

**No. 09-0264**

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IN THE SUPREME COURT OF TEXAS  
AUSTIN, TEXAS

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In Re Allied Chemical Corporation, et al.

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**REAL PARTIES IN INTERESTS' SURREPLY TO RELATORS'  
RESPONSE TO STATUS REPORT IN SUPPORT OF MOTION TO  
ABATE**

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TO THE HONORABLE COURT:

Real Parties in Interest file this short Surreply to address Relators' Response to Real Parties in Interests' Motion to Abate.

There is an obvious disagreement concerning the matter of how best to finalize the multiple Rule 11 Settlement Agreements between the Parties. According to one of the settlement documents filed under seal with this Honorable Court, such disputes are supposed to be mediated. More specifically, Paragraph 10 of the Rule 11 Settlement Agreement between Real Parties in Interest/Plaintiffs and Relators/Defendants Allied Chemical, DuPont, Monsanto and Helena states: "Any disputes arising concerning this settlement in principle, or from this term sheet, which the parties cannot resolve will be mediated, in the first instance, by Gil P. Peralez, Esq. of Peralez Franz, L.L.P." Accordingly, should the Parties be unable to reach an agreement, then mediation would be appropriate.

What is not appropriate is Relators' request that the underlying merits of this mandamus proceeding to continue unabated. What possible reason is there for this Honorable Court to examine whether certain answers to certain discovery interrogatories are sufficient? And what reason would there be for conducting oral argument on the question of whether the evidence before the Trial Court was sufficient to allow the answers to certain discovery questions to be given on a certain schedule? While the Real Parties in Interest contend that the Trial Court's order was based on sufficient evidence and was not an abuse of discretion, it

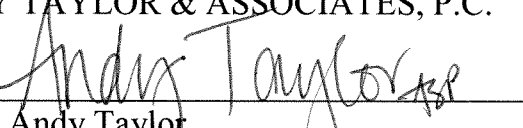
makes no sense to be fighting this merits question when the cases have settled. Accordingly, abatement is the only sensible solution at this point.

Finally, notwithstanding Relators' latest Reply, the undersigned stands by his prior filing as being truthful and accurate in all respects. Accordingly, Real Parties in Interest request the immediate abatement of this proceeding.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

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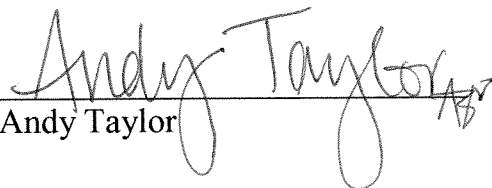
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