

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

JOHN R. SWIFT and BARBARA SWIFT,	§	
	§	
Plaintiffs,	§	
v.	§	**CIVIL ACTION NO. CV-97-AR-2430-E**
	§	
MONSANTO CO., INC., et al.,	§	
	§	
Defendants.	§	

NOTICE OF DEPOSITION
AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Warren B. Lightfoot, Esq.
Suzanne Alldredge, Esq.
Lightfoot, Franklin & White, LLC
The Clark Building
400 North 20th Street
Birmingham, AL 35203

Arthur F. Fite, III, Esq.
Fite & Miller, LLC
P. O. Box 368
Anniston, AL 36202

Kriegshauser Reporting & Video
314 North Broadway, Suite 810
St. Louis, Missouri 63102

PLEASE TAKE NOTICE that, on **Wednesday, May 19, 1999, at 1:00 p.m., at the Ritz-Carleton Hotel, 100 Carondelet Plaza, St. Louis, Missouri,** plaintiffs, pursuant to Rule 30, and in particular, Rule 30(b)(2), of the Federal Rules of Civil Procedure ("FRCP"), will take the deposition of **KEVIN CAHILL**, by sound and visual recording, in addition to stenographic transcription, by oral examination before a court reporter or some other person authorized by law to administer oaths, and this deposition shall be for the purpose of discovery or for use as evidence in the trial of this action, or for both purposes. The deposition will be taken before a notary public, or

some other officer authorized by law to administer oaths. You are invited to attend and cross-examine.

Pursuant to Federal Rule of Civil Procedure 34, the deponent is requested to bring to the deposition the documents requested in Exhibit A attached hereto.

DONALD W. STEWART
Attorney for Plaintiffs
STEWART & SMITH, P.C.
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OF COUNSEL:

CHRISTOPHER M. HOPKINS, Esq.
Attorney for Plaintiffs
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Anniston, Alabama 36202
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CERTIFICATE OF SERVICE

This is to certify that I have this date served counsel for all parties to this action with a copy of the within and foregoing document by facsimile transmission and/or by depositing same in the United States mail in a properly addressed envelope with adequate postage affixed thereon and addressed as follows:

Warren B. Lightfoot, Esq.
Suzanne Alldredge, Esq.
Lightfoot, Franklin & White, LLC
The Clark Building
400 North 20th Street
Birmingham, AL 35203

Arthur F. Fite, III, Esq.
Fite & Miller, LLC
P. O. Box 368
Anniston, AL 36202

This the 17th day of May, 1999.

DONALD W. STEWART
Attorney for Plaintiffs

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EXHIBIT A

For the purpose of this request, the word "documents" shall mean every original and non-identical copy of each and every paper, writing (including blind copies), statement, bill, sheet, letter, telegraph, teletype, picture, photograph, negative, slide, movie, film, visual or audio-transcription, videotape, report, memorandum, sketch, chart, note (including, but not limited to notes used to prepare any letter, memorandum, report or other document as herein defined), contract agreement, form, expense ledger, check (cancelled or otherwise), check stub, receipt, memorandum of telephone conversation, witness (including, but not limited to, potential witness) statement, transcript, memorandum pertaining to witness (including, but not limited to, potential witness), interview, sound recordings, sound recording transcription, inter-office and/or inter-company memorandum, engineering study, cross-section, expert analysis, expert opinion, expert summary, computer printout, book of account, evidence of expenses incurred, work memorandum, report of investigation and/or inspection, file memorandum, bid, request for proposal, record, brochure, book, microfilm proposal exhibit, attachment, draft, certificate, chart, table, price list, paper containing price information, data stored or recorded or in punch cards, computer tapes, disks, reels, other devices for business machines, other means of storing and/or transmitting human intelligence, transcripts, testimony, transcripts of testimony, trial or deposition notes of testimony, affidavits, pleadings, answers to interrogatories, response to request for admission (whether in this process or any other), and printed or readable material.

PREFATORY INSTRUCTIONS

1. If an original of a requested document is not located in your home or office, but a legible copy of the requested document is located at said home or office or the deponent has access to a legible copy, then the deponent is requested to provide said copy at the deposition.

2. If, in responding to these requests for production of documents, deponent asserts that any document sought by plaintiffs is protected from discovery due to such document's being a privileged communication, then for each such document, deponent is requested to:

   a. Identify the author of the document;

   b. State the author's present address and telephone number, or, if such information is unknown to deponent, then the author's last known address and telephone number;

   c. State the date said document was originated;

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d. State the location where said document was originated;

e. State the present location of said document;

f. If the present location of said document is a place other than the location where said document was originated, state every other location where said document has been placed or otherwise located;

g. State each date that said document was delivered to and/or otherwise communicated to any person;

h. Identify each person to whom said document was addressed and/or sent and/or made available to for review and/or communicated to in any manner, and state said person's present address and telephone number, or, if said address and telephone number are presently unknown to deponent, then state said person's last known address and telephone number;

i. Based upon the context of said document, state the purpose, in general, for which said document was originated;

j. State the subject matter, in general, of said document; and,

k. For each such document, state with specificity the nature of every privilege that deponent asserts regarding the discovery of said document sought by plaintiffs.

REQUESTED DOCUMENTS

1. All files in the deponent's possession regarding this matter, to include, but not be limited to, any and all reports, documents, memoranda, photographs, tests, sketches, films, videotapes, diagrams, drawings, appraisals and other items relating or pertaining to, directly or indirectly, the subject made the basis of this action, and any opinion or opinions which he may have regarding the subject made the basis of this action.

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2. All documents, notes or memoranda pertaining to the public relations plan instituted by Monsanto Chemical Co. or Solutia, Inc., to deal with the PCB problem at the Anniston plant owned by Monsanto or Solutia.

3. All correspondence between you or your predecessor and either Jack Mayausky or Blake Hamilton pertaining to the public relations plan or campaign instituted by Monsanto and/or Solutia in connection with the PCB problem at the Anniston plant owned by Monsanto or Solutia.

4. Any correspondence between you or your predecessor and any public official in Anniston, Calhoun County or Montgomery, Alabama, regarding the PCB problem at the Anniston plant owned by Monsanto or Solutia.

5. Any correspondence between you, your predesessor or any of your subordinates or supervisors to any member of the news media in the state of Alabama or elsewhere regarding the Anniston plant and the PCB contamination problem at that plant owned by Monsanto or solutia.

6. Any correspondence between you and Stephen Bradley concerning your dealings with the news media in Alabama in connection with the PCB problem at the Anniston plant owned by Monsanto or Solutia.

7. Any documents, notes or memoranda pertaining to any contact by you or your predecessor with either Monsanto or Solutia personnel or any state or local official in connection with the PCB problem at the Anniston plant owned by Monsanto or Solutia.

8. Any recommendations or public relations campaign plans authored by you or your predecessor in connection with the public relations campaign instituted by you or your predecessor related to the PCB problem at the Anniston plant owned by Monsanto or Solutia.

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