

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN SECTION

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U.S. DISTRICT COURT  
SPRINGFIELD  
MASSACHUSETTS  
CIVIL ACTION NO.  
85-0378-F

\*\*\*\*\*  
PAUL M. CULLINAN, et al.,  
Plaintiffs,  
v  
MONSANTO COMPANY, et al.,  
Defendant.  
\*\*\*\*\*

ANSWERS AND OBJECTIONS OF MONSANTO COMPANY  
TO INTERROGATORIES PROPOUNDED BY THE PLAINTIFF(S), SET I

Monsanto Company ("Monsanto") submits the following answers and objections to the plaintiffs' first set of interrogatories addressed to it. In responding to these interrogatories Monsanto has complied with the appropriate provisions of the Federal Rules of Civil Procedure, which may vary from the "instructions" and "definitions" included therein. In each instance Monsanto's answer to an interrogatory is made subject to, and without waiving any objections to the same interrogatory.

STATEMENT

Plaintiffs' First Set of Interrogatories seeks information covering a time span of twenty-six years. In endeavoring to provide answers to these interrogatories, Monsanto has made diligent efforts to research documents and data within its control that pertain to the subject matter of this lawsuit. In many instances records no longer exist, having been disposed of

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in the regular course of business prior to the commencement of this litigation.

These answers are based upon information presently available to Monsanto after reasonable inquiry. Continuing investigatory efforts may supply additional facts, add meaning to known facts, and may establish entirely new factual conclusions and contentions, all of which may lead to substantial additions through changes in and variations from the answers set forth herein. The following answers are made without prejudice to the right of Monsanto to provide additional evidence by way of supplementation to these interrogatories pursuant to Federal Rule of Civil Procedure 26(e) or at the time of trial.

ANSWERS AND OBJECTIONS

INTERROGATORY NO. 1

Please state your corporate name, state and date of incorporation, corporate purpose, address of principal place of business, names of all subsidiaries and predecessor corporations, corporate purposes of all subsidiaries and predecessor corporations, and the date of acquisition by you of all subsidiaries, and the dissolution of all predecessor corporations.

ANSWER

Objection. Monsanto objects to this interrogatory on the grounds that it is unduly burdensome, irrelevant and seeks information which is not reasonably calculated to lead to the discovery of admissible evidence under Rule 26 of the Federal Rules of Civil Procedure.

Without waiving the above objection, Monsanto states that its name is Monsanto Company, that it was incorporated on April 19, 1933 and that its principal place of business is 800 N. Lindbergh Boulevard, St. Louis, Missouri 63167. Monsanto Company is a multi-national corporation engaged in the manufacture of a widely diversified line of products.

INTERROGATORY NO. 2

For all products or materials containing polyvinyl chloride ("PVC") and/or vinyl chloride ("VC") or for which PVC and/or VC

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was a product of decomposition which were purchased by the Monsanto Company or supplied to the Monsanto Company, whether manufactured or supplied by a company other than the Monsanto Company, or by the Monsanto Company itself, between the years 1953 and 1979, please state:

- a. trade name;
- b. the name and address of the plant to which the product or material was shipped;
- c. the dates during which the product was shipped to that plant.

ANSWER

Objection. Monsanto objects to this interrogatory on the grounds that it seeks information and materials which are not relevant to the subject matter involved in this action and which are not reasonably calculated to lead to the discovery of admissible evidence, insofar as it seeks information relating to products or materials manufactured or supplied to Monsanto for use at locations other than the Monsanto facility located at Indian Orchard, Springfield, Massachusetts. The defendant further objects to this interrogatory on the grounds that it is vague and unintelligible in that Monsanto does not know what the plaintiffs are referring to when they use the phrase "product of decomposition".

Without waiving its objection, Monsanto states that its record retention policy requires purchasing and accounting files to be destroyed after a time period which this interrogatory exceeds. To the best of Monsanto's present knowledge and information, it states that:

- a. The Monsanto Springfield plant purchased VC monomer from Dow Chemical Company, Plaquemine, Louisiana and possibly from Conoco, address presently unknown, per an "exchange" agreement. No information regarding purported shipments of VC monomer to the Springfield plant from the B.F. Goodrich Company has been discovered. The Springfield plant was also supplied with VC monomer internally from Monsanto's Texas City plant.
- b. VC monomer was shipped to the Monsanto facility located at Indian Orchard, Springfield, Massachusetts.
- c. The dates during which the product was shipped to this facility are presently unknown.

