

No. 09-0264

*In The Supreme Court Of Texas
Austin, Texas*

IN RE ALLIED CHEMICAL CORPORATION ET AL.

ORIGINAL PROCEEDING FROM THE 332ND JUDICIAL DISTRICT COURT, HIDALGO COUNTY, TEXAS
CAUSE NO. C-4885-99-F
HONORABLE MARIO E. RAMIREZ, JR., PRESIDING

**RELATORS' RESPONSE TO COURT ORDER FOR STATUS REPORT
&
SUR-REPLY TO KATHLEEN HOLTON'S REPLY TO MOTION TO ABATE**

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and ICI Americas, Inc.

TO THE HONORABLE SUPREME COURT OF TEXAS:

On February 27, 2010, the Court rescheduled oral argument in this original proceeding and requested a status update no later than March 3, 2010 regarding a possible settlement of the underlying cases. Through no fault of any party, no substantial progress has been made toward consummation of a settlement since the filings by Relators and Real Parties in Interest on February 12, 15, 16, and 17, 2010. The parties continue to work on same. Relators respectfully request that the oral argument go forward as scheduled on March 24, 2010.

Relators also file this document in response to Kathleen Holton's Reply to Certain Relators' Response to Real Parties In Interests' Motion To Abate And Motion to Seal Supplemental Appendix Plus Relators' Opposed Motion to Stay, and would observe as follows:

1. Kathleen Holton and her counsel fail to note that all settlement negotiations, as reflected in the documentation, require acceptance of 100% of the plaintiffs through actual performance. Kathleen Holton cannot unilaterally or individually consummate a settlement in this matter.
2. Kathleen Holton, to the best of Relators' knowledge, has made no effort to determine what, if any, obligations are owed to Medicare or Medicaid for the medical services which she has received.
3. Kathleen Holton has not even responded to the *Able Supply* or the *Borg-Warner* interrogatories, although the dates for her to respond have long

since passed, nor has she filed a response to the mandamus petition or briefing on file with this Court.

Accordingly, Relators again respectfully request that the oral argument go forward as scheduled on March 24, 2010.

Respectfully submitted,

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