

Distributor Contacts - Aroclor Sales

A. Ohio Solvents - Cleveland, Ohio

1. Applies to sales beginning contract period July 1962
2. Record of all Monsanto products sold to Michigan Silo or Concrete Silo Company at any location in your territory.
3. Copy of all records including receipts of shipments, payment, and sales invoices on sales of Aroclor 1254, Aroclor 5460 or any other Monsanto product to Michigan Silo Company, or Concrete Silo Company. Include any record that identifies our manufacturer's lot number on these specific shipments*.
4. The name of representative(s) and approximate date of contact with Michigan Silo Company or Concrete Silo Company.

NOTE: Attached are invoices of several Aroclor 1254 and Aroclor 5460 orders during 1966 - 1967 period .

DSW 443491

STLCOPCB4057750

B. American Mineral Spirits Company, Murray Hill, New Jersey

1. Applies to sales beginning contract period January 1962.
2. Record of sales of any Monsanto products to any location of the firm listed below:

Rosansky Feed Company, Secaucus, New Jersey

3. Copy of all records including receipts of shipment, payment, or sales invoices involving the sale of Aroclor 1221, 1232, 1242, 1248, 1254 or 1260 product to this account.
4. Name of representative(s) and approximate date of contact with the above account.

DSW 443492

STLCOPCB4057751

8/12/71

Mr. Holloman

Douglas Co.

Georgia

R. M. Patterson

Concrete Silo Co.

Anchor 1254

2 silos

1962 - 1963 - constructed silos

DSW 443493

STLCOPCB4057752

8/13/21
BU ~~8/10/21~~

Check w/ Bof Vasquez
in Atlanta

DSW 443494

Union / Amos Dir
Chicago

Lloyd Norkus

Concrete Silo Co

Is checking on sale to Montague Silo Co.
to see if Nashville sold them:

404-634-6144
Bob Vasquez

Bill Spinkes —
in Memphis
(901) 948-4487

Arclor

Kinds

Amounts

Dates

1970

3/9 - 1000 lbs 5460
1200 1254

1969

4/9

1000 5460
1200 1254

1965

~~1000~~ 165
2700

66 - ? -
67 - ? -
68 - ? -

① Get any more history on sales

② How about name change.

DSW 443495

STLCOPCB4057754

Brent Holleran —

2801

- ① Get the entire sales history back to 1962
- ② Did we have any contract w/ Amso prior to 1962
- ③ Why the change ~~is~~ from agency to distributor arrangement in

DSW 443496

STLCOPCB4057755

From the desk of
~~L. R. PAPE~~

W.C.

DSW 443497

SERVICE OF PROCESS TRANSMITTAL FORM

CT SYSTEM

The Corporation Trust Company
 C T Corporation System
 and Associated Companies

Mr. Rodney Harris, Jr., Attorney

TO: ~~XXXXXXXXXXXXXXXXXXXX~~

Legal Department

Monsanto Company

800 North Lindbergh

St. Louis, Missouri 63166

TO: C T CORPORATION SYSTEM

(C T Office)

St. Louis, Missouri

(City)

(State)

FROM: C T CORPORATION SYSTEM

(Originating Agent)

W.J. Workman, Assist. Vice Pres.
Cleveland, Ohio 44115

(City)

(State)

DATE: 8/3/70

VIA: (X) Certified Mail

() Certified Air Mail

VIA: (X) Certified Mail () Messenger

() Certified Air Mail

RE: PROCESS SERVED IN OHIO

(Jurisdiction)

FOR MONSANTO COMPANY

(Name of Company)

DELAWARE

(Home State)

Enclosed are copies of legal process served upon the statutory agent of the above company as follows:

1. Title of Action: George Schwarzwald, vs. Michigan Silo Co. and The Monsanto Company, defts.
2. Document Received: Summons and Complaint and Demand for Jury Trial
3. Court: Common Pleas Court, Wayne County, Ohio No. 46254
4. Nature of Action: Asking for \$125,000 and costs re damages caused when using chemical made and distributed by defts.
5. On Whom Process was Served: Received at office of W. J. Workman, C T Corporation System, Cleveland, Ohio via certified mail from court
6. Date and Hour of Service Receipt: August 3, 1970
7. Appearance or Answer Due: 28 days after service
8. Plaintiff's Attorney(s): Richard Kauffman, Peoples Federal Bldg., Wooster, Ohio
9. Remarks: DSW 443498

RECEIVED AND FORWARDED ON 8/5/70 (Date)

BY: C T CORPORATION SYSTEM

Per

B. L. HARMON

314 NORTH BROADWAY

(Address)

ST. LOUIS, MISSOURI 63102

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING AND RETURNING TO
 US THE ENCLOSED CARBON COPY OF THIS TRANSMITTAL FORM.

WAYNE CO.
COMMON PLEAS COURT
IN THE COMMON PLEAS COURT, WAYNE COUNTY, OHIO

George Schwarzwald
R. D. #2
Shreve, Ohio

970 JUL 29 PM 12 02

Case No. 46254

CLYDE C. MYERS, CLERK

Plaintiff)

vs.)

Michigan Silo Co.
901 Cherry Road, N. W.
Massillon, Ohio)

COMPLAINT AND DEMAND
FOR JURY TRIAL

The Monsanto Company
800 North Lindbergh Boulevard
St. Louis, Missouri)

Defendants)

1) Plaintiff is a resident of R. D. #2, Shreve, Wayne County, Ohio, and is a farmer engaged predominantly in the dairy farm business.

2) The Defendant, Michigan Silo Co., on or about the 25th day of September, 1967, constructed an extension to a silo on the farm owned by Plaintiff, and at the same time coated the inside of said silo with a product which Plaintiff believes to be known by the trade name "Cumar".

