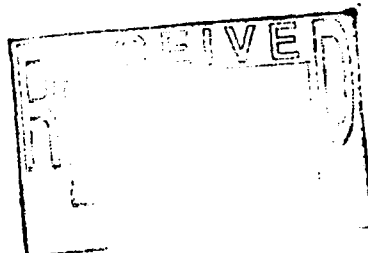


Service of Process Transmittal Form
Helena, Montana

03/09/2004

Via Federal Express (2nd Day)

TO: Darren M Welsh Paralegal - Litigation
Pfizer Corporation
100 Route 206 North
Peapack, NJ 07977



RE: PROCESS SERVED IN MONTANA

FOR MONSANTO CHEMICAL COMPANY Domestic State: De
True Name : PHARMACIA CORPORATION

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. **TITLE OF ACTION:** Marty Paulson, et al. vs MONSANTO CHEMICAL COMPANY n/k/a PHARMACIA, et al.
2. **DOCUMENT(S) SERVED:** Amended Complaint and Jury Demand, Summons, and Notice and Acknowledgment of Receipt of Summons and Complaint
3. **COURT:** Montana Tenth Judicial District Court, County of Fergus
Case Number DV-2004-8
4. **NATURE OF ACTION:** Plaintiffs seek to enjoin the pollution of Big Spring Creek and to recover damages for harm to their property allegedly caused by Defendants' negligence and nuisance.
5. **ON WHOM PROCESS WAS SERVED:** CT Corporation System, Helena, Montana
6. **DATE AND HOUR OF SERVICE:** By Regular mail on 03/09/2004 with Postmarked Date 03/08/2004
7. **APPEARANCE OR ANSWER DUE:** Return acknowledgment within 20 days; if acknowledgment not returned within 20 days documents will be served.
8. **ATTORNEY(S):** Torger S. Oaas
Attorney at Law
PO Box 76
Lewistown, MT 59457
9. **REMARKS:** Name discrepancy noted. *Service was made by mail under Rule 4D (1) (b) (i) of the Montana Rules of Civil Procedure. IMPORTANT: Please note the enclosed memorandum regarding Montana Service of Process by Mail, and the enclosed unsigned copies of Acknowledgement of Receipt of Summons.

SIGNED CT Corporation System
PER Supervisor of Process /SP
ADDRESS 40 West Lawrence
Helena, MT 59601
SOP WS 0006133792

Information contained on this transmittal form is recorded for C T Corporation System's record keeping purposes only and to permit quick reference for the recipient. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information that can be obtained from the documents themselves. The recipient is responsible for interpreting the documents and for taking the appropriate action.

C T CORPORATION SYSTEM



IMPORTANT

SERVICE OF PROCESS BY MAIL

The enclosed process was served by mail on C T Corporation System, the registered agent for service of process for this corporation, pursuant to Rule 4D of the Montana Rules of Civil Procedure. Rule 4D (1) (b) (i) provides: [A summons and complaint may be served] "by mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served, together with two copies of a notice and acknowledgment * * * and a return envelope, postage prepaid, addressed to sender. * * *"

The execution and return of the "Notice and Acknowledgment" is a matter for the consideration of counsel, and both copies of the "Notice and Acknowledgment" and the postage prepaid return envelope are enclosed. In this connection, please note that Rule 4D (1) (b) (ii) provides that "Unless good cause is shown for not doing so the court shall order the payment of the costs of the personal service by the person served if such person does not complete and return within 20 days after mailing, the notice and acknowledgment of receipt of summons."

C T CORPORATION SYSTEM

1 TORGER S. OAAS
2 ATTORNEY AT LAW
3 Post Office Box 76
4 Lewistown, Montana 59457
5 (406) 538-2338
6
7 WILLIAM E. BERGER
8 ATTORNEY AT LAW
9 P.O. Box 506
10 Lewistown, Montana 59457
11 (406) 538-9272
12
13 JON OLDENBURG
14 ATTORNEY AT LAW
15 505 West Main; Suite 309
16 Lewistown, Montana 59457
17 (406) 538-2242
18
19 CRAIG BUEHLER
20 ATTORNEY AT LAW
21 505 West Main; Suite 210
22 Lewistown, Montana 59457
23 (406) 538-2466
24
25 Attorneys for Plaintiffs
26

MONTANA TENTH JUDICIAL DISTRICT COURT, FERGUS COUNTY

12 MARTY PAULSON, WILLIAM J.)
13 HAUGEN, HARRY FELTON, RAY)
14 ROBERTSON and WARD BURLEIGH)
15 Individually and For All Persons)
16 Similarly Situated,) Cause No. DV-2004-8
17 Plaintiffs,)
18 v.)
19 MONSANTO CHEMICAL)
20 COMPANY n/k/a PHARMACIA,)
21 PHARMACIA, MONTANA)
22 DEPARTMENT OF FISH, WILDLIFE)
23 & PARKS, and JOHN DOE PAINT)
24 COMPANIES and DISTRIBUTORS)
25 I through X,)
26 Defendants.)

