

ROBINSON DONOVAN MADDEN & BARRY, P.C.

ATTORNEYS AT LAW

1500 MAIN STREET - SUITE 1400

POST OFFICE BOX 15609

SPRINGFIELD, MASSACHUSETTS 01115

(413) 732-2301

FAX No. (413) 785-4658

TOM J. DONOVAN
JOHN H. MADDEN, JR.
EDWARD J. BARRY
GORDON H. WENTWORTH
JAMES H. TOURTELLOTTE
CHARLES K. BERGIN, JR.
VICTOR ROSENBERG
RONALD C. KIDD
JEFFREY W. ROBERTS
JEFFREY L. MCCORMICK
JAMES M. RABBITT
JAMES F. MARTIN
ROBERT P. CUNNINGHAM
JOHN C. SIKORSKI
NANCY FRANKEL PELLETIER

PAUL S. WEINBERG
HENRY C. CROUSEY
FREDERICA H. MCCARTHY
JAMES O'S. MORTON
NEVA I. KAUFMAN
DOUGLAS F. BOYD
KEITH A. MINOFF
JAMES K. BODURTHA
KIMBERLY DAVIS CREAR
ANNE SWIAK
MICHAEL T. KOGUT
JOHN W. LAKE
JONATHAN P. RICE
EDMUND J. GORMAN
MATTHEW J. KING
PATRICIA M. RAPINCHUK

HOMANS ROBINSON
1894-1973

LAWRENCE M. SINCLAIR
1942-1986

February 8, 1991

Mr. Joseph Tierney
32 Sunapee St.
Springfield, MA 01108

Re: John Warren

Dear Mr. Tierney:

I am working with Jim Tourtelotte on John Warren's case against various manufacturers of vinyl chloride. Jim mentioned to me that he recently spoke to you and said he would furnish you with his notes of your telephone conversation back in November to help prepare you for your upcoming deposition. A copy of those notes is enclosed. As you know, the deposition is scheduled for Monday, February 25th at 1:00pm at our offices. You do not need to bring the enclosed notes to the deposition.

If you have any questions, please feel free to call either Jim or me.

Very truly yours,

Keith A. Minoff

KAM/mm/1618p
Encl.

000560

MEMORANDUM

TO: File
Keith A. Minoff
Ellen Bump

FROM: JHT

DATE: November 28, 1990

RE: John Warren

I spoke to Joseph Tierney of 32 Sunapee Street, Springfield, MA, 01108, telephone 732-1579 on 11/19. He retired from Monsanto as supervisor of receipt of liquid chemicals in the Transportation Materiel Department in 1982. He believes he began that job in the '60s. He is not sure just when in the '60s. He told me that he had received Dow tank cars and Union Carbide tank cars. He remembered that towards the end all he received were Dow and Union Carbide tank cars. There were no more Texas City Monsanto cars. He also thought he remembered Celanese VCM but he was very vague about that. He is under the impression that there should be records in existence at Monsanto concerning these shipments, in particular Jerry in Safety should have safety files concerning this material and Purchasing and Material Coordination should have records. He is under the impression or was under the impression that records concerning the shipment of vinyl chloride and receipt thereof by Monsanto should have been kept for 30 years. He believes that this was required by the Code of Federal Regulations. He used to receive sections of the Code requiring such retention from the Superintendant of the Transportation and Material Department. Dick Bueker, who he believes now lives in Enfield, was the superintendant for the longest period of time and Al Laaxo was superintendant for a lesser period. The

000597

Traffic department was under Beuker at some point and the clerk from Traffic would receive bills of lading. The railroad terminal in West Springfield would notify the clerk when cars arrived, the clerk would send the car numbers and the material to Tierney. This was a so-called switch list. The Materiel Coordinator, Lucy Konieczny of 43 Pine Street, Ludlow, 583-2257 would receive the papers from purchasing when the deal was made and would send him the car nos. and name of supplier 10 - 12 days before the shipment was received. Lucy was the Materiel Coordinator for a good long time and he believes she is in her late 60s or 70s. He believes that the records he retained in accordance with his understanding of the Code of Federal Regulations were retained in a cardboard box about the size of one file drawer, and that they were not placed in the normal destruction sequence. The box was present when he retired in 1982. As to swaps, it was necessary to keep special records to know how much vinyl chloride had to be paid back by Monsanto, and these were sent to Texas. About every fifth tank car was sampled, a tag was put on each sample bomb showing car No. and manufacturer. After a while this was not done - it became a function of Texas City to tell Springfield whether or not the quality was sufficient. Originally there were three docks at which to unload the VCM but as the tank cars grew larger only two docks were necessary. He believes the larger tank cars held 33,000 pounds. (I'd like to get pictures of the big ones to see if he remembers those.) He also stated that they, in the Transportation Section who handled this stuff outside