3) The Defendant, The Monsanto Company, is engaged in the manufacture of chemical products and compounds and supplied to the Defendant, Michigan Silo Co., a chemical compound known as "Aroclor 1254". The Defendant, Michigan Silo Co., used said "Aroclor 1254" in compounding the product "Cumar", which was painted, sprayed or coated upon the inside surfaces of Plaintiff's silo for the purpose of preventing the silo from eroding or deteriorating.

4) Plaintiff further states that the United States Food and Drug Administration has issued regulations among other things providing that milk containing "Aroclor 1254" in excess of 0.2 parts per million, is not fit for human consumption and the residue is toxic and may be detrimental to human welfare.

5) Plaintiff further states that he stored in said silo

DSW 443500

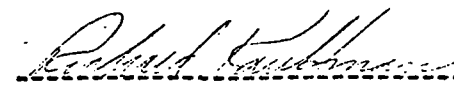
STLCOPCB4057759

chopped corn and other foliage and fed the stored feed to his registered herd of Holstein dairy cattle. On or about February 19, 1970, Plaintiff was advised by the Department of Agriculture of the State of Ohio, that milk from his herd contained "Aroclor 1254" in excess of 0.2 parts per million and prohibited Plaintiff from marketing milk produced from his herd. Said prohibition continued until on or about June 22, 1970.

6) Plaintiff further states that the coating known as "Cumar", which contained "Aroclor 1254", thereafter flaked off into and permeated the feed which was fed to and consumed by the livestock herd of the Plaintiff. As a result, the herd absorbed the toxic residues, which, in turn, was transferred to the milk produced by the cows of the herd.

7) Plaintiff further states that he will be required to purchase and erect a new silo for the storage of feed for his livestock; that he has made numerous trips to Columbus and other areas to investigate the cause and cure for the matters herein referred to; that he has been deprived of income from February 19, 1970, until June 22, 1970, and that he is informed and does believe that he may be deprived of income for some period of time in the future; that he has been unable to sell his calves, cull cows for beef or any of his herd for breeding stock; that he has incurred substantial expense and additional labor to dispose of the unsalable milk; that he has lost all of the remaining feed stored in the silo; that the reputation he has earned over the years for having a valuable registered Holstein herd has been damaged; that his livestock herd has become infested with "Aroclor 1254", and said herd has been caused to depreciate in value.

Wherefore, Plaintiff demands a jury trial and prays judgment against the Defendants in the sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00), and costs of suit.



Attorney for Plaintiff
Richard Kauffman
Peoples Federal Building, P. O. Box 153
Wooster, Ohio 44691

LAW OFFICES

DAY, KETTERER, RALEY, WRIGHT & RYBOLT

800 CLEVE-TUSC. BUILDING

CANTON, OHIO 44702

TELEPHONE 455-0173

DAVID B. DAY (1863-1947)

JOHN G. KETTERER

DONALD W. RALEY

CLYDE H. WRIGHT

ROBERT M. RYBOLT

ROBERT P. ESHELMAN

FRED M. ZOLLINGER

JOHN F. BUCHMAN

ROBERT E. LEVITT

LOUIS A. BOETTNER

T. BRYAN UNDERWOOD, JR.

WILLIAM S. HEICHEL

LARRY R. BROWN

E. LANG D'ATRI

JOHN R. WERREN

JAMES K. BROOKER

July 27, 1970

Mr. James Weibe
Box 92
Shelby, Ohio 44875

Dear Mr. Weibe:

Over a year ago, you installed a Michigan Silo on the farm of Mr. Glenn Dickerhoff and caused it to be coated, in whole or in part, with a product called Cumar manufactured by The Monsanto Company. As you know, the Public Health Authorities have ruled that silage stored in a silo coated with Cumar cannot be fed to milk producing animals. As a result, Mr. Dickerhoff has sustained substantial loss and unless he receives full recompense for his damages, it will be necessary to file a suit against you, your company Michigan Silo Company, and The Monsanto Company, the producer of Cumar. We are sending a copy of this letter to Michigan Silo Company and to The Monsanto Company for their information.

If you are interested in settling this matter without litigation, I should be glad to hear from you at your earliest convenience.

Sincerely yours,

John G. Ketterer
John G. Ketterer, Counsel
for Glenn Dickerhoff

JGK:es

cc: The Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri

Michigan Silo Company
901 Cherry Avenue, N. W.
Massillon, Ohio

DSW 443502

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

STLCOPCB4057761

From the desk of

L. R. PAPE

Wait.

W. Clark

Thought you'd be interested
in this.

DSW 443503

STLCOPCB4057762

L. R. Pape - St. Louis

July 27, 1970

Humphrey vs. Monsanto Et Al

P. J. Dowd

N. G. Jones

Walt Waychoff ✓

R. B. Chapman

Franklin and Marilyn Humphrey are large dairy farmers in Columbiana County, Ohio. The Humphrey's purchased a silo from Michigan Silo Company which was later coated on the interior walls with a coating containing Aroclor, allegedly manufactured by Monsanto.

It is alleged the Aroclors permeated the feed, in turn contaminating the milk rendering it unfit for human consumption according to the standards of the State of Ohio Department of Agriculture. Mr. Humphrey had to dispose of 2500 to 3000 pounds of milk per day in such a manner that it would not contaminate streams, livestock or vegetation. The Humphrey's are requesting damages in the amount of \$500,000.

This has been turned over to Liberty Mutual for handling on our behalf.


L. R. Pape

/jm

DSW 443504

STLCOPCB4057763