HENDERSON, HENDERSON & SHUFORD
ATTORNEYS AT LAW
SUITE 400 LAW BUILDING
CHARLOTTE, N. C. 28202

D. E. HENDERSON (1879-1966)
DAVID H. HENDERSON
CHARLES J. HENDERSON
WILLIAM A. SHUFORD

OFFICE TELEPHONE
DIAL: 333-4183

February 23, 1972

REFER TO OUR FILE NO.

The Travelers Insurance Company
522 Olive Street
St. Louis, Missouri 63101

Attention: Mr. Karl F. Meyer
Supervisor

RE: File No: 026LB5715163 (155R6815)
Insured: Monsanto Company
RE: Ernest Austin

Dear Mr. Meyer:

Thank you for your letter of February 16 and it is good to know that Monsanto and Travelers are evaluating what must be a number of claims. I am not wed to the idea of litigation, principally because it involves substantial expense to a small dairy operator in taking on the massive talents and financing that Monsanto could marshall in such case. On the other hand, I have an obligation to Mr. Austin to press as hard as necessary to see that he obtains relief which I am personally convinced is due him. We believe that we have persuasive and convincing evidence sufficient to carry the burden of proof but recognize that in the chemical field a great deal of expertise would be required and an opinion testimony would carry great weight. We, ourselves, are deeply involved in environmental and ecological matters of law and, consequently, have a strong personal interest in this case. We do trust, however, that a serious effort be made at settling the case, independently of the other problems which Monsanto is burdened with in other industries and other areas.

As practicing attorneys, let us be candid. We recognize that the massive Holly Farms case is likely to be one that may go into prolonged litigation. We are not seeking to capitalize on that unfortunate experience here in this geographical area. It is my present impression that the best interest of my client would be to discuss reasonable compensation for his losses, which are very real, but to consummate a settlement in some acceptable form such as a covenant not to sue in order that we would neither

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establish a precedent nor otherwise embarrass Monsanto and Travelers in trial of other cases.

In the absence of some immediate conferences looking toward such a settlement, I cannot indicate any delay in initiating litigation. Mr. Austin is out his money and has had a substantial personal burden put on him by the necessity for building new silos and presently the removal of the pre-existing silo which is unusable and in an awkward location. I would thank you, therefore, to authorize immediate efforts at settlement within the next two weeks at the very latest.

Very truly yours,

David H. Henderson

DHH/jas

cc: Mr. Ernest Austin

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