NOTICE AND ACKNOWLEDGEMENT OF
RECEIPT OF SUMMONS AND COMPLAINT

TORGER S. OAAS
ATTORNEY AT LAW
POST OFFICE BOX 76
LEWISTOWN, MONT. 59457
TELEPHONE 406 538-2338

1
2 **TO: MONSANTO CHEMICAL COMPANY n/k/a PHARMACIA**

3 The enclosed summons and complaint are served pursuant to Rule 4D(1)(b)
4 of the Montana Rules of Civil Procedure.

5 You may complete the acknowledgment part of this form and return one
6 copy of the completed form to the sender within 20 days after the date it was mailed
7 to you as shown below.
8

9 If you decide to complete and return this form, you must sign and date the
10 acknowledgment. If you are served on behalf of a corporation, unincorporated
11 association (including a partnership), or other entity, you must indicate under your
12 signature your relationship to that entity. If you are served on behalf of another
13 person and you are authorized to receive process, you must indicate under your
14 signature your authority.
15

16 If you do not complete and return this form to the sender within 20 days after
17 the date it was mailed to you as shown below, you (or the party on whose behalf
18 you are being served) may be required to pay any expenses incurred in serving a
19 summons and complaint in any other manner permitted by law.
20

21 If you do complete and return this form you (or the party on whose behalf
22 you are being served) must answer the complaint within 20 days after the date of
23 signature which you place on the acknowledgment below. If you fail to answer the
24 complaint within the foregoing 20-day period, judgment by default will be taken
25
26

1 against you for the relief demanded in the complaint.

2 I declare, under penalty of perjury, that this Notice and Acknowledgment of
3 Receipt of Summons and Complaint will have been served on the 8th day of March,
4 2004.
5

6
7 TORGER S. OAAS

8
9 Date of Signature
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TORGER S. OAAS
ATTORNEY AT LAW
POST OFFICE BOX 76
LEWISTOWN, MONT. 59457
TELEPHONE 406 538-2338

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MONTANA TENTH JUDICIAL DISTRICT COURT, FERGUS COUNTY

MARTY PAULSON, WILLIAM J.)
HAUGEN, HARRY FELTON, RAY)
ROBERTSON and WARD BURLEIGH)
Individually and For All Persons)
Similarly Situated,)

Plaintiffs,)

v.)

MONSANTO CHEMICAL)
COMPANY n/k/a PHARMACIA,)
PHARMACIA, MONTANA)
DEPARTMENT OF FISH, WILDLIFE)
& PARKS, and JOHN DOE PAINT)
COMPANIES and DISTRIBUTORS)
I through X,)

Defendants.)

Cause No. DV-2004-8

ACKNOWLEDGMENT OF RECEIPT OF
SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above captioned matter at CT Corporation; P.O. Box 1166; Helena, MT 59624 on behalf of Monsanto Chemical Company n/k/a Pharmacia.

Signature

Authority to Receive Service of Process

Date of Signature

MONTANA TENTH JUDICIAL DISTRICT COURT, FERGUS COUNTY

MARTY PAULSON, WILLIAM J.	)	
HAUGEN, HARRY FELTON, RAY	)	
ROBERTSON and WARD BURLEIGH	)	
Individually and For All Persons	)	
Similarly Situated,	)	
	)	Cause No. DV-2004-8
Plaintiffs,	)	
	)	
v.	)	
	)	
MONSANTO CHEMICAL	)	
COMPANY n/k/a PHARMACIA,	)	SUMMONS
PHARMACIA, MONTANA	)	
DEPARTMENT OF FISH, WILDLIFE	)	
& PARKS, and JOHN DOE PAINT	)	
COMPANIES and DISTRIBUTORS	)	
I through X,	)	
	)	
Defendants.	)	

THE STATE OF MONTANA SENDS GREETINGS TO:

MONSANTO CHEMICAL COMPANY n/k/a PHARMACIA

You are hereby summoned to answer the Complaint in this action, which is
filed in the Office of the Clerk of this Court, a copy of which is herewith served

upon you, and to file your answer and serve a copy thereof upon the Plaintiffs' attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, and in case of your failure to answer, judgment will be taken against you by default for the relief prayed for in the Complaint.

