UC 141-2

UNION CARBIDE

INTERNAL
CORRESPONDENCE

PLAINTIFF'S EXHIBIT
UC-484

UNION CARBIDE CORPORATION ROBINSON PLAZA II, ROUTE 60, PITTSBURGH, PA 15205
METALS DIVISION

To (Name) T. P. Norris
Division
Location Long Beach
Area

Date June 18, 1984
Originating Dept Sales Department
Area

Copy to J. T. Kelly, Danbury
J. L. Myers, King City
W. C. Thurber, Danbury

Subject Losetas Asfalticos

We recently lost a two rail car order to subject company due to an error in their letter of credit. I would like a written report describing in full the problem, what was done in an attempt to solve it and the status of future shipments to this company. Your report should also include the recommendations by Ed Curran of International Credit to request assistance from Rovey Castillo of our Mexico City office and the reasons for not doing so.

G. L. Dickson

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INTERNAL CORRESPONDENCE

UNION CARBIDE CORPORATION — 100 OCEANGATE, P.O. BOX 340, LONG BEACH, CALIFORNIA 90801

To (Name) G. L. Dickson
Division Calidria Corporation
Location Pittsburgh, PA

Date June 25, 1984
Originating Dept. Calidria Corporation
Answering letter dated June 18, 1984
Subject LOSETAS ASFALTICOS

Copy to J. T. Kelly, Danbury
J. L. Myers, King City
W. C. Thurber, Danbury

Attached is the Letter of Credit for Losetas Asfalticos. The dollar amount is correct and was for $22,000.00, or 2 C/L SG-103. There was a typing error for the quantity ordered (30 tons) rather than the expected 138 tons. IDD felt that since there was such a wide variance between the 30 tons and a normal C/L 68.6 tons that we could not even ship one of the two C/L's in question. Also attached are copies of telex's from Losetas Asfalticos.

Telephone calls to J. F. Mercogliano, IDD, New York, as well as G. A. Galgano and J. T. Gilsenan, International Credit, Danbury, advised the writer that amendments to L/C can and are made on a frequent basis. However, the Banco Nacional De Mexico advised the customer that no changes would be permitted and that they must apply for a new L/C.

On May 16, 1984 I called you from Cleveland, Ohio asking you to do the following:

> To work through Danbury International Credit, i.e. G. A. Galgano, and J. T. Gilsenan and ask them to contact their sources at the New York, New York, Banco Nacional De Mexico to please telex the Banco Nacional De Mexico, Mexico City, advising them that amendments to L/C are acceptable and to advise their customer. This was not done. Instead, a telegram dated May 16 from IDD was sent advising them of information they had already received several times via my frequent telephone calls.

On May 24, 1984 I attempted to contact Roney Castillo by phone. He was out of the office and did not return my call. I do not feel that he could have influenced the outcome of the problem, since the decision requiring a new L/C and not permitting amendments belonged to the Banco Nacional. This bank as well as other banks in Mexico are run by the Government of Mexico for their convenience in working out their monetary problems and not for the convenience of industry.

We are momentarily expecting a new Letter of Credit. This new Letter of Credit is a reissue of the one in question but the quantity is increased from 2 C/L to 4 C/L.

T. P. Norris

TPN:sm
Attachments

MOLSIEVE LGB

MOLSIEVE LGB

1774372 INTLME
TLX PUBLIC AIRPORT INTERNATIONAL MEX CITY 22 MAY 84

CALIDRIA CORP
ATTN MR TOM NORRIS
THE BANK CAN'T MAKE ANY CHANGE IN THE LETTER OF CREDIT IRREVOCABLE
IF YOU CAN'T SHIPT THE CARLOAD'S. WITH THIS L. C PLEASE
VOID ALL OPERATION WE NEED 3 WEEKS

ALJANDRO SANCHEZ
LOSETAS ASFALTICAS S A

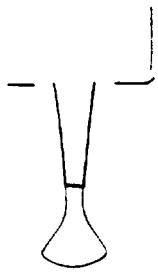
630.000 Lbs

5/24/84- Castillo cant 7 offic
He to return Call.

1774372 INTLME
MOLSIEVE LGB
ALEJANDRO SMMMMMMMM
REPLY VIA WESTERN UNION TELEGRAPH-DIAL 100
EST 1202 MAY/22/1984
@

6/1/84- NEW L/C FOR
240.000 KILOS
4 C/L

264



Rouzy Castillo UCC
Mexico City
905-545-6700

905-657-1878
1666

CMOLSIEVE LGB

MOLSIEVE LGB

1774372 INTLME

TLX PUBLICO AEROPUERTO INTERA INTERNATIONAL MEX CITY 17 MAY 84

CALIDRIA CORP
ATTN MR TOM NORRIS

WE TRY AGAIN THIS MORNING WITH THE BAN AND DEFINITLY NO CAN MAKE CHANGES IN THE LCG., WHY UNION CARBIDE MAKE ENDOSEMENT TO CALIDRIA CORP THE L.C.?

