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FEB-07-1995 12:18 FROM DRAYDEN WYCHE & WOOD LLP TO 12129062021-02030005 P.03

CATHERINE BARN
ATTORNEY AT LAW

February 6, 1995

VIA FACSIMILE NO. (713) 960-0010

AND VIA CABLE

Mr. Reginald H. Wood
Drayden, Wyche & Wood, L.L.P.
1360 Post Oak Blvd., - Ste. 1650
Houston, Texas 77056

Re: C.A. No. H-94-1103, Doris Hirvan, Individually
and as Representative of the Estate of Robert
H. Hirvan, Deceased, et al vs. Union Carbide
Chemical and Plastics Company, Inc., in the
United States District Court for the Southern
District of Texas - Houston Division.

Dear Reggie:

As we discussed in our telephone conversation today, I am currently in trial and will be for the next three weeks to two months. This letter confirms our agreement whereby Plaintiffs will extend the time for Defendant's to designate their expert witnesses. In turn, we would appreciate you extending the time for Plaintiffs to respond to Defendant's Motion for Summary Judgment.

Very truly yours,

Catherine Barn

Catherine Barn

CB:rf

UCC 073190

TOTAL P.002

FEB 07 '95 05:16PM SIDLEY AUSTIN NY

P.4

we will
addition
issue of
preclusion
or continuation
deposition dates
with the court

Re: Theophilus

DRAFT

February 7, 1995

VIA FACSIMILE - 643-6326

PRIVILEGED AND
"CONFIDENTIAL MATERIAL
SUBJECT TO PROTECTIVE
ORDER"

of process 12th
w/ok February 12th
on 1/14

Catherine Baen
Williams, Bailey & Wesner, L.L.P.
8441 Gulf Freeway
Suite 600
Houston, Texas 77027-5001

Re: Civil Action No. H 94 1103; *Doris Eirven, et al. v. Union Carbide Chemical and
Plastics Company, Inc.*; in the United States District Court for the Southern
District of Texas, Houston Division

Dear Catherine:

Theophilus

Today, I received your letter dated February 6, 1995. There appears to be a slight misunderstanding that I wish to clear up. While I appreciate both your circumstances and your willingness to extend the time in which to designate Defendant's experts, simply extending the time does not solve the problem. The fact remains that this case is set for trial sometime shortly after April 13, 1995, with the joint pre-trial order due on April 7, 1995. Further, discovery is cut-off on March 31, 1995. We do not intend or desire to delay trial in this matter in any way. Therefore, we have approximately forty-five (45) days left to complete the necessary extensive discovery. Both Ted and I have previously detailed to you the scope of what must be done and the problems we are encountering. (See Ted Theophilus' letter dated January 12, 1995 and my letters dated January 24, 1995 and February 3, 1995).

not attempt to proceed with

Therefore, we will agree to postpone the depositions of your experts and Messrs. Schnull and Mazur currently set for February 12-14. (It makes little sense for Ted Theophilus to fly down here for a Sunday afternoon deposition, which probably would not be completed, because you would not be available on Monday). Union Carbide will name its experts on February 20, 1995, as scheduled, but reserves the right to name any additional experts, which may be required as a result of the deposition testimony and reports of your experts.

Despite the fact that Union Carbide had previously agreed to reschedule these depositions and gave assurance that the deposition

UICC 073191

Catherine Baen
February 7, 1995
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DRAFT

We have tried to accommodate your schedule and ~~will continue to cooperate as much as possible,~~ but now believe that we must take whatever actions are necessary to ensure that discovery is completed in a timely manner.

As it concerns your request to extend the time in which to respond to our Motion for Partial Summary Judgment, I have several items, both prior and subsequent to its filing, asked to discuss this motion with you. ~~I again renew that request and also solicit your proposal concerning how much of an extension you desire.~~ My calculations indicate that the motion should be submitted to the court on February 16, 1995.

Please contact me at your earliest convenience to discuss all these matters.

Sincerely,

Reginald H. Wood

REIW/ксп

cc: Theodore J. Theophilos

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03

Wt have attempted
to resolve discovery disputes in
an collegial and professional
manner.

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

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However, none given the proceedings to date I believe my client will be prejudiced by ANY further extensions.