

GENERAL LITIGATION CASE MANAGEMENT DATA SHEET

New Case X
Update _____
Entered 1 / 1

BDF Report: Yes MASTER CASE: Y (N) MASTER NO.: _____ PROJECT NO.: 15-5520

TITLE: Grace Overstreet, et al v. Dow Chemical Co. and Union Carbide Corporation

Division(s) S&CM _____ Group - C&P X CORP _____

Location Texas City, TX Number of Suits 1 Number of Plaintiffs 2

Section: (check one)

☐ COM - Commercial and Antitrust ☐ COR - Corporate ☐ ELS - Environmental Law
☐ INT - International/Import-Export ☐ LAB - Labor ☐ PAT - Patent
☐ PRO - Product Liability ☒ TOR - Tort - Other than
☐ TRN - Transportation Product Liability

CASE ID: OVERSTREET, Cecil

Case Type:

Qtrly Rpt. (Check one) ☐ Claims Asserted (CA) ☐ Government Investigation (GI)
 ☐ Claims Unasserted (CL) ☒ Litigation (LT)
 ☐ Not Applicable (NA) ☐ Automobile Liability (AL)

NOT TO BE COMPLETED FOR COMMERCIAL LITIGATION

Class Code: (Check one)

☐ ADP - ADMINISTRATIVE PROCEEDING ☐ BOC - BREACH OF CONTRACT
☐ EMP - EMPLOYEE ☐ MAS - MASS LITIGATION
☐ PDA - PROPERTY DAMAGE ☐ PER - PERSONAL INJURY
☐ PRO - PRODUCT LIABILITY ☒ TOX - TOXIC TORT
 ☐ OTH - OTHER

Subclass Code: (Check one)

☐ BIR - BIRTH DEFECTS ☐ BLO - BLOOD ☐ BUR - BURN
☒ CAN - CANCER ☐ ENV - ENVIRONMENTAL ☐ FEA - FEAR OF
☐ IMM - IMMUNE ☐ NEU - NEUROLOGICAL ☐ OTH - OTHER
☐ REP - REPRODUCTIVE ☐ TOT - TRANSPORTATION OTHER

Products Vinyl Chloride _____

Adversary Grace Overstreet _____

Adversary Counsel Vaughan O. Stewart, Lake Jackson, Texas

Firm Representing UCC: Sidley & Austin Partner in Charge Nate Eimer

Claim Number _____ Insurance Company _____

Claim of Adversary It is alleged that Cecil Overstreet, a contractor's employee, died of brain cancer on Dec. 6, 1993 as a result of exposure to vinyl chloride while working at Dow and Union Carbide.

UCC Attorney: R.A. Butler

**PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"**

UCC 074057

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
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ORDER"

Division Contact K.M. Myers

Expert Witnesses: _____

Defendants/UCC Witnesses _____

Forum USDC, SD/TX City Galveston

Docket C.A. G-94-790 Status: (Check one) ☒ Active or ☐ Closed State TX

Priority _____ Joint Defense (Check one) ☐ Yes or ☒ No

Dates - Filed 11/14/94 Served 11/14/94 Received 11/14/94

Probability of Unfavorable Outcome: (Check one) ☐ Probable ☒ Possible ☐ Remote

Prob. of Assertion of Unasserted Claim: (Check one) ☐ Probable ☐ Possible ☐ Remote

Damages Claimed Unstated compensatory and punitive

(The units for the following dollar amounts are in millions - Format 99.999)

MM\$ Claimed: _____

Other Relief: _____

Type of Outcome (Check one) ☐ Settlement ☐ Initial Determ ☐ Trial Verdict ☐ Other

Dates: _____ Terms _____

Amount Paid: _____ (MM\$ format 99.999) Date Paid/Check Issued Entered / /

Appealed (Check one) ☐ Yes or ☐ No Date _____ Reversed ☐ Sustained

Terms _____

Vermont File Location Number _____ RTM Date: _____ Archival Flag: _____

Reasonable Estimate

Reasonable Range of Loss

ESTIMATE RECOVERY

MIN RCVY MAX RCVY

0 0

0 0 250 0

Years to be paid: 0 to 0

TYPE OF MATTER (Check One)

- | | | | |
|---|--|---|--|
| ☐ 61 - ACQ/DIV | ☐ 62 - CONTRACT | ☐ 63 - CREDIT | ☐ 64 - DIST/TRANSP. |
| ☐ 65 - ENERGY | ☐ 66 - ENVIRON. | ☐ 67 - GOV'T CONTR | ☐ 68 - IMMIGRATION |
| ☐ 69 - IMPORT/EXPORT | ☐ 70 - LABOR | ☐ 71 - OSHA | ☐ 72 - PURCHASING |
| ☒ 73 - TORT (TOXIC) | ☐ 74 - TORT (TRAUMATIC) | ☐ 75 - TSCA | ☐ 76 - ANTITRUST |
| ☐ 77 - TRADEMARKS | ☐ 89 - OTHER | | |

Litigation(561) ☒ Outside Atty Fees(485) _____ Trademark Exp.(564) _____

Project No.: 15-5520 Forecast (199_) _____

UCC 074058

X

This Page to Be Completed Only For Matters with a Reasonable Estimate of Loss $\geq$ \$50,000 and/or a Maximum Range of Reasonable Estimate of Loss $\geq$ \$250,000 and/or with Respect to Which a Loss is "Probable".

