

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS



FRANCES E. KEMNER, et al.,

Plaintiff,

v.

MONSANTO COMPANY,

Defendant.

No. 80-L-970

AFFIDAVIT OF CHARLES M. LOVE, III

COMES NOW Charles M. Love, III, and upon his oath deposes and states as follows:

1. I am an attorney licensed to practice in West Virginia and a partner in the law firm of Bowles, McDavid, Graff & Love, 1600 Commerce Square, P. O. Box 1386, Charleston, West Virginia 25325.

2. I am an attorney of record for Monsanto Company in approximately 175 cases consolidated for discovery as Adkins, et al. v. Monsanto Company, a Delaware corporation, Civil Action No. 81-2098, pending in the United States District Court for the Southern District of West Virginia.

3. I am the partner in my firm who was in charge of preparing Monsanto's defense in the Adkins cases. After becoming acquainted with the legal, scientific and medical questions involved in these cases, I came to the conclusion that I and the other attorneys in my firm who would be addressing the causation issues in these cases would need the assistance of a scientific consultant in preparation of Monsanto's defense on these issues. In October

of 1983, with the approval of Monsanto, I retained on behalf of my firm Myron S. Weinberg, Ph.D. of Weinberg Consulting Group, Inc. in Washington, D.C.

4. I determined that our defense of the causation issues would be aided by the preparation of a series of reports which would address individually several of the scientific questions involved in the causation case. I worked with Dr. Weinberg to design the content and form of these reports and select the subject matters to be covered. During the fall and winter of 1983 I had many meetings with Dr. Weinberg to discuss the preparation of the reports. Dr. Weinberg retained several individual consultants and consulting firms as subcontractors to aid in the preparation of the reports. Attorneys from my firm and I met with all of these scientific consultants during preparation of the reports to explain in detail the purpose of the reports and the manner in which they should be prepared.

5. The purpose of the reports was to serve as an educational tool for the attorneys in my office who would have responsibility for the causation issues, to aid those attorneys in preparing for and taking the depositions of plaintiffs' experts, and to enable them to deal intelligently with expert witnesses retained by us.

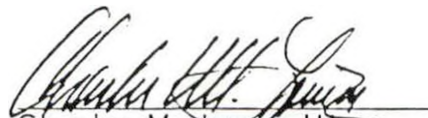
6. During our meetings, attorneys from my firm and I explained to Dr. Weinberg and the other consultants our litigation plans, strategies and theories, as well as our mental impressions with respect to several aspects of the cases, including the anticipated depositions of both plaintiffs' and defendant's expert witnesses. This was necessary so that the scientific consultants would have a better understanding of how we expected to utilize the reports when they were completed.

7. As drafts of the reports were prepared by the consultants, attorneys in my firm reviewed them and proposed to the consultant changes in

the scope and approach of the reports which were incorporated in the final reports. Four attorneys in my firm were involved in this preparation process and devoted considerable amounts of time to this project.

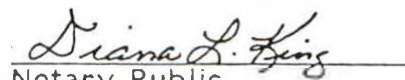
8. These reports were prepared for the sole use of defense counsel in the Adkins cases. Copies of the reports were not provided or shown to any expert witnesses. Because of the protected nature of said documents under Fed.R.Civ.P. 26(b)(2), said documents were never produced to plaintiffs' counsel in the Adkins cases.

Further affiant sayeth not.


Charles M. Love, III

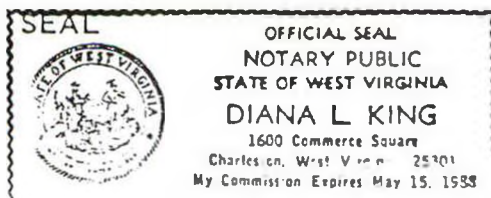
COUNTY OF KANAWHA)
) SS.
STATE OF WEST VIRGINIA)

Subscribed and sworn to before me this 24th day of May, 1985.


Notary Public

My commission expires:

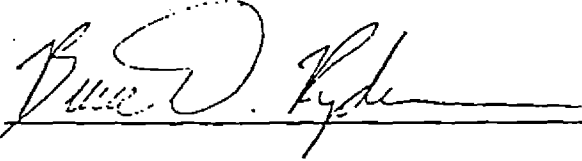
May 15, 1988



CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing was hand-delivered this 28th day of May, 1985, to the following attorneys of record:

Mr. Rex Carr
Mr. Jerome Seigfreid
109 S. High Street
Belleville, Illinois 62221



A handwritten signature, "Bruce D. Ryden", is written in cursive over a horizontal line.