ROGERS, FIELD, GENTRY, BENJAMIN & ROBERTSON
600 EAST 11TH STREET
KANSAS CITY, MISSOURI 64106

November 7, 1975

COPY

Mr. Ernest H. Fremont, Jr.
Attorney at Law
1300 Commerce Bank Building
Kansas City, Missouri 64106

RE: Rozanski Food Company, Inc. vs. Monsanto
CV 753379
In the Circuit Court of Missouri, Sixteenth Judicial Circuit, Civil Docket E

Dear Ernie:

This confirms what you told me on the telephone yesterday that you would be quite agreeable to my taking 30 additional days from yesterday's date, November 6, 1975 within which to file a response in behalf of defendant Monsanto to your Petition for Damages in the above captioned case, including the right to raise in such pleading lack of venue, jurisdiction, or any other matter.

You indicated you were extending a similar lattitude to co-defendant General Host Corporation and would be quite willing to have such an understanding with me in behalf of Monsanto.

I do not yet know whether I will even assert the defense of lack of venue in behalf of Monsanto, but if I do it is our understanding that by taking this additional time you will not assert any prejudice against Monsanto's right to do so.

I would appreciate it therefore if you would sign the carbon copy of this letter in the lower left hand corner indicating this intention.

You have assured me that the prayer in Counts III and IV is a misnomer where it recites in each instance that judgment is prayed "against defendant Monsanto"; and you have confirmed to me that you

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will correct such prayers to pray for judgment against defendant General Host only, acknowledging that if Monsanto were also sued in Counts III and IV that this would completely duplicate the negligence charged against Monsanto in Count I and the strict liability charged against Monsanto in Count II.

Very truly yours,

Lyman Field

LF/peg

Original of the within letter received this 7th day of November, 1975 and the contents approved and agreed to.

Ernest H. Fremont

Ernest H. Fremont, Jr.

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