JAN 19 REC'D

Assistant Supervisor Smith, Charlotte, North Carolina

Supervisor Mayer, St. Louis, Missouri — January 18, 1972

File No: 026LB5715163
Referred No: 155R68150
Our Insured: Monsanto Company
Re: Austin

In reply to your memorandum of January 7, 1972, a copy of which I am now forwarding to our insured, on the basis of the present information which I have at hand, and, on the basis of previous claims regarding the product involved, at this particular time, we are resisting all claims.

The immediate question which I am concerned with, and one which I think has to be resolved, is the information that apparently the milk of the plaintiff in the above captioned matter was contaminated some time ago, and apparently, the attorney for the plaintiff is of the opinion that it was contaminated by the PCB. The tests conducted by the United States Department of Public Health at that time, did not specify, as you correctly indicated, as the tests were not specific or were they looking for the product PCB. If Henderson is able to pinpoint and to prove the product was PCB, of course, this loss would be for the attention of Liberty Mutual Insurance Company. If Liberty Mutual is withdrawing entirely from the claim, I think that we are taking a rather narrow view, as, I am certain, that based upon what you say, Henderson will file for the entire bowl of wax, for any and all claims his clients may have had, even though he is pre-dating the exact determination of the PCB in the milk.

You might want to discuss the claim in general with Manager Troxler, as, he is aware and is, to the best of my knowledge, supervising another claim of the product manufactured by our insured.

Unless you hear otherwise, we will resist this claim.

If you have any further questions or comments, advise.

K. F. Mayer
Supervisor

KFM:e

cc: Monsanto Company
800 North Lindbergh
St. Louis, Missouri 63166
Attention: Mr. Richard A. Stohr, Attorney

MONS 099825