INTERROGATORY NO. 3

For each product identified in response to Interrogatory 2, please state the following:

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- a. composition, including amount and nature of PVC and/or VC;
- b. intended use;
- c. form of product or material and manner of packaging;
- d. place of manufacture, marketing, sale and distribution;
- e. dates during which you manufactured, produced, marketed, sold and distributed this product.

ANSWER

Objection. Monsanto objects to this interrogatory on the grounds that it seeks information and materials which are not relevant to the subject matter involved in this action and which are not reasonably calculated to lead to the discovery of admissible evidence, insofar as it seeks information relating to products or materials manufactured or supplied to Monsanto for use at locations other than the Monsanto facility located at Indian Orchard, Springfield, Massachusetts. Monsanto further objects to this interrogatory on the grounds that it is vague and unintelligible in that Monsanto does not know what the plaintiffs are referring to when they use the phrase "product of decomposition".

Without waiving its objection, Monsanto states the following to the best of its present information and belief:

- a. Based on information presently available to Monsanto, only vinyl chloride monomer was purchased for manufacturing processes at the Monsanto facility located at Indian Orchard, Springfield, Massachusetts. No polyvinyl chloride was purchased for resale although some may have been purchased by the plant for miscellaneous purposes.
- b. The intended use of the VC was the manufacture of polyvinyl chloride.
- c. Not ascertained.
- d. To the best of Monsanto's present knowledge and belief, the Monsanto Springfield plant purchased the VC monomer from Dow Chemical Company, Plaquemine, Louisiana and perhaps from Conoco, address presently unknown, per an "exchange" agreement. No information regarding purported shipment of VC monomer to the Springfield plant from the B.F. Goodrich Company has been discovered. The Springfield plant was also supplied with VC monomer internally from Monsanto's Texas City plant.
- e. The dates during which the product was shipped to this facility are presently unknown.

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INTERROGATORY NO. 4

For all products containing PVC and/or VC for which PVC and/or VC was a product of decomposition purchased by the Monsanto Company or supplied to the Monsanto Company, whether manufactured or supplied by a company other than the Monsanto Company, or by the Monsanto Company itself, during the years 1953-1979, please identify:

- a. all purchase orders evidencing such sales or supply;
- b. all invoices evidencing such sales or supply;
- c. all statements of account evidencing such sales or supply;
- d. any other written materials including office memoranda relating to such sales or supply;
- e. all correspondence with or between officers or agents of the Monsanto Company relating to such sales.

ANSWER

Objection. Monsanto objects to this interrogatory on the grounds that it seeks information and materials which are not relevant to the subject matter involved in this action and which are not reasonably calculated to lead to the discovery of admissible evidence, insofar as it seeks information relating to products or materials manufactured or supplied to Monsanto for use at locations other than the Monsanto facility located at Indian Orchard, Springfield, Massachusetts. Monsanto further objects to this interrogatory on the grounds that it is vague and unintelligible in that Monsanto does not know what the plaintiffs are referring to when they use the phrase "product of decomposition".

Without waiving its objection, the defendant states that no records of the type requested to be identified have been found.

INTERROGATORY NO. 5

For each individual in your employ at any time subsequent to 1953, who has knowledge of the purchasing or receiving of PVC and/or VC-containing products or materials, or products or materials for which PVC and/or VC is a product of decomposition, to the Monsanto Company between the years 1953 and 1979, please state:

- a. the individual's name;
- b. his or her present address and telephone number;
- c. his or her present employment and job classification if still in your employ;

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- d. his or her job title during the time that he or she had such knowledge, with dates for each job title.

ANSWER

Objection. Monsanto objects to this interrogatory on the grounds that it seeks information and materials which are not relevant to the subject matter involved in this action and which are not reasonably calculated to lead to the discovery of admissible evidence, insofar as it seeks information relating to products or materials manufactured or supplied to Monsanto for use at locations other than the Monsanto facility located at Indian Orchard, Springfield, Massachusetts. Monsanto further objects to this interrogatory on the grounds that it is vague and unintelligible in that Monsanto does not know what the plaintiffs are referring to when they use the phrase "product of decomposition".