000550

for transfer into tanks from tank cars wore gas masks and later Scott Aairpacks during the transfer unless a mistake was made and a large amount of vinyl chloride escaped. He had no real knowledge of why such precautions were not taken in the processing of the vinyl chloride monomer into PVC but he thinks it was because the process was supposed to be a solely closed one. He was aware (in fact he brought it up to me) of John Warren's fall while trying to rescue someone from the bottom of the tank. Springfield accounting was in large part responsible for keeping records concerning this material.

Keith:

1. please schedule the deposition of Joe Tierney. If he were to die we would lose some good evidence. Please or select a date we will notice, and I'll call Tierney and make sure he is available;
2. arrange a meeting between you, Ellen and me. Ellen has come across some very interesting safety and processing books. We should have them at the meeting;
3. also find and bring the materials Terry Nelson brought to the deposition.

1567q

000588

MEMORANDUM

TO: File
Keith A. Minoff
Ellen Bump

FROM: JHT

DATE: November 28, 1990

RE: John Warren

I spoke to Joseph Tierney of 32 Sunapee Street, Springfield, MA, 01108, telephone 732-1579 on 11/19. He retired from Monsanto as supervisor of receipt of liquid chemicals in the Transportation Materiel Department in 1982. He believes he began that job in the '60s. He is not sure just when in the '60s. He told me that he had received Dow tank cars and Union Carbide tank cars. He remembered that towards the end all he received were Dow and Union Carbide tank cars. There were no more Texas City Monsanto cars. He also thought he remembered Celanese VCM but he was very vague about that. He is under the impression that there should be records in existence at Monsanto concerning these shipments, in particular Jerry in Safety should have safety files concerning this material and Purchasing and Material Coordination should have records. He is under the impression or was under the impression that records concerning the shipment of vinyl chloride and receipt thereof by Monsanto should have been kept for 30 years. He believes that this was required by the Code of Federal Regulations. He used to receive sections of the Code requiring such retention from the Superintendent of the Transportation and Material Department. Dick Bueker, who he believes now lives in Enfield, was the superintendent for the longest period of time and Al Laaxo was superintendent for a lesser period. The

000000

Traffic department was under Beuker at some point and the clerk from Traffic would receive bills of lading. The railroad terminal in West Springfield would notify the clerk when cars arrived, the clerk would send the car numbers and the material to Tierney. This was a so-called switch list. The Materiel Coordinator, Lucy Konieczny of 43 Pine Street, Ludlow, 583-2257 would receive the papers from purchasing when the deal was made and would send him the car nos. and name of supplier 10 - 12 days before the shipment was received. Lucy was the Materiel Coordinator for a good long time and he believes she is in her late 60s or 70s. He believes that the records he retained in accordance with his understanding of the Code of Federal Regulations were retained in a cardboard box about the size of one file drawer, and that they were not placed in the normal destruction sequence. The box was present when he retired in 1982. As to swaps, it was necessary to keep special records to know how much vinyl chloride had to be paid back by Monsanto, and these were sent to Texas. About every fifth tank car was sampled, a tag was put on each sample bomb showing car No. and manufacturer. After a while this was not done - it became a function of Texas City to tell Springfield whether or not the quality was sufficient. Originally there were three docks at which to unload the VCM but as the tank cars grew larger only two docks were necessary. He believes the larger tank cars held 33,000 pounds. (I'd like to get pictures of the big ones to see if he remembers those.) He also stated that they, in the Transportation Section who handled this stuff outside

000601

have some pictures
Poly
Rus
SD's

for transfer into tanks from tank cars wore gas masks and later Scott Aairpacks during the transfer unless a mistake was made and a large amount of vinyl chloride escaped. He had no real knowledge of why such precautions were not taken in the processing of the vinyl chloride monomer into PVC but he thinks it was because the process was supposed to be a solely closed one. He was aware (in fact he brought it up to me) of John Warren's fall while trying to rescue someone from the bottom of the tank. Springfield accounting was in large part responsible for keeping records concerning this material.

