SERVICE OF PROCESS TRANSMITTAL FORM

CT SYSTEM

The Corporation Trust Company
C T Corporation System
and Associated Companies

TO: Mr. Rodney Harris, Jr., Attorney
Legal Department
Monsanto Company
800 North Lindbergh
St. Louis, Missouri 63166
(Authorized Recipient)

TO: C T CORPORATION SYSTEM
(C T Office)
St. Louis, Missouri
(City) (State)
FROM: C T CORPORATION SYSTEM
(Originating Agent)
per W.J.Workman, Assist.Vice Pres.
Cleveland, Ohio 44115
(City) (State)
DATE: 8/3/70
VIA: (X) Certified Mail
( ) Certified Air Mail

VIA: (xx) Certified Mail ( ) Messenger
( ) Certified Air Mail

RE: PROCESS SERVED IN OHIO
(Jurisdiction)

FOR MONSANTO COMPANY (Name of Company) DELAWARE (Home State)

Enclosed are copies of legal process served upon the statutory agent of the above company as follows:

1. Title of Action: George Schwarzwalder, vs. Michigan Silo Co. and The Monsanto Company, defts.

2. Document(s) Received: Summons and Complaint and Demand for Jury Trial

3. Court: Common Pleas Court, Wayne County, Ohio No. 46254

4. Nature of Action: Asking for $125,000 and costs re damages caused when using chemical made and distributed by defts.

5. On Whom Process was Served: Received at office of W. J. Workman, C T Corporation System, Cleveland, Ohio via certified mail from court

6. Date and Hour of Receipt: August 3, 1970

7. Appearance or Answer Due: 28 days after service

8. Plaintiff's Attorney(s): Richard Kauffman, Peoples Federal Bldg., Wooster, Ohio

9. Remarks:

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING AND RETURNING TO US THE ENCLOSED CARBON COPY OF THIS TRANSMITTAL FORM.

RECEIVED AND FORWARDED ON 8/5/70 (Date)

BY: C T CORPORATION SYSTEM
Per B. L. HARMON
314 NORTH BROADWAY
(Address)
ST. LOUIS, MISSOURI 63102

DSW 379632

NJ 291 6-68 50M SETS

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Clk. 14 C

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

In the Court of Common Pleas, Wayne County, Wooster, Ohio

SUMMONS

(COPY TO SERVE)

Rule 4(5) 1970 Ohio Rules of Civil Procedure

Case No. 46254

Doc. 91 Page

July 30, 1970

Name	Address
George Schwarzwalder	RD#2
	Shreve, Ohio

Plaintiff

vs.

Name	Address
Michigan Silo Co.	901 Cherry Rd., N. W.
	Massillon, Ohio
The Monsanto Co.	800 North Lindbergh Blvd
	St. Louis, Missouri

Defendants

SUMMONS ON COMPLAINT

To the above named defendants:

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 answer said complaint within 28 days after service of this summons upon you, exclusive of the day of service.

You are required to serve upon the plaintiff's attorney, a copy of your answer to the complaint.

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

Richard Kauffman
Peoples Federal Bdlg.,
Box 153
Wooster, Ohio

Said answer must be filed with this court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Clyde C. Myers

Clerk

By Deputy

DSW 379633

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WAYNE CO.
COMMON PLEAS COURT

IN THE COMMON PLEAS COURT, WAYNE COUNTY, OHIO

1970 JUL 29 PM 12 02

CLYDE C. MYERS, CLERK

George Schwarzwalder
R. D. #2
Shreve, Ohio

Case No. 46254

Plaintiff

vs.

COMPLAINT AND DEMAND FOR JURY TRIAL

Michigan Silo Co.
901 Cherry Road, N. W.
Massillon, Ohio

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

Defendants

1) Plaintiff is a resident of R. D. #2, Shreve, Wayne County, Ohio, and is a farmer engaged predominantly in the dairy farm business.

2) The Defendant, Michigan Silo Co., on or about the 25th day of September, 1967, constructed an extension to a silo on the farm owned by Plaintiff, and at the same time coated the inside of said silo with a product which Plaintiff believes to be known by the trade name "Cumar".

3) The Defendant, The Monsanto Company, is engaged in the manufacture of chemical products and compounds and supplied to the Defendant, Michigan Silo Co., a chemical compound known as "Aroclor 1254". The Defendant, Michigan Silo Co., used said "Aroclor 1254" in compounding the product "Cumar", which was painted, sprayed or coated upon the inside surfaces of Plaintiff's silo for the purpose of preventing the silo from eroding or deteriorating.

4) Plaintiff further states that the United States Food and Drug Administration has issued regulations among other things providing that milk containing "Aroclor 1254" in excess of .2 parts per million, is not fit for human consumption and the residue is toxic and may be detrimental to human welfare.

5) Plaintiff further states that he stored in said silo

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chopped corn and other foliage and fed the stored feed to his registered herd of Holstein dairy cattle. On or about February 19, 1970, Plaintiff was advised by the Department of Agriculture of the State of Ohio, that milk from his herd contained "Aroclor 1254" in excess of 0.2 parts per million and prohibited Plaintiff from marketing milk produced from his herd. Said prohibition continued until on or about June 22, 1970.

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

7) Plaintiff further states that he will be required to purchase and erect a new silo for the storage of feed for his livestock; that he has made numerous trips to Columbus and other areas to investigate the cause and cure for the matters herein referred to; that he has been deprived of income from February 19, 1970, until June 22, 1970, and that he is informed and does believe that he may be deprived of income for some period of time in the future; that he has been unable to sell his calves, cull cows for beef or any of his herd for breeding stock; that he has incurred substantial expense and additional labor to dispose of the unsalable milk; that he has lost all of the remaining feed stored in the silo; that the reputation he has earned over the years for having a valuable registered Holstein herd has been damaged; that his livestock herd has become infested with "Aroclor 1254", and said herd has been caused to depreciate in value.

Wherefore, Plaintiff demands a jury trial and prays judgment against the Defendants in the sum of One Hundred Twenty Five Thousand Dollars ($125,000.00), and costs of suit.

Attorney for Plaintiff
Richard Kauffman
Peoples Federal Building, P. O. Box 153
Wooster, Ohio 44691

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