UNION CARBIDE CORPORATION · METALS DIVISION · P. O. BOX 579 · NIAGARA FALLS, N.Y. 14302 · TEL: 716-278-3376

October 3, 1980

Mr. A. E. Dambach
Grace Industrial Chemicals, Inc.
P. O. Box 2872
1002 Lausanne, Switzerland

Dear Al:

Per the enclosed copy of my letter to Joe Delsignore you can see that we have agreed to reimburse you for the "repackaging" costs discussed in your letter to me dated August 19, 1980. I hope it is satisfactory that we rounded the DM1888.92 to $1100 and sent the check to Cambridge. This was an easier and faster solution for us.

We find it hard to believe that you found "handfuls of loose asbestos", but we agree that using SX-14 bags for SX-24 may have caused some complications. It should be noted that after you authorized the use of SX-14 bags for SX-24, and we produced several tons, there were no actual shipments before the new SX-24 bags arrived at the plant. We apparently could have waited for the new bags without interrupting your supply.

If you have similar claims in the future, and we obviously hope you won't, we would appreciate photos of the "damaged" product. This could assist us in determining whether or not we could improve the situation by improved packaging or loading practices.

Best personal regards to all.

Very truly yours,

John L. Myers
Marketing Manager

JLM:dal
Enclosure

CC: R. E. Byrne, Jr.
W. B. DeAtley

PLAINTIFF'S EXHIBIT
UC-4881
X416490

UNION CARBIDE CORPORATION · METALS DIVISION · P. O. BOX 579 · NIAGARA FALLS, N.Y 14302 · TEL: 716-278-3376

October 3, 1980

Mr. Joe Delsignore
W. R. Grace & Company
62 Whitmore Avenue
Cambridge, MA 02140

Dear Joe:

Enclosed is our check for $1100 to settle the claim described in the attached copy of Grace GmbH Invoice No. SX-1139/0 dated August 13, 1980. The shipment was on your order No. 26604, our 60-9508, shipped on July 10, 1980 on the "Annie Johnson".

Per our telecon, please credit Grace Industrial Chemicals or Grace GmbH as appropriate.

Very truly yours,

John L. Myers
Marketing Manager

JLM:dal
Enclosure

CC: R. E. Byrne, Jr.
A. E. Dambach
W. B. DeAtley

PLAINTIFF'S EXHIBIT
UC-439
X416488

Union Carbide trial exhibit UC-4881: John L. Myers to A. E. Dambach and Joe Delsignore on Reimbursing Grace fo...
ACL Doc 19392 · Page 3 of 3

Rechnungskopie
Invoice/copie
Copie de facture

GRACE

...ece GmbH, Postfach 449, In der Hollerhecke 1, 6520 Worms/Rh

Unsere Auftrags-Nr./our order No. / Notre Commande No.: SX 1139/o

Auftragsdatum/order date: Aug. 13,198o

Calidria Asbestos
Metals Division UCC
Niagara Falls
New York
United States of America

attn.: John L.Myers

Versandanschrift/shipped to / Expédier à: Import-no. 267/8o

Ihre Bestellung/your order / Votre commande No.:

Zahlung/paym. nt/paiement: netto Kasse

Gewünschter Liefertermin/wanted / Délai demandé:

Eingeplanter Versandtermin/scheduled / Délai prévu:

Frankatur/carriage/Affranchissement:

Kunden-Nr./code: 84o o 3924 1

Versenden/shipment / Mode d'expédition: durch through/par

Bei Zahlungen bitte angeben / Please quote on payment / à rappeler à chaque paiement

Versanddatum/shipping date:

Rechnungs-Nr./Invoice No. / de facture: 87 331

Rechnungsdatum/Invoice date: 14.o8.8o

Artikel/description	Bestellmenge Qty. ordered / Qté. commandée	Preis/Einheit price p. unit / Prix unitaire	Liefermenge Qty. shipped / Qté. de livraison	Kolli-Anzahl package / Détails de colis	Brutto kg gross weight / Poids brut	Gesamtpreis DM value / Montant total
Costs for rework SX 24 delivery o1/8o/oo4 - 266o4 E (UCC # 60-9508) we herewith charge you with following costs for: 1) remove the shrink wrapped film 2) suck the loose Sylodex off the bags 3) relable the bags with SX 24 stickers because marking with a pen is not clear enough 4) shrink wrap the bags again - 1648 DM -,198o/kg x 1.9o8 bags x 5 kg each =				7113-8oo-o875		DM 1.888,92 ~ $1100

SX 1139/o CS

...ter, soweit unseren auf der Rückseite abgedruckten Allgemeinen Lieferungs- und ...ngen
...ject to our general delivery and payment conditions

Grace GmbH, Werk Worms
Sitz der Gesellschaft: Norderstedt
Amtsgericht Norderstedt HRB 1163
Vorsitzer des AR: Ernst Neubert

Telefon (0 62 41) 84 81, Telex 04 67 724
Dresdner Bank Hamburg 1330 500
Bankleitzahl 200 800 00 X
Commerzbank Hamburg 40/77 772

Grace GmbH

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