Without waiving its objection Monsanto states that with respect to the Indian Orchard plant it has, so far, identified the following people who may have the knowledge requested:

1. a. Charles Smith  
b. 80 Colton Road  
Box 125  
Somers, CT 06071  
c. retired  
d. Purchasing Superintendent
2. a. Lawrence Gormally  
b. 122 Newton Road  
Springfield, MA 01118  
c. retired  
d. Purchasing Superintendent
3. a. Robert L. Bourget  
b. 730 Worcester Street  
Indian Orchard, MA 01051  
c. Facility Director, Saflex Butver  
d. General Superintendent, Manufacturing

INTERROGATORY NO. 6

Please state the full name, home address and telephone number, business address and telephone number, and employment capacity or title of the individual signing these interrogatories on behalf of the answering defendant, and of all other individuals who have supplied information in answer to these interrogatories, specifying next to the name of each such individual the number of the interrogatory or interrogatories to which that individual contributed the response.

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ANSWER

Shirley Schomburg  
Law Department  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, MO No. 1

Terry L. Nelson  
Safety Manager  
Monsanto Polymers & Petrochemicals Co.  
730 Worcester Street  
Indian Orchard, MA No. 2,3,4,5,7,8,9,10

INTERROGATORY NO. 7

For each product or material containing PVC and/or VC, or for which PVC and/or VC is a product of decomposition, which was sold or supplied to the Monsanto Company for use at the Monsanto Company's Springfield, Massachusetts plant between 1953-1979, please state the following:

- a. trade name;
- b. intended use;
- c. identity and address of manufacturer;
- d. identity and address of supplier;
- e. plant division where and dates during which such product or material was used.

ANSWER

Objection. Monsanto objects to this interrogatory on the grounds that it seeks information and materials which are not relevant to the subject matter involved in this action and which are not reasonably calculated to lead to the discovery of admissible evidence. Monsanto further objects to this interrogatory on the grounds that it is vague and unintelligible in that Monsanto does not know what the plaintiffs are referring to when they use the phrase "product of decomposition".

Without waiving its objection, Monsanto states that its records retention policy requires purchasing and accounting files to be destroyed after a time period which this interrogatory exceeds. To the best of its present knowledge and information, Monsanto states the following:

- a. Vinyl chloride monomer, trade name presently unavailable.
- b. Vinyl chloride monomer was used to manufacture polyvinyl chloride. The defendant cannot speculate as to all of the intended uses of the manufactured polyvinyl chloride.
- c. Monsanto Company's Springfield plant's vinyl chloride monomer was supplied by Monsanto's Texas City facility,

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Texas; Dow Chemical Company in Plaquemine, Louisiana; and, perhaps by Conoco, per an "exchange" agreement; no information regarding purported shipments of VC monomer to the Springfield plant from the B.F. Goodrich Company has been discovered.

- d. To the best of Monsanto's present knowledge and belief, the vinyl chloride monomer received at its Springfield facility was supplied by the following:
1. Monsanto's Texas City facility, Texas;
  2. Dow Chemical Company, Plaquemine, Louisiana;
  3. Perhaps by Conoco, address presently unknown, per an "exchange" agreement.
- e. Presently unknown.

Further, the defendant states that to the best of its present information and belief, polyvinyl chloride was never purchased by the Monsanto Springfield plant for resale.

INTERROGATORY NO. 8

For each product or material containing PVC and/or VC, or for which PVC and/or VC is a product of decomposition, which was sold or supplied to the Monsanto Company for use at the Monsanto Company's Springfield, Massachusetts plant between 1953-1979, please identify:

- a. all purchase orders evidencing such sales or supply;
- b. all invoices evidencing such sale or supply;
- c. all statements of account evidencing such sales or supply;
- d. any other written materials including office memoranda relating to such sales or supply;
- e. all correspondence with or between officers or agents of the Monsanto Company relating to such sales or supply.

ANSWER

Objection. The defendant objects to this interrogatory on the grounds that it seeks information and materials which are not relevant to the subject matter involved in this action and which are not reasonably calculated to lead to the discovery of admissible evidence. Monsanto further objects to this interrogatory on the grounds that it is vague and unintelligible in that Monsanto does not know what the plaintiffs are referring to when they use the phrase "product of decomposition".

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Without waiving its objection, Monsanto states that its records retention policy regarding purchasing and accounting records and files requires all such information to be destroyed after a certain time period which this interrogatory request has exceeded. Therefore, no records of the type requested to be identified have as yet been found.

INTERROGATORY NO. 9

For each product or material manufactured by the Monsanto Company which was supplied to the Monsanto Company's Springfield, Massachusetts plant for use between 1953-1979, please identify:

- a. trade name;
- b. intended use;
- c. form of product and manner of packaging;
- d. place of manufacture, marketing, sale and distribution;
- e. dates during which such products or materials were manufactured, produced, marketed, and supplied;
- f. plant division where and dates during which such products or materials were used.

