C T SYSTEM®
C T Corporation System
The Corporation Trust Company

SERVICE OF PROCESS TRANSMITTAL FORM

St. Louis, Missouri
(City) (State)
MARCH 16, 1987
(Date)

x
( ) Via Certified First Class Mail

( ) Via Messenger

TO: Monsanto Company
Att: Thomas M.Bistline
Legal Dept.
800 No.Lindbergh Blvd.
St. Louis,Missouri 63141

RECEIVED
LITIGATION
MAR 18 1987
LAW DEPARTMENT
RECEIVED

RE: PROCESS ~~SERVED~~ received IN MISSOURI
(Jurisdiction)

FOR MONSANTO COMPANY
(Name of Company)

DELAWARE
(Domestic State)

ENCLOSED ARE COPIES OF LEGAL PROCESS SERVED UPON OR RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. TITLE OF ACTION: Robert A.Miller, pltf. vs. MONSANTO COMPANY and Bloomfiel Silo Cmpany, defts.

2. DOCUMENT(S): (xx) Summons ( ) Petition (xx) Complaint ,Demand for Jury Trial

3. COURT: ( ) Circuit Court, , Missouri No. 28C)1-8703-CP 95
(xx) Greene Circuit Court, County of Monroe, Indiana

4. NATURE OF ACTION:
Exposure to PCBs from defective silo treated with a plasticizer product known as cumor. Unspecified amount.

5. ( ) PROCESS SERVED ON: C T CORPORATION SYSTEM in St. Louis, Missouri
(XX) PROCESS RECEIVED BY: C T CORPORATION SYSTEM in St. Louis, Missouri
FROM: Court Clerk
Envelope Post Marked 3/13/87 enclosed.

6. DATE AND HOUR OF SERVICE OR RECEIPT: March 16, 1987 by certified

7. APPEARANCE OR ANSWER DUE: ( ) Within 30 days after service exclusive day of service.
(xx) within 23 days if summons was received by mail

8. PLAINTIFF'S ATTORNEY(S):
David S.McCrea
119 So.Walnut St.
Bloomington, Indiana 47402 812-336-4840

9. REMARKS:
( ) This confirms our telephone call to your office.
( ) Above telephoned to C T office and is sent to you per their instructions.

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING
THE CARBON COPY AND RETURNING IT TO →

Signed C T CORPORATION SYSTEM
Per B.L.HARMON, ASST SECY.
Address 314 No. Broadway
St. Louis, Missouri 63102

C T 309 - 2.5M - 1/79

CIRCUIT

COURT FOR THE COUNTY OF GREENE
STATE OF INDIANA
COURTHOUSE
BLOOMFIELD, INDIANA 47424

ROBERT A. MILLER

Plaintiff

VS.

MONSANTO COMPANY and

BLOOMFIELD SILO COMPANY

Defendant

No. 28C01-8703-CP-95.

SUMMONS

The State of Indiana to Defendant Monsanto Company
c/o CT Corporation Systems
314 North Broadway
St. Louis, MO 63102

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail). **Such Answer Must Be Made in Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Date March 13, 1987

Alvin H. Inman
Clerk, Greene Circuit Court (Seal)

David S. McCrea
McCREA & McCREA Attorney for Plaintiff
119 S. Walnut St., P.O. Box 1310
Bloomington, Indiana 47402
Telephone (812) 336-4840

ACKNOWLEDGEMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at _____ this _____ day of _____, 19 _____.

_____
Signature of Defendant

HARTOLDMON0095962

PRAECIPE: I designate the following mode of service to be used by the Clerk.

☒ 1. By certified or registered mail with return receipt to above address.

☐ 2. By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.

☐ 3. By _____ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.

☐ 4. By serving his agent as provided by rule, statute or valid agreement, to-wit: _____

_____

Signed _____ Attorney

CERTIFICATE OF MAILING

I certify that on the _____ day of _____, 19_____, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by the plaintiff.

Dated this _____ day of _____, 19_____.

_____
Clerk Greene Circuit Court

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that service of summons with return receipt requested was mailed on the _____ day of _____, 19_____, and that a copy of the return receipt was received by me on the _____ day of _____, 19_____, which copy is attached herewith.

Dated this _____ day of _____, 19_____.

_____
Clerk Greene Circuit Court

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL

I hereby certify that on the _____ day of _____, 19_____, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this _____ day of _____, 19_____, and I did deliver said summons and a copy of the complaint to the Sheriff of Greene County, Indiana.

Dated this _____ day of _____, 19_____.

_____
Clerk Greene Circuit Court

RETURN OF SUMMONS

This summons came to hand on the _____ day of _____ 19___ and I served the same on the _____ day of _____ 19____.

1. By mailing a copy of the summons and complaint personally to _____ address _____

2. By delivering a copy of summons and complaint personally to _____

_____

3. By leaving a copy of the summons and complaint at _____ the dwelling house or usual place of abode of defendant; _____
(Name of Person)

and by mailing by first class mail a copy of the summons on the _____ day of _____ 19____ to _____ his last known address.

4. By serving his agent as provided by rule, statute or valid agreement to-wit: _____

_____

5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this _____ day of _____ 19____.

