MCCLENNEN & FISH

John R. Downey, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 8

Date	Description	Aty	Hours
	J.Elledge regarding enlargement of time to respond to discovery; telephone call to M.Sundt regarding same.		
01/23/91	Continue medical analysis.	SEG	3.50
01/24/91	Review Dow's discovery papers, including documents and office conferences with S.Parsons regarding same.	SRB	4.80
01/24/91	Research law regarding Protective Order, state of art; revise draft Protective Order Motion and Memorandum.	LJS	6.00
01/24/91	Conference with S.Burger regarding strategy in responding to discovery; telephone call to J.Rendini regarding assent to motion for enlargement of time to respond to discovery and strategy in responding to plaintiff's overly broad discovery; drafting assent to motion for enlargement of time to respond to plaintiff's discovery; conference with L.Shapiro regarding research on Conoco's protective order; revise Conoco's discovery responses accordingly; revise Union Carbide's discovery response and review documents.	SLP	5.30
01/24/91	Edit first draft of medical chronology; continue medical analysis.	SEG	4.10
01/25/91	Attention to document review; office conference with S.Parsons regarding discovery and documents.	SRB	0.70
01/25/91	Research law regarding 93A exemptions; draft memorandum regarding 93A exemptions; further research of law regarding sophisticated user defense.	LJS	4.20

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081095

NUTTER, McCLENNEN & FISH

John R. Down y, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 9

Date	Description	Aty	Hours
01/25/91	Revise motion for protective order; conference with L.Shapiro regarding same; conference with S.Burger regarding Dow's discovery responses; revise Conoco's responses to discovery.	SLP	3.90
01/25/91	Complete medical analysis; review final draft.	SEG	3.00
01/26/91	Revise responses to plaintiff's interrogatories.	SLP	1.80
01/28/91	Redraft memorandum regarding protective order; further research of law regarding sophisticated user defense.	LJS	3.50
01/28/91	Revise Union Carbide and Dow's response to document requests; review documents regarding same.	SLP	3.70
01/28/91	Memo regarding medical analysis; send document requests to all parties.	SEG	0.70
01/29/91	Attention to notices of depositions; correspondence regarding same to clients; office conference with S.Parsons regarding discovery.	SRB	0.50
01/29/91	Continue research law regarding sophisticated user defense.	LJS	0.30
01/29/91	Telephone call to J.Downey regarding review of discovery responses, revise Union Carbide's discovery responses; revise Dow's discovery responses.	SLP	4.50
01/29/91	File Maintenance.	SEG	0.30
01/30/91	Organize papers and materials; telephone conference with S.Parsons regarding discovery on prior litigation of defendants; review L.Shapiro's memo regarding exemptions	SRB	3.00

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081096

NUTTER, McCLENNEN & FISH

John R. Downey, Esq.
 Judith Elledge, Esq.
 Mary Sundt, Esq.
 February 26, 1991
 Page 10

Date	Description	Aty	Hours
	under Chapter 93A; review medical records chronology; letter to clients regarding same; letter from Continental Insurance regarding Union Carbide; letter to J.Downey regarding same.		
01/30/91	Research law regarding discovery of prior litigation and continue sophisticated user research.	LJS	3.60
01/20/91	Conference call with client regarding responses to discovery; revise Dow's discovery responses and conference with S.Burger regarding same.	SLP	3.80
01/31/91	Return telephone call to M.Granger; review draft discovery documents and papers regarding Union Carbide; office conferences with S.Parsons regarding discovery responses; letter from M.Granger and J.Rendini regarding Chapter 93A reply and letter to M.Sundt and M.Granger regarding same.	SRB	3.00
01/31/91	Revise Dow's response to interrogatories; conference with S.Burger regarding Union Carbide's responses to interrogatories.	SLP	1.50

Total Hours...For Matter 0001

 212.30

Rate

BURGER, S.R.	47.10	210.00*	\$9,891.00
BLUTE, J.G.	0.50	210.00	105.00
PARSONS, S.L.	75.30	155.00	11,671.50
SHAPIRO, L.J.	39.00	95.00	3,705.00
GLANCY, S.E.	50.40	60.00	3,024.00

Total for Services.....

 \$28,396.50

*Courtesy discount from \$220

PRIVILEGED AND
 "CONFIDENTIAL MATERIAL
 SUBJECT TO PROTECTIVE
 ORDER"

UCC 081097

NUTTER, McCLENNEN & FISH

John R. Downey, Esq.
Judith Elledge, Esq.
Mary Sundt, Esq.
February 26, 1991
Page 11

DISBURSEMENTS recorded and unbilled
through January 31, 1991

TELEPHONE - 2	\$3.40
COMP-AID RESEARCH	11.45
WORD PROCESSING	274.15
TELEPHONE	50.67
PHOTOCOPYING	354.20
SPEC STENO SERVICES	50.00
COPIES OF RECORD	10.08
TELECOPIER/TELEX	45.00
POSTAGE	18.50
PRINTING & BINDING	5.00
OVERNIGHT COURIER	18.00

Total Disbursement.....	----- \$840.45
Total This Bill.....	\$29,236.95
Total Due.....	\$29,236.95

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

UCC 081098