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Court of Common Pleas, Preble County, Eaton, Ohio

SUMMONS

(COPY TO SERVE)

Rule 4 1970 Ohio Rules of Civil Procedure

Received by certified mail NOV 2

Case No. 17287

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Name	Address
Loren Dillman & William	R. R. #1
Dillman	College Corner, Ohio

Plaintiff

vs.

Name	Address
The Monsanto Company	800 North Lindbergh Blvd
	St. Louis, Missouri

Defendant

SUMMONS ON COMPLAINT

To the above named defendant: The Monsanto Company

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this court by the plaintiff named herein.

You are required to serve upon the plaintiff's attorney, or upon the plaintiff if he has no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this court within three days after service on Plaintiff's Attorney.

The name and address of the plaintiff's attorney is as follows:

Herbert Wagers
15 North Main St.
Camden, Ohio 45311

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

DSW 379605

Emma I. Snyder
Clerk

Date Nov. 2 19 71 By [signature]
Deputy

STLCOPCB4100377

STATE OF OHIO)
) SS:
COUNTY OF PREBLE)

In the Common Pleas Court

Preble County, Ohio

No. 17287

COMPLAINT

Loren Dillman and
William Dillman
R.R.# 1
College Corner, Ohio

Plaintiffs

vs.

The Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri

Defendant.

I

Plaintiff are citizens of the State of Ohio, and defendant is a corporation incorporated under the laws of a State other than the State of Ohio, having its principal place of business in a State other than the State of Ohio.

II

Plaintiffs are farmers engaged predominantly in the dairy farm business at R.R.# 1, College Corner, Preble County, Ohio.

III

On or about the 1st day of July, 1963, the Concrete Silo Company, doing business at Bloomfield, Indiana, constructed a silo on the farm owned and operated by the Plaintiffs, and at the same time coated the inside of said silo with a product which Plaintiffs believe to be known by the trade name "Cumar".

IV

On or about the 1st day of June, 1965, the Concrete Silo Company, doing business at Bloomfield, Indiana, constructed an extension to aforesaid silo, and at the same time coated the inside of said extension of said silo with a product which Plaintiffs believe to be known by the trade name "Cumar".

V

The Defendant, The Monsanto Company, is engaged in the manufacture of chemical products and compounds and supplied to the Concrete Silo Company, a chemical compound known as "Arocior 1254". The Concrete Silo Company used said "Aroclor 1254" in compounding the product "Cumar", which was painted, sprayed, or coated upon the inside surfaces of Plaintiffs' silo for the

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purpose of preventing the silo from eroding or deteriorating.

VI

Plaintiffs herein state that the United States Food and Drug Administration has issued regulations, among other things providing that milk containing "Aroclor 1254" in excess of 0.2 parts per million, is not fit for human consumption and the residue is toxic and may be detrimental to human welfare.

VII

Plaintiffs further state that they stored in said silo foliage and fed such stored feed to their herd of dairy cattle. On or about August 13, 1970, Plaintiffs were notified by the Department of Agruculture of the State of Ohio, that milk from their herd contained "Aroclor 1254" in excess of 0.2 parts per million and prohibited Plaintiffs from marketing milk produced from their herd. Said prohibition remains in effect with respect to the dairy cattle which were on the farm when the aforesaid notice was given.

VIII

Plaintiffs further state that the coating known as "Cumar", which contained "Aroclor 1254", thereafter flaked off into and permeated the stored feed which was fed to and consumed by the livestock herd of the Plaintiffs. As a result, the herd absorbed the toxic residues, which, in turn, was transferred to the milk produced by the cows of the herd.

IX

Plaintiffs further state that they were required to dismantle the aforesaid silo; that they were deprived of the use for feed of the stored feed in the aforesaid silo; that they have been deprived of income from August 13, 1970, and that they are informed and do believe that they may be deprived of income for some period of time in the future; that their livestock herd became infested with "Aroclor 1254", and as a result, they were forced to close down an on-going dairy business which produced milk for human consumption, and to sell such livestock herd for slaughtering at a substantial loss; that they have incurred substantial expense and additional labor to dispose of the unsalable milk; that they have incurred substantial expense and additional labor to investigate the cause and for laboratory tests analysis and expert opinions with respect to the matters herein referred to; that they have been unable to sell any of their herd for breeding stock;

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that the reputation they have earned over the years for having a valuable livestock herd and being reputable dairy farmers has been damaged; that they have had, in order to regain their livelihood from the farm, to purchase livestock and to commence anew in the dairy business but only after they have incurred substantial expense, time and labor.

Wherefore, Plaintiffs demand a jury trial and pray judgment against the Defendant in the sum of One Hundred Twenty-Five Thousand Dollars ($125,000.00) and costs of suit.

Herbert Wagers, Attorney for the Plaintiffs

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