IF NOT POSSIBLE PLEASE VOID TWO SHIPT'S WE. NEED 3 WEEKS FOR A NEW L L.C.
THANK-YOU.

ALEJANDRO SANCHEZ
LOSETAS ASFALTICAS S .A.

1774372 INTLME
MOLSIEVE LGB
TO READ L.C. WHY ETC.....
REPLY VIA WESTERN UNION TELEGRAPH-DIAL 100
EST 1427 MAY/17/1934

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645
16PM

Western Union Mailgram® UNITED STATES POSTAL SERVICE U.S. MAIL

1-026369M137 05/16/84 ICS IPMRYNF RNO LSAC
03661 RENO NV 05-16 0656P PDT RYNE

T NORRIS
CALIDREA CORP
100 OCEAN GATE 10TH
LONG BEACH CA 90802

ATTEMPTED DELIVERY BY PHONE UNSUCCESSFUL, NO PHONE LISTED.

1-015655A137 05/16/84
ICS IPMPTUK PTL
06101 05-16 0159P PDT PTUJ
ICS IPMRYNS AC 213
1-018070J137 05/16/84
TWX UCC IDD
01 FR UG NY NY 5-16-84
PMS T NORRIS
CALIDREA CORP
100 OCEAN GATE 10TH
LONG BEACH, CALIFORNIA 90802

ANTONIO KANAN CHAMA/ALEJANDRO SANCHEZ
LOSETAS ASFALTICOS
COL GRANJAS
MEXICO 08400 MEXICO

CC: G DICKSON PGA
T NORRIS CALIDREA CORP 100 OCEAN GATE 10TH LONG BEACH CA.
LINDA GROGAN UC KING CITY KBA

URGENT RUSH

RE 23-9351-2 CALIDRIA ASBESTOS - SG-103
L/C NO. 259-14931/E-002156W EXPIRES: 6/29/84 - DLRS 22,000.00.

MATL READY FOR SHIPMENT. HOWEVER, WE REQUIRE L/C TO BE AMENDED
TO CORRECT QUANTITY TO BE SHIPPED OF SG103.

YOU MUST CONTACT YOUR ISSUING BANK: BANCO NACIONAL DE MEXICO,
CENTRAL DE CREDITOS COMERCIALES, MEXICO TO CABLE FORWARD TO
BANCO NACIONAL DE MEXICO, 375 PARK AVE, NY 10152 THE AMENDMENT
TO READ AS FOLLOWS:

1ST CARLOAD - SG103 - 137,200 LBS
2ND CARLOAD - SG103 - 137,200 LBS

5241 (R 7/82)

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

Western Union Mailgram®

274,400 LBS TOTAL

NOTIFY: MRS. J MERCOGLIANO, UNION CARBIDE, 11 W 42ND ST NYC, NY 10036.

AWAIT URGENTLY THIS AMENDMENT TO PROCESS THIS ORDER.

MERCOGLIANO/GREEN ELEVENWEST UNION CARBIDE NY

WF

1553 EST

1902 EST

21:04 EST

MGMCOMP

5241 (R 7/82)

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

F
MOLSIEVE LGB

MOLSIEVE LGB

P. BOOTH MEXICO CITY APRIL 26 1984

TLX 9103416597

ATTN MR. TOM MORRIS

PLEASE SHIPT MAY 15 FIRST CARLOAD AND JUN 15 SECOND CARLOAD.

IF YOU HAVE ANY CUESTION PLEASE CALL ME THANKS YOU.

LOSETAS ASFALTICAS S.A. DE C.V.

ALEJANDRO SANCHEZ H.

1774372 INTLME
MOLSIEVE LGB

REPLY VIA WESTERN UNION TELEGRAPH-DIAL 100
EST 1652 MAY/15/1984

MOLSIEVE LGB

MOLSIEVE LGB

1774372 INTLME
TLX PUBLIC MEX CITY 15 MAY 84.-

CALIDRIA CORP.
ATTN. MR. TOM NORRIS
WE TRY MAKE CHANGES IN THE LETTER OF CREDIT AND OUR BANK NO CAN NOTHING BECAUSE THE LETTER OF CREDIT IS IRREVOCABLE.

IF. ISN'T POSSIBLE THE OPERATION WITH THIS LETTER OF CREDIT.

WE NEED TRAMIT A NEW. L.C.