II. Defenses of Corporation: Plaintiff has been unable to provide information as to when or where he worked at a Union Carbide facility; no causation

III. Issues on Which Adversary Will Prevail: Uncertain

IV. Current Status: Union Carbide has moved for summary judgment because the plaintiff has been unable to provide information as to when or where Overstreet worked at a Union Carbide facility. Plaintiff has moved to dismiss without prejudice.

V. Possibility of Settlement: premature

VI. Other Actions by Corporation: _____

BDF Report - Comments: _____

August 22, 1995

Date

Robert A. Butler

Attorney

PRIVILEGED AND
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UCC 074059

**ATTORNEY DUMP
C AND P CORPORATE CASE MANAGEMENT
ACTIVE CASES**

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ATTORNEY: BUTLER

CASE NUMBER.: 0009638
CASE ID.: OVERSTREET, GRACE
TITLE.: GRACE OVERSTREET, ET AL. V. DOW CHEMICAL COMPANY AND UNION CARBIDE CORPORATION
DIVISION.: S+CM
SUBDIVISION.:
LOCATION.:
GROUP.: C+P
SECTION.: TOR
PRIORITY.:
CASE CLASS.: TOX
SUB CLASS.: CAN
OR CASE TYPE.: LT
PRODUCT(S): VINYL CHLORIDE

NUMBER OF SUITS.: 1
OUTSIDE COUNSEL CODE.: SIDLEY
DIVISION CONTACT.: MYERS, R.M.
EXPERT WITNESSES.:
NUMBER OF PLAINTIFFS.: 2
UCC ATTORNEY IN CHARGE.: BUTLER
OUTSIDE ATTORNEY.: NIMER, N.

JOINT DEFENSE: N
RAMES OF DEFENDANTS: DOW CHEMICAL COMPANY
UNION CARBIDE CORPORATION
ADVERSARIES COUNSEL: STEWART, VAUGHAN O. - LAKE JACKSON, TX
ADVERSARIES.: OVERSTREET, GRACE

FORDM.: UNDC - SOUTHERN DISTRICT OF TEXAS
STATE.: TX
DOCKET.: C.A.G-94-790
UNFAVORABLE OUTCOME IS: POSSIBLE
DATE FILED.: 11/14/94
DATE SERVED.: 11/14/94
DATE RECEIVED.: 11/14/94

CLAIM NUMBER.:
INSURANCE COMPANY:
COMMENTS.:
DAMAGE (TEXT): UNSTATED COMPENSATORY AND PUNITIVE
RELIEF.:
DAMAGES CLAIMED:

APPROVED BUDGET.:
ORIGINAL BUDGET (EST):
8/1 FORECAST.:
PROJECT NUMBER.: 15 5510
CURRENT MONTH COST.:
YEAR-TO-DATE COST.:
PROJECT-TO-DATE COST:

REAS. LOSS:	-	0.000	REAS. REC:	-	0.000	YEARS OF LOSS: 0000 - 0000
MIN. LOSS:	0.000		MIN. REC:	0.000		
MAX. LOSS:	2.500		MAX. REC:	0.000		
ACCRUAL:						
REMARKS:						

- (I) CLAIM OF ADVERSARY:
IT IS ALLEGED THAT CECIL OVERSTREET, A CONTRACTOR'S EMPLOYEE, DIED OF BRAIN CANCER ON DECEMBER 8, 1993 AS A RESULT OF EXPOSURE TO VINYL CHLORIDE WHILE WORKING AT DOW AND UNION CARBIDE.
- (II) DEFENSES OF CORPORATION:
PLAINTIFF HAS BEEN UNABLE TO PROVIDE INFORMATION AS TO WHEN OR WHERE HE WORKED AT A UNION CARBIDE FACILITY; NO CAUSATION.
- (III) ISSUES ON WHICH WE BELIEVE ADVERSARY WILL PREVAIL:
UNCERTAIN
- (IV) CURRENT STATUS:

**PRIVILEGED AND
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UCC 074060

ATTORNEY DUMP
C AND P CORPORATE CASE MANAGEMENT
ACTIVE CASES

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08/23/95

ATTORNEY: BUTLER

UNION CARBIDE HAS MOVED FOR SUMMARY JUDGMENT BECAUSE THE PLAINTIFF HAS BEEN UNABLE TO PROVIDE
INFORMATION AS TO WHEN OR WHERE OVERSTREET WORKED AT A UNION CARBIDE FACILITY. PLAINTIFF HAS MOVED
TO DISMISS WITHOUT PREJUDICE.

(V) SETTLEMENT:
PREMATURE

(VI) OTHER ACTIONS BY THE CORPORATION:

NUMBER OF ITEMS RETRIEVED: 1

PRIVILEGED AND
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UCC 074061