_____ Sheriff

_____ Deputy

RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

1. By delivery on the _____ day of _____ _____, 19 _____ a copy of this summons and a copy of the complaint to each of the within named defendant(s) _____

_____

2. By leaving on the _____ day of _____, 19 _____ for each of the within named defendant(s) _____

_____, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.

3. _____

_____

and by mailing a copy of the summons without the complaint to _____

_____

_____

at _____, the last known address of defendant(s).

All done in Greene County, Indiana.

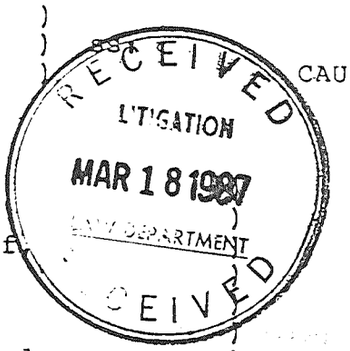
Fees: $_____

_____
Sheriff of Greene County, Indiana

By _____ Deputy

HARTOLDMON0095963

STATE OF INDIANA)
) IN THE GREENE CIRCUIT COURT
COUNTY OF MONROE) CAUSE NO. 28C01-8703-CP-95



ROBERT A. MILLER,

Plaintiff,

v.

MONSANTO COMPANY and
BLOOMFIELD SILO COMPANY,

Defendants.

FILED

MAR 13 1987

GREENE CIRCUIT COURT CLERK

COMPLAINT

COMES NOW ROBERT A. MILLER, Plaintiff, and for his cause of action against Defendants MONSANTO COMPANY and BLOOMFIELD SILO COMPANY says as follows:

1. In 1969, Plaintiff Robert A. Miller purchased a silo from Defendant Bloomfield Silo Company.

2. The interior of the silo was treated with a plasticizer product known as cumor, which contained PCBs.

3. The cumor plasticizer was manufactured by Defendant Monsanto Company.

4. Plaintiff's use of the silo exposed him to the PCB-containing cumor.

6. The cumor used in the silo was defectively designed, manufactured, and marketed, and was unreasonably dangerous.

7. As a proximate result of the exposure to the defective product of both Defendants, Plaintiff has sustained injuries.

8. The PCB-containing cumor plasticizer breached and violated expressed and/or implied warranties running with the fitness of the cumor plasticizer in that in was not fit for use in Plaintiff's silo.

9. As a proximate result of the breach of warranties and exposure to the PCB-containing cumor, Plaintiff has sustained injuries.

10. The separate Defendant Monsanto Company was negligent

in that the PCB-containing cumor was not properly tested to ensure its safety for use in Plaintiff's silo.

11. The separate Defendant Monsanto company was negligent in that no warnings as to the dangers of exposure to the PCBs in the cumor were given to Plaintiff.

12. As a proximate result of the negligent acts of Defendant Monsanto Company in failing to properly test the cumor for safety, and for failing to warn Plaintiff of the dangers of exposure, Plaintiff has been exposed to PCBs and has suffered injuries.

13. The separate Defendant Monsanto Company knowingly and wilfully failed to warn Plaintiff of the dangers of exposure to PCBs contained in the cumor.

14. As a proximate result of the wilful misconduct of Defendant Monsanto Company, Plaintiff has been exposed to PCBs and has suffered injuries.

15. The separate Defendant Monsanto Company fraudulently concealed information as to proper handling procedures, precautionary measures, and toxicological data from Plaintiff, in that Monsanto Company had actual or constructive knowledge of:

a. Industry and medical standards for safe handling of PCBs or PCB-containing chemical compounds, including protective clothing and equipment and proper hygienic measures to reduce exposure by dermal contact, inhalation, or ingestion;

b. Industry and medical precautions for persons coming into contact with PCBs or PCB-containing compounds including specific symptoms or complaints associated with exposure to PCBs or PCB-ocntaining compounds; and

c. Industry and medical reports of toxicological data associating injuries or illnesses to exposure to PCBs or PCB-containing compounds.

16. As a proximate result of the fraud and concealment of Defendant Monsanto Company, Plaintiff has been exposed to PCBs and has suffered injuries.

HARTOLDMON0095965

WHEREFORE, Plaintiff Robert A. Miller prays for judgment against the Defendants Monsanto Company and Bloomfield Silo Company in an amount that will compensate him for his injuries. Plaintiff Robert A. Miller further prays for punitive damages against Defendant Monsanto Company in an amount that will punish Monsanto Company for its acts of wilful misconduct and fraudulent concealment. Plaintiff prays as well for all other just and proper relief in the premises, including the costs of this action.

VERNON J. PETRI

McCREA & McCREA

By: _____
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff Robert A. Miller demands this cause of action be tried to a jury.

VERNON J. PETRI

McCREA & McCREA

By: _____
Attorney for Plaintiff

Vernon J. Petri
VERNON J. PETRI, P.C.
535 Station Place
200 South Meridian Street
Indianapolis, Indiana 46206
(317) 639-4450

David S. McCrea
McCREA & McCREA
Attorneys and Counsellors
119 South Walnut Street
P.O. Box 1310
Bloomington, Indiana 47402
(812) 336-4840

HARTOLDMON0095966