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November 2, 1979

Mr. G. Carroll Stribling, Jr.  
Fordyce & Mayne  
120 South Central Ave., Suite 1100  
St. Louis, Missouri 63105

Re: S. M. Arnold v. Union Carbide

Dear Carroll:

Having finished with my case this week (at least for the time being), I read that part of your letter which speaks of filing an amended counterclaim. Obviously, you are permitted to do this; but we consider it improper, unless you intend (as we once suggested) to counterclaim for declaratory judgment as to the rightness of Union Carbide's conduct.

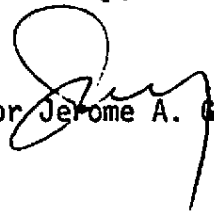
In any event, this points up the possibility of deferring trial indefinitely.

Accordingly, I contacted Judge Wangelin and asked whether he could quickly permit us to have a pretrial conference for the purpose of limiting the issues, to look forward to an early hearing. He said that he is engaged in a jury trial which will certainly require at least the remainder of this week, he has a very heavy docket next week, and he cannot see us until some time Tuesday, Wednesday or Thursday, November 13, 14 or 15.

Will you please call me to suggest a date and time which will be convenient to you, and I will check to learn whether the Court can see us at that time.

Will look forward to hearing from you.

Sincerely,

  
for Jerome A. Gross & Associates, P.C.

JAG:dpd

cc: Mr. Herbert F. Miller

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