IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CECIL SCOTT, ET AL.	§	
	§	
VS.	§	CIVIL ACTION NO.
	§	B-84-1103-CA
MONSANTO COMPANY	§	

PLAINTIFFS' NOTICE OF INTENTION TO TAKE ORAL DEPOSITION AND SUBPOENA DUCES TECUM

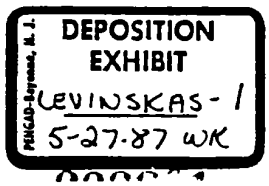
TO: Defendant, MONSANTO COMPANY, by and through its attorneys of record Mr. Robert A. Hall, Mr. Jonathan B. Shoebotham, Woodard, Hall & Primm, 4700 Texas Commerce Tower, Houston, Texas 77002;

Mr. Walter J. Crawford, Jr., Wells, Peyton, Beard, Greenberg, Hunt & Crawford, P. O. Box 3709, Beaumont, Texas 77704;

Mr. John M. Johnson, Mr. Warren B. Lightfoot, Bradley, Arant, Rose & White, 1400 Park Place Tower, Birmingham, Alabama 35203; and

Mr. Michael R. Fruehwald, Mr. Michael Rosiello, and Ms. Anne C. McGown, Barnes & Thornburg, 1313 Merchants Bank Building, 11 South Meridian Street, Indianapolis, Indiana 46204.

Pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of Civil Procedure, the Plaintiffs in this cause hereby give NOTICE to the Defendant that the oral deposition of MONSANTO COMPANY, Defendant, will be taken on the date and time and at the place hereinafter stated. Specifically, the Plaintiffs intend to take the oral deposition of the representative(s) designated by the



Defendant pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. Plaintiffs request that Defendant designate that current employee of Defendant having held the highest position of any held by a current employee in Monsanto Company's toxicology department during the period 1965 through 1975. Plaintiffs also request that Defendant designate that representative knowledgeable of the documents and subject matter herein below enumerated.

1) Any document(s) which would state or disclose the following:

   a) when Monsanto first began using the services of IBT;

   b) when Monsanto first began using the services of IBT in connection with Monsanto's PCB products;

   c) the dollars spent by Monsanto with IBT (i) each year that Monsanto used IBT's services, (ii) on all PCB related studies, and (iii) totally, from the date Monsanto first began using the services of IBT.

2) All correspondence from IBT to Dr. Paul L. Wright while Dr. Wright was an employee of Monsanto;

3) All correspondence by Monsanto to Paul L. Wright or from Paul Wright to Monsanto;

4) Any document stating, reflecting or referring to the policies and procedures of Monsanto's Toxicology Department for the years 1965 through 1980;

5) Any document stating, reflecting or referring to the current standards, procedures and policies of Monsanto's Toxicology Department;

000002

WATER_PCB-SD0000011990

6) The results of any IBT PCB test redone by or for Monsanto Company;

7) Any investigation or background file on Dr. Renata Kimbrough;

8) Any correspondence to or from Dr. William Ribelin;

9) Any report, analysis or investigation of IBT misconduct (actual or alleged) in connection with tests performed on Monsanto products (this request includes copies of government reports; independent investigations; internal IBT investigations; Monsanto authored or sponsored investigations; and, investigations by industry groups, bodies or authorities or other private or public body) (IBT includes all of its employees and consultants).

10) Any document which would in any way reflect, relate or pertain to a change by or on behalf of Monsanto to the results (interim or final) of any test of a Monsanto product by IBT;

11) Any document which would in any way reflect, relate or pertain to a change by or on behalf of Monsanto to the results (interim or final) of any test of a Monsanto PCB product by IBT;

12) Any document which would in any way reflect, relate or pertain to a suggestion by Monsanto regarding the outcome of a test to be conducted by IBT for Monsanto on any Monsanto product;

13) Any document which would in any way reflect, relate or pertain to a suggestion by Monsanto regarding the outcome of a test to be conducted by IBT for Monsanto on any Monsanto PCB product.

This deposition will be taken at the offices of Gilpin, Pohl & Bennett, 1300 Post Oak Boulevard, Allied Bank Tower,

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WATER_PCB-SD0000011991

23rd Floor, Houston, Texas 77056 beginning at 9:00 a.m. on Saturday, May 23, 1987 and shall continue until completed.

This oral deposition will be taken before a certified court reporter. The testimony given during this oral deposition will be used as evidence in this matter, together with the documents produced at this deposition. You are invited to attend and cross-examine.

As used in this notice, the term "documents" means any printed, typewritten or handwritten matter, or reproduction thereof, of whatever character, in the possession, custody or control of a witness or his agents, representatives or employees, including without limitation, correspondence, contracts, memoranda, agreements, letters, brochures, reports, handwritten or typewritten notes, sound recordings or transcriptions thereof, computer print-outs, inter-company and intra-company communications, work papers, diaries, calendar pads, appointment books, ledgers, financial statements, checks, bank drafts and writings of whatever kind and character, whether originals or reproductions, and whether in draft or final form, including copies bearing different markings or notations.

"PCB" means polychlorinated biphenyl and its contaminants and derivatives.

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WATER_PCB-SD0000011992

Respectfully submitted,

By: _____
Michael A. Pohl

OF COUNSEL:

David M. Lacey
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ATTORNEYS FOR PLAINTIFFS,
CECIL SCOTT, ET AL.

CERTIFICATE OF SERVICE

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I hereby certify that on the ____ day of _____, 1987, a true and correct copy of the above Notice of Intent to Take Oral Deposition and Subpoena Duces Tecum was served upon counsel of record either by messenger or by placing same in the United States mail, certified mail, return receipt requested, postage prepaid and addressed as follows:

Mr. Robert A. Hall
Mr. Jonathan B. Shoebotham
Woodard, Hall & Primm
4700 Texas Commerce Tower
Houston, Texas 77002

Mr. Walter J. Crawford, Jr.
Wells, Peyton, Beard, Greenberg,
Hunt & Crawford,
P. O. Box 3708
Beaumont, Texas 77704

Mr. John M. Johnson
Mr. Warren B. Lightfoot
Bradley, Arant, Rose & White
1400 Park Place Tower
Birmingham, Alabama 35203

Mr. Michael R. Fruehwald
Mr. Michael Rosiello
Ms. Anne C. McGown
Barnes & Thornburg
1313 Merchants Bank Building
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_____
Michael A. Pohl

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