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Warren v UCC
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March 9, 1990

Lawrence A. Looby, Esq.
The Dow Chemical Company
Legal Department
2030 Willard H. Dow Center
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Judith Elledge, Esq.
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John R. Downey, Esq.
Union Carbide Chemicals &
Plastics Company, Inc.
Law Department
39 Old Ridgebury Road
Danbury, CT 06817-0001

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

Dear Larry, Judy and John:

I enclose a copy of an Amended Complaint in the above-referenced action that the plaintiff filed during the Autumn of 1989 but did not mail to us until March 5, 1990. Plaintiffs' counsel Keith Minoff assured me that the enclosed Amended Complaint is identical to the original Complaint in all respects except for the substitution of Whittaker Development Company for Great American Chemical Corporation as a named defendant. I will be reviewing the Amended Complaint to be sure that that is in fact the case. ✓ not attached

Mr. Minoff has agreed that, pursuant to the final sentence of Fed. R. Civ. P. 15(a), we have until Monday, March 19, 1990 to respond to the Amended Complaint. I enclose a copy of a letter to Mr. Minoff memorializing our conversation to this effect. If the Amended Complaint indeed proves to be identical to the original Complaint, then I will serve Answers that are identical to our original Answers on March 19, 1990. I will presume that

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UCC 082306

Lawrence A. Looby, Esq.

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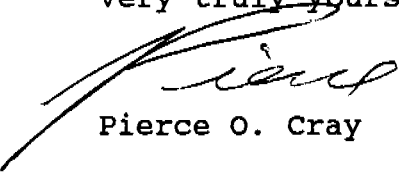
March 9, 1990

this arrangement is acceptable to each of you unless I hear from you in the interim.

The issue of adding Monsanto as a third party defendant, originally raised by Larry with me last summer but now being vigorously pursued by Mark Granger for Goodrich, is somewhat complicated, particularly in light of several recent Massachusetts decisions. I enclose a copy of a brief memorandum that I prepared summarizing the effect of the recent decisions upon our possible impleader argument and suggesting several additional topics for possible inclusion in any Rule 30(b)(6) deposition subpoena to Monsanto.

I will apprise you promptly of any further developments in this matter.

Very truly yours,



Pierce O. Cray

POC/ves:POCLAL.DC

Enclosures

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