ANSWER

Objection. The defendant objects to this interrogatory on the grounds that it is overbroad, irrelevant and seeks information and materials which will not lead to the discovery of admissible evidence under Rule 26 of the Federal Rules of Civil Procedure.

Without waiving its objection Monsanto states that to the best of its present information and belief:

- a. Vinyl Chloride monomer;
- b. Raw material in production of Polyvinyl Chloride (PVC);
- c. This information is presently unavailable;
- d. Monsanto Texas City Plant, Texas;
- e. This information is presently unavailable;
- f. Vinyl Chloride monomer was supplied by the Texas City plant to the Monsanto Indian Orchard plant from approximately 1948 through 1969 when it was last produced at the Texas City facility.

INTERROGATORY NO. 10

For each product or material containing PVC and/or VC, or for which PVC and/or VC was a product of decomposition, which was manufactured at the Monsanto Company's Springfield, Massachusetts plant between 1953 and 1979, please identify:

- a. trade name;
- b. intended use;
- c. composition, including amount and nature of PVC and/or VC;
- d. form of product or material and manner of packaging;
- e. division and location within the Springfield, Massachusetts plant where such product or material was manufactured;
- f. dates during which such product or material was manufactured.

ANSWER

Objection. The defendant objects to this interrogatory on the grounds that it seeks information and materials which are not relevant to the subject matter involved in this action and which is not reasonably calculated to lead to the discovery of admissible evidence. Monsanto further objects to this interrogatory on the grounds that it is vague and unintelligible in that Monsanto does not know what the plaintiffs are referring to when they use the phrase "product of decomposition".

Without waiving its objection, the defendant states the following with respect to polyvinylchloride products:

- a. Opalon, Ultron, Vyram are polyvinyl chlorides.
- b. There is a wide myriad of intended uses for polyvinylchloride. The defendant would only be speculating as to the ultimate use and disposition of the polyvinylchloride manufactured by its Indian Orchard facility.
- c. The composition of each product, including amount and nature of PVC and/or VC is not presently available.
- d. Opalon - free flowing powder and/or paste  
Ultron - calendared film product  
Vyram - pelletized 1/8 inch cubes
- e. Polyvinylchloride products were manufactured in buildings 84, 85, 88 & 92 at the Springfield Plant.
- f. 1948 - January, 1975

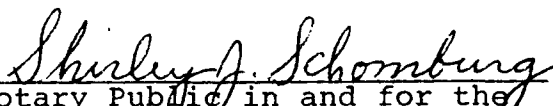
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STATE OF MISSOURI     )  
                              )   SS.  
COUNTY OF ST. LOUIS )

Karl R. Barnickol, being first duly sworn, on his oath deposes and says that he is an Assistant Secretary of Monsanto Company and is duly authorized to act for and on behalf of Monsanto Company herein; that the foregoing Answers and Objections of Monsanto Company to Interrogatories Propounded by the Plaintiff(s), Set 1, have been prepared by attorneys for Monsanto Company based on information obtained from documents and employees of Monsanto Company; that he has read the foregoing answers and objections and such answers and objections are true and correct to the best of his knowledge, information and belief.

  
Karl R. Barnickol

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of  
May, 1986.

  
Notary Public in and for the  
State of Missouri

My commission expires:  
SHIRLEY J. SCHOMBURG  
NOTARY PUBLIC, STATE OF MISSOURI  
MY COMMISSION EXPIRES 7/24/87  
ST. LOUIS COUNTY

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Signed as to the within objections to interrogatories this 28th day of May, 1986.



Robert P. Powers  
MELICK & PORTER  
Eleven Arlington Street  
Boston, MA 02116  
(617) 267-7502

CERTIFICATE OF SERVICE

I, Robert P. Powers, do hereby certify that the foregoing document was served on the parties of record by mailing a copy thereof, postage prepaid, this 28th day of May, 1986 to the following:

Lane McGovern, Esquire  
Paul V. Kelley, Esquire  
Ropes & Gray  
225 Franklin Street  
Boston, MA 02110

Allan Van Gestal, Esquire  
Timothy J. Langelia, Esquire  
Goodwin, Proctor & Hoar  
28 State Street  
Boston, MA 02109

and by delivering in hand this 28th day of May, 1986 to:

Keith S. Halpern, Esquire  
Silverglate, Gertner, Baker & Fine  
88 Broad Street  
Boston, MA 02110



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