WITNESS my hand and seal of this Court, this 8th day of March, 2004.

(Seal)

Phyllis D. Smith

CLERK OF COURT

By _____

Deputy Clerk

TORGER S. OAAS
ATTORNEY AT LAW
Post Office Box 76
Lewistown, Montana 59457
(406) 538-2338

WILLIAM E. BERGER
ATTORNEY AT LAW
P.O. Box 506
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Attorneys for Plaintiffs

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CRAIG BUEHLER
ATTORNEY AT LAW
505 West Main; Suite 210
Lewistown, Montana 59457
(406) 538-2466

Filed this 8th day
of March 20 04

Phyllis D. Smith

Clerk of District Court

Deputy Clerk

MONTANA TENTH JUDICIAL DISTRICT COURT, FERGUS COUNTY

MARTY PAULSON, WILLIAM J.
HAUGEN, HARRY FELTON, RAY
ROBERTSON and WARD BURLEIGH
Individually and For All Persons
Similarly Situated,

Plaintiffs,

v.

MONSANTO CHEMICAL
COMPANY n/k/a PHARMACIA,
PHARMACIA, MONTANA
DEPARTMENT OF FISH, WILDLIFE
& PARKS, and JOHN DOE PAINT
COMPANIES and DISTRIBUTORS
I through X,

Defendants.

Cause No. DV-2004-8

**AMENDED
COMPLAINT
AND JURY DEMAND**

PLAINTIFFS, for themselves, and all other members of the class herein

1 described, would respectfully show to the Court:

2 I

3 The named Plaintiffs are residents of the County of Fergus, State of
4 Montana.
5

6 II

7 Big Spring Creek is a stream originating approximately eight (8) miles
8 southeast of Lewistown, Montana. Big Spring Creek travels generally south to
9 north for approximately 25 miles where it empties into the Judith River. Big Spring
10 Creek is nature's treasured gift to Central Montana. It is a first class fishery and
11 provides a variety of recreational opportunities. It provides irrigation for
12 agricultural and domestic uses. Land that lies adjacent to or near Big Spring Creek
13 has value for these reasons.
14
15

16 III

17 This action is brought by Plaintiffs as a class action, on their own behalf and
18 on behalf of all others similarly situated, under the provisions of Rule 23 M. R. Civ.
19 P.
20

21 Defendant, Monsanto Chemical Company, now known as (n/k/a) Pharmacia
22 is a corporation organized under the laws of the State of Delaware.

23 Defendant Pharmacia is the successor company of Monsanto Chemical
24 Company.
25

26 Defendant Monsanto Chemical Company produced polychlorinated biphenyls

1 (PCB's) known as Aroclors.

2 Defendant Montana Department of Fish, Wildlife and Parks is an agency of
3 the State of Montana. This Defendant (and its predecessors) owns and operates the
4 Big Spring Creek Trout Hatchery located at the source of Big Spring Creek.
5

6 Defendant John Doe Paint Companies and Distributors I through X are
7 manufacturers and distributors of paints containing PCB's known as Aroclors.
8 Paint manufactured and distributed by these defendants was used to paint the
9 raceways of the Big Spring Creek Trout Hatchery.
10

11 IV

12 The class so represented by Plaintiffs in this action, and of which plaintiffs
13 are members, consists of all real property owners who own land adjacent to Big
14 Spring Creek and all owners and users of water rights in Big Spring Creek.
15

16 V

17 The class identified above is composed of more than 100 (One-Hundred)
18 members. The class is so numerous that joinder of individual members herein is
19 impracticable.
20

21 VI

22 The causes of action asserted by the class against all Defendants are as
23 follows:
24

25 a) The waters of Big Spring Creek have been polluted by Aroclors since
26 1960 and continue to be so polluted. The source of the pollution has been traced to

1 the paint on the raceways of Big Spring Creek Trout Hatchery.

