

UNITED STATES DISTRICT COURT
EASTERN DISTRICT
OF MISSOURI

ALICE L. WARREN, ADMINISTRATRIX OF THE
ESTATE OF JOHN H. WARREN, DECEASED,

PLAINTIFF

VS

THE DOW CHEMICAL COMPANY, THE B.F. GOOD-
RICH COMPANY, UNION CARBIDE COMPANY AND
CONTINENTAL OIL CO. DEFENDANT

NO: 91-MISC-073

A F F I D A V I T

STATE OF ILLINOIS

COUNTY OF ST. CLAIR

SS:

Comes now the Affiant DAVID S. ELLIS and upon his oath
states as follows:

1. I am a licensed private investigator in the State of
Illinois.

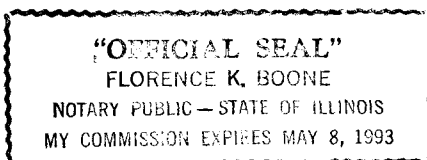
2. On November 2, 1991, at 9:20 A.M., I served
RONALD H. BURNETT, with DEPOSITION SUBPOENA
in the above styled cause.

Further affiant sayeth naught.

David S. Ellis
DAVID S. ELLIS

Signed and sworn to before me Nov. 2, 1991

Florence K. Boone
NOTARY PUBLIC



030046

DEPOSITION SUBPOENA

United States District Court		DISTRICT
Alice L. Warren, Administratrix of the Estate of John H. Warren, Deceased, Plaintiff V. The Dow Chemical Company, The B.F. Goodrich Company, Union Carbide Company and Continen- tal Oil Co., Defendants		DOCKET NO. 91-MISC-073 TYPE OF CASE ☒ CIVIL ☐ CRIMINAL SUBPOENA FOR ☒ PERSON ☐ DOCUMENT(S) or OBJECT(S)
TO: Ronald H. Burnett 113 Blackthorn St. St. Louis, MO		
YOU ARE HEREBY COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above-entitled case.		
PLACE Office of Carr, Korein, Tillery, Kunin, Montroy, Glass and Bogard, 701 Market St., Suite 300, St. Louis, MO		DATE AND TIME November 7, 1991 10:30am
YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s): ¹		
n/a ☐ Please see additional information on reverse		
Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30 (b) (6), Federal Rules of Civil Procedure, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.		
U.S. MAGISTRATE (2) OR CLERK OF COURT Robert St. Vrain		DATE 10-31-91
(BY) DEPUTY CLERK Michele Dotson		
This subpoena is issued upon application of the: ☒ Plaintiff ☐ Defendant ☐ U.S. Attorney		ATTORNEY'S NAME AND ADDRESS Keith A. Minoff, Esq. Robinson Donovan Madden & Barry, P.C. 1500 Main St., Ste. 1400 Springfield, MA 01115 (413-732-2301)

(1) If not applicable, enter "none."

(2) A subpoena shall be issued by a magistrate in a proceeding before him, but need not be under the seal of the court. (Rule 17(a), Federal Rules of Criminal Procedure.)

10-31-91
9:20am

Re: Warren v. Dow Chemical, et als

NOTES FROM THE POLY PRESS

September, 1952 Approximately 1946 purchased Texas City Plant (p. 4). Three new buildings were erected in 1946 and 1947 to house the manufacturing of Ultron resin and Ultron film. Production of Ultron resin and Ultron film started in 1948 and 1949. (Not sure of location.)

October, 1952 Over 60% of the raw materials used by the Plastics Division are supplied by other Monsanto plants. The Texas City Plant is now also manufacturing vinyl chloride monomer used in Building 85. The first shipment of VCM from Texas City arrived at the plant several days ago (p. 2). The raw materials used by the Plastics Division are transported to the plant by ship, by tank cars and by tank trucks.

March, 1953 In 1952 Monsanto installed a vinyl chloride monomer plant in Texas City (p. 3). In March a safety program was given highlighting use of respiratory equipment.

July, 1953 A polyvinyl chloride plant started production in Mexico to produce polyvinyl chloride for the consuming industries in that country (p. 5).

April, 1955 New PVC building for the manufacture of opalon vinyl chloride resins to be built (p. 1). Initial production scheduled for 1956.

November, 1955 Construction of facilities for the production of vinyl chloride paste resin is announced and it will double production capacity. Expected completion date was Spring 1956. Company entered the field of vinyl chloride paste resin production in 1953 (p. 1). Picture of the hot air dryer installed in new PVC Building 92 (p. 6).

December, 1955 The south plot vinyl chloride monomer storage tanks were protected by a fully automatic water spray system (p. 2).

January, 1959

Monsanto began manufacturing styrene monomer at the **Texas City Plant** in 1942. The capacity of the plant has expanded several times. There was also a multi-million dollar ethylene expansion at **Texas City** in May, 1957. This is a major raw material in the production of polyethylene and **vinyl chloride monomer**, two other **Texas City** products (p. 7).