Keith:

1. please schedule the deposition of Joe Tierney. If he were to die we would lose some good evidence. Please or select a date we will notice, and I'll call Tierney and make sure he is available;

2. arrange a meeting between you, Ellen and me. Ellen has come across some very interesting safety and processing books. We should have them at the meeting; *OK*

3. also find and bring the materials Terry Nelson brought to the deposition. *ok in Monsanto depo file*

1567q

4. Find out who R.R. was that came into plant.

5. May have to send more med to DS

KAM

MEMORANDUM

TO: File
Keith A. Minoff
Ellen Bump

FROM: JHT

DATE: November 28, 1990

RE: John Warren

I spoke to Joseph Tierney of 32 Sunapee Street, Springfield, MA, 01108, telephone 732-1579 on 11/19. He retired from Monsanto as supervisor of receipt of liquid chemicals in the Transportation Materiel Department in 1982. He believes he began that job in the '60s. He is not sure just when in the '60s. He told me that he had received Dow tank cars and Union Carbide tank cars. He remembered that towards the end all he received were Dow and Union Carbide tank cars. There were no more Texas City Monsanto cars. He also thought he remembered Celanese VCM but he was very vague about that. He is under the impression that there should be records in existence at Monsanto concerning these shipments, in particular Jerry in Safety should have safety files concerning this material and Purchasing and Material Coordination should have records. He is under the impression or was under the impression that records concerning the shipment of vinyl chloride and receipt thereof by Monsanto should have been kept for 30 years. He believes that this was required by the Code of Federal Regulations. He used to receive sections of the Code requiring such retention from the Superintendant of the Transportation and Material Department. Dick Bueker, who he believes now lives in Enfield, was the superintendant for the longest period of time and Al Laaxo was superintendant for a lesser period. The

000603

Traffic department was under Beuker at some point and the clerk from Traffic would receive bills of lading. The railroad terminal in West Springfield would notify the clerk when cars arrived, the clerk would send the car numbers and the material to Tierney. This was a so-called switch list. The Materiel Coordinator, Lucy Konieczny of 43 Pine Street, Ludlow, 583-2257 would receive the papers from purchasing when the deal was made and would send him the car nos. and name of supplier 10 - 12 days before the shipment was received. Lucy was the Materiel Coordinator for a good long time and he believes she is in her late 60s or 70s. He believes that the records he retained in accordance with his understanding of the Code of Federal Regulations were retained in a cardboard box about the size of one file drawer, and that they were not placed in the normal destruction sequence. The box was present when he retired in 1982. As to swaps, it was necessary to keep special records to know how much vinyl chloride had to be paid back by Monsanto, and these were sent to Texas. About every fifth tank car was sampled, a tag was put on each sample bomb showing car No. and manufacturer. After a while this was not done - it became a function of Texas City to tell Springfield whether or not the quality was sufficient. Originally there were three docks at which to unload the VCM but as the tank cars grew larger only two docks were necessary. He believes the larger tank cars held 33,000 pounds. (I'd like to get pictures of the big ones to see if he remembers those.) He also stated that they, in the Transportation Section who handled this stuff outside

000604

for transfer into tanks from tank cars wore gas masks and later Scott Aairpacks during the transfer unless a mistake was made and a large amount of vinyl chloride escaped. He had no real knowledge of why such precautions were not taken in the processing of the vinyl chloride monomer into PVC but he thinks it was because the process was supposed to be a solely closed one. He was aware (in fact he brought it up to me) of John Warren's fall while trying to rescue someone from the bottom of the tank. Springfield accounting was in large part responsible for keeping records concerning this material.

Keith:

1. please schedule the deposition of Joe Tierney. If he were to die we would lose some good evidence. Please or select a date we will notice, and I'll call Tierney and make sure he is available;

2. arrange a meeting between you, Ellen and me. Ellen has come across some very interesting safety and processing books. We should have them at the meeting;

3. also find and bring the materials Terry Nelson brought to the deposition.

1567q

000696