2 Article II, Section 3 of the Montana Constitution provides that all citizens of
3 Montana, including the class identified here, have the inalienable right to a clean
4 and healthy environment. The pollution caused by Defendants violates this
5 provision of the Montana Constitution;
6

7 b) The pollution described above constitutes a temporary or permanent
8 nuisance;
9

10 c) The pollution described above as to Defendants Monsanto, Pharmacia
11 and John Doe Paint Companies is a nuisance per se;

12 d) The pollution described above as to Defendant Montana Department
13 of Fish, Wildlife and Parks is a qualified nuisance based upon the negligence of this
14 Defendant in the operation and maintenance of the Big Spring Creek Fish Hatchery.
15

16 e) Defendants should be permanently enjoined from polluting Big Spring
17 Creek.

18 f) All Defendants should be required to participate in a remediation and
19 cleanup of the PCB's contained in Brig Spring Creek according to Montana
20 pollution cleanup laws.
21

22 All class members have and will continue to suffer a diminution in property
23 values caused by said pollution and the stigma of owning land adjacent or near a
24 stream polluted by probable carcinogens.
25

26 All class members have suffered and will continue to suffer an increased risk

1 of cancer caused by this pollution.

2 VII

3 By the 1960's Defendant Monsanto had learned that PCB's were harmful to
4 the environment. From the 1960's until the present time, Monsanto fraudulently
5 concealed this information from its PCB customers and the eventual users and
6 consumers of products containing Aroclors. Had Monsanto taken reasonable and
7 necessary steps to warn its PCB customers and eventual users and consumers of
8 products containing Aroclors, of the harm to the environment caused by PCB's, the
9 pollution of Big Spring Creek could have been prevented.
10
11

12 VIII

13 There are common questions of law and fact in this action that relate to the
14 right of each member of the class; and the relief sought is common to the entire
15 class, namely the nature and extent of the damage to the property owned by the
16 class members and the type of harm suffered by the class members.
17
18

19 IX

20 The claims of Plaintiffs, who are representatives of the class herein, are
21 typical of the claims of the class, in that the claims of all members of the class,
22 including Plaintiffs, depends on the showing of the acts of omissions of Defendants
23 giving rise to the right of Plaintiffs to the relief sought herein. There is no conflict
24 as between any individual named Plaintiff and other members of the class with
25 respect to this action, or with respect to the claims for relief herein set forth.
26

X

This action is properly maintained as a class action in that the prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the parties opposing the class,

This action is properly maintained as a class action inasmuch as the object of this action is the adjudication of claims, which do or may affect specific property involved herein, all as more fully set forth above. This action is properly maintained as a class action inasmuch as the questions of law and fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

XI

Based upon the foregoing allegations, especially the allegations of paragraph VII, the Defendants, excluding the Defendant Montana Department of Fish Wildlife and Parks, are liable for punitive damages under Montana law.

Wherefore, Plaintiffs request for themselves and all other members of the class that:

1. The rights of the class members to this action be adjudicated and declared;

1 2. Defendants be permanently restrained and enjoined from polluting Big
2 Spring Creek;

3 3. Defendants be required to cleanup the PCB pollution in Big Spring
4 Creek according to Montana law.

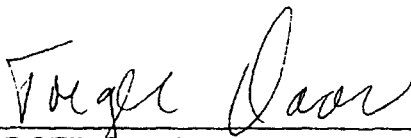
5 4. Plaintiffs class be awarded damages incident to the equitable relief
6 requested, in a sum exceeding the minimum jurisdictional limits of the court; and
7

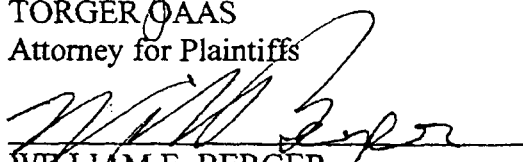
8 5. Plaintiffs' class be awarded punitive damages as allowed by Montana
9 law.
10

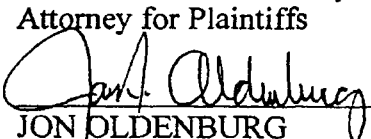
11 6. Plaintiffs have such other and further relief as the Court may deem
12 appropriate, including costs and expenses.

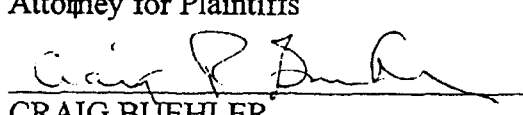
13 7. Plaintiffs demand trial by jury.
14

15 DATED this 11 day of March, 2004.

16
17 
18 TORGER O.AAS
19 Attorney for Plaintiffs

20 
21 WILLIAM E. BERGER
22 Attorney for Plaintiffs

23 
24 JON OLDENBURG
25 Attorney for Plaintiffs

26 
CRAIG BUEHLER
Attorney for Plaintiffs