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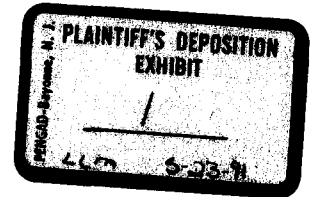
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 89-30201-F

ALICE L. WARREN, ADMINISTRATRIX)
OF THE ESTATE OF JOHN H. WARREN,)
DECEASED,)
 Plaintiff)
VS.)
THE DOW CHEMICAL COMPANY,)
THE B.F. GOODRICH COMPANY,)
UNION CARBIDE COMPANY, AND)
CONTINENTAL OIL COMPANY,)
 Defendants)



NOTICE OF TAKING OF DEPOSITION

To: Sharon Burger, Esq.
Joseph E. Rendini and
Robert Powers, Esq.

Please take notice that the plaintiff, Alice L. Warren, Administratrix of the Estate of John H. Warren, deceased, will take the deposition upon oral examination of one or more officers, directors, managing agents or other persons who consent to testify on behalf of Monsanto Chemical Company, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure on May 15, 1991, at 10:00 A.M. at the offices of Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis, Missouri 63167.

The deposition will be taken pursuant to Federal Rule of Civil Procedure 30 before an officer authorized by law to administer oaths and will continue from day to day until completed. Pursuant to Federal Rule of Civil Procedure 30(b)(6) Monsanto Chemical Company

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shall designate officers, directors, managing agents and employees or other persons to testify as to the following matters:

1. All sources of supply of vinyl chloride monomer to Monsanto's Indian Orchard plant in Springfield, Massachusetts from 1947 through 1974, including Monsanto, Dow Chemical Company, B.F. Goodrich, Union Carbide, Conoco and any other companies.
2. Contracts and other arrangements made between Monsanto Chemical Company and any other companies for the purchase or other acquisition of vinyl chloride monomer by Monsanto for use at its Indian Orchard plant from 1947 through 1974.
3. Any and all instances in which vinyl chloride monomer was furnished to Monsanto's Indian Orchard plant by way of a swap or a pooling arrangement between Monsanto and other companies.
4. With respect to any and all shipments of vinyl chloride monomer received at the Indian Orchard plant from 1947 through 1974, the frequency of such shipments, the quantities of vinyl chloride monomer shipped, and the dates of such shipments.
5. Testing and quality control procedures performed by Monsanto upon vinyl chloride monomer furnished by other suppliers for use at the Indian Orchard plant from 1947 through 1974.
6. Any warnings, labels, or literature accompanying any and all shipments of vinyl chloride monomer received by Monsanto from other suppliers at the Indian Orchard plant from 1947 through 1974.
7. Any and all documents referring or relating to any of the above matters.

The persons designated to testify on these matters shall bring with them the following documents:

1. Any and all documents relating to or evidencing any vinyl chloride monomer delivered, shipped, supplied, sold or otherwise furnished to Monsanto's Indian Orchard plant in Springfield, Massachusetts from 1947 through 1974, including, but not limited to, contracts, purchase orders, invoices, receipts, bills of lading, material safety data sheets, logs, railroad documents, laboratory logs, data books, material and identification tags, tank car documents, correspondence, memoranda, etc.
2. Any and all documents referring to, relating to or evidencing any testing or quality control performed by Monsanto on any vinyl

chloride furnished by other companies for use at the Indian Orchard plant from 1947 through 1974.

3. Any and all warnings, labels, or other literature accompanying any shipments of vinyl chloride monomer received from other suppliers at the Indian Orchard plant from 1947 through 1974.

THE PLAINTIFF
ALICE L. WARREN, ADMINISTRATRIX
OF THE ESTATE OF JOHN H. WARREN,
DECEASED

By James H. Tourtelotte /KAM
James H. Tourtelotte, Esq., and

By Keith A. Minoff
Keith A. Minoff, Esq., both of
Robinson Donovan Madden
& Barry, P.C.
1500 Main Street - Suite 1400
Springfield, Massachusetts 01115
(413) 732-2301
JHT BBO NO. 500800
KAM BBO NO. 551536

CERTIFICATE OF SERVICE

I, Keith A. Minoff, Esq., hereby certify that on this 17th day of APRIL, 1991, I served a copy of the above upon the parties in the action by mailing, postage prepaid, to counsel, SHARON R. BURGER, ESQ., Nutter, McClennen & Fish, One International Place, Boston, MA 02110-2699, and JOSEPH RENDINI, ESQ., Morrison, Mahoney & Miller, 250 Summer Street, Boston, MA 023110.

Subscribed under the penalties of perjury.

Keith A. Minoff
Keith A. Minoff, Esq.