ALEJANDRO SANCHEZ
LOSETAS ASFALTICAS S.A.
PHONE 657-18-78 / 657-79-79

1774372 INTLME
MOLSIEVE LGB

LLLLL
REPLY VIA WESTERN UNION TELEGRAPH-DIAL 100
EST 1440 MAY/15/1984

Banamex
Banco Nacional de Mexico
NEW YORK AGENCY

175 PARK AVENUE, NEW YORK, N.Y. 10152 • TEL. 212 702-2511

RECEIVED
APR 9 1984

23-9351

IRREVOCABLE LETTER OF CREDIT

DATE: APRIL 05, 1984

TO BENEFICIARY:
UNION CARBIDE CORPORATION
ATTEN: JACKIE MERCOGLIANO
11 WEST 42ND STREET 22ND FLOOR
NEW YORK, N.Y. 10036

ISSUING BANK:
BANCO NACIONAL DE MEXICO
CENTRAL DE CREDITOS COMERCIALES
MEXICO, D.F.

APPLICANT:
LOSETAS ASFALTICAS S.A. DE C.V.
CANELA NO. 238 COL GRANJAS
C.P. 08400 MEXICO D.F.

OUR REF: L/C NO. E002156W
ISSUING BANK L/C 259/14931

L/C EXPIRATION DATE:
JUNE 29, 1984
EXPIRES AT: U.S.A.

AMOUNT: ********$22,000.00 U.S. DOLLARS (TWENTY TWO THOUSAND AND 00/100)

AT THE REQUEST OF THE ABOVE MENTIONED ISSUING BANK, WE HEREBY ADVISE YOU THAT THEY HAVE ISSUED IN YOUR FAVOR THIS IRREVOCABLE LETTER OF CREDIT WHICH IS AVAILABLE AGAINST PRESENTATION OF THE FOLLOWING DOCUMENTS:

YOUR DRAFT AT 90 DAYS FROM BILL OF LADING DRAWN ON BANCO NACIONAL DE MEXICO, NEW YORK AGENCY BEARING THE CLAUSE "DRAWN UNDER DOCUMENTARY CREDIT NO. E002156W / 259/14931 OF BANCO NACIONAL DE MEXICO"

CLEAN RAILROAD BILL OF LADING, PLUS ONE NON-NEGOTIABLE COPY COPY CONSIGNED TO ORDER OF BANCO NACIONAL DE MEXICO, MARKED NOTIFY AGENCIA ADUANAL MAYER AV. RUIZ CORTINES NO. 103 NOGALES SONORA MEXICO , AND SHOWING FREIGHT COLLECT.

66,138 lbs.

ORIGINAL AND 5 COPIES OF SIGNED COMMERCIAL INVOICE COVERING: 30 TONELADAS DE ASBESTO SG-103. F.O.B. KING CITY CALIFORNIA U.S.A.

SHIPPING DOCUMENTS MUST BE PRESENTED TO US WITHIN 30 DAYS AFTER THE DATE OF SHIPMENT, BUT NO LATER THAN THE EXPIRY DATE OF THIS CREDIT

PARTIAL SHIPMENTS PERMITTED TRANSHIPMENTS PERMITTED

SHIPMENT FROM KING CITY CALIFORNIA U.S.A. TO: NOGALES ARIZONA

********CONTINUED********

ORIGINAL

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Banamex
Banco Nacional de México
NEW YORK AGENCY

375 PARK AVENUE, NEW YORK, N.Y. 10152 • TEL. 212 702-2511

23-9351

OUR REF: L/C NO. E002156W PAGE 02

NEGOTIATIONS/PAYMENTS EFFECTED UNDER EXPIRED LETTER OF CREDIT AS WELL AS ANY OVERDRAWN SHOULD BE PREVIOUSLY AUTHORIZED BY THE ISSUING BANK. IN THE EVENT THAT SHIPPING DOCUMENTS ARE PRESENTED UNDER SUCH CIRCUMSTANCES OR SHOWING OTHER DISCREPANCIES NEGOTIATION/PAYMENT APPROVAL SHOULD BE REQUESTED FROM THE ISSUING BANK.

ALL ADVISING BANK'S COMMISSIONS AND CHARGES ARE FOR BUYER'S ACCOUNT.

WE CONFIRM THIS CREDIT AND THEREBY UNDERTAKE THAT ALL DRAFTS DRAWN IN ACCORDANCE WITH THE TERMS THEREOF WILL BE DULY HONOURED ON PRESENTATION.

WHEN PRESENTING YOUR DOCUMENTS PLEASE PROVIDE US WITH AN ADDITIONAL COPY OF EACH ONE OF THEM FOR OUR RECORDS.

THE ORIGINAL OF THIS LETTER SHOULD BE PRESENTED TO US TOGETHER WITH YOUR DOCUMENTS.

THIS CREDIT IS SUBJECT TO THE "UNIFORM CUSTOMS AND PRACTICES FOR DOCUMENTARY CREDITS (1974 REVISION), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 290".

BANCO NACIONAL DE MEXICO
NEW YORK AGENCY

ORIGINAL