

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

RECEIVED

OCT 30 1990

S.R.B.

INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO BE
ANSWERED BY THE DEFENDANT, CONTINENTAL OIL COMPANY

DEFINITIONS

The term "the product" as used hereinafter in these interrogatories shall mean the vinyl chloride monomer ("VC") and polyvinyl chloride ("PVC") and its related compounds.

As used herein, "the defendant" means Continental Oil Company or any agent, employee, representative, accountant, or consultant, or any other person engaged by defendant, Continental Oil Company, in any way in connection with defendant, Continental Oil Company's, business, whether past or present, and without regard to their having severed their affiliation with defendant, Continental Oil Company.

INTERROGATORIES

1. Please identify yourself, giving your full name, residence, business address and occupation and the office or title you hold with the defendant.
2. Did the defendant, or any agent or employee of the defendant, design, manufacture, assemble, package, sell, distribute, advertise, process, test, or in any way handle the product?
3. If the answer to the preceding Interrogatory is in the affirmative, please state:
 - (a) the dates between which the product was manufactured, assembled, packaged, sold, distributed, advertised, processed or in any way handled;

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- (b) the location of the plant or plants where the product was manufactured and assembled;
- (c) all dates on which the product was sold, shipped or otherwise furnished to Monsanto Chemical Company, identifying any documents reflecting such sales and shipments.

4. If the defendant at any time between 1947 to date has tested and/or investigated the potential health effects posed by the use of or exposure to the product, please state:

- (a) the nature of each such test and/or investigation done by the defendant;
- (b) the date or dates on which such testing and/or investigations were performed;
- (c) the name or names of every person in the defendant's employment or acting in behalf of the defendant, who performed or was otherwise involved in such tests and/or investigations and the nature of his or her involvement;
- (d) all observations made as to the dangers or hazards involved in the use of or exposure to the product;
- (e) a description of all records in the defendant's possession relating to such testing and investigation.

5. As to all safety equipment or special tools recommended by defendant to be used in the use of the product, please give:

- (a) a description of any and all such safety equipment or special tools as recommended by defendant;
- (b) the danger or dangers from which such safety equipment or special tools are supposed to protect any person or persons;
- (c) where and in what manner was such safety equipment or special tools recommended by the defendant to Monsanto Chemical Company and John Warren.

6. If the defendant was ever aware of any danger or hazard or defect in the use of the product, please state:

- (a) when the defendant became aware of such danger or hazard in the use of the product;
- (b) what was the nature of such danger or hazardous condition;
- (c) whether the defendant at any time informed any purchasers or users of the product of such condition, described in subsection (b);
- (d) state the method by which the defendant informed Monsanto Chemical Company or John Warren of such danger or hazardous condition, including the substance and contents of all written notification;
- (e) the date or dates on which the defendant notified Monsanto Chemical Company or John Warren of such condition.

7. If there were any notations of danger or warning instructions as to the use of the product furnished with the product or printed on the product's packaging or container, please state:
- (a) the location of all said notations, warnings, or instructions;
 - (b) the substance and contents of any and all said warnings and instructions;
 - (c) the size and color of the printings of said warnings and instructions.
8. If there has been any litigation initiated against the defendant concerning in any way the handling or use of the product, please:
- (a) give the date and title of each such action, the court in which it was filed and the docket number;
 - (b) outline the contents of the complaint filed in such action;
 - (c) state the name and address of the attorney for the plaintiff in each such action;
 - (d) state and explain the disposition of each such action.
9. If the defendant has ever received any complaints or other notices of injury or illness similar to that alleged by the plaintiff, please state for each such complaint or notice:
- (a) its date;
 - (b) its substance, including a description of the factual circumstances;
 - (c) the name and address of the person making the complaint.
10. If it is the contention of the defendant that the alleged injury suffered by John Warren was caused by or contributed to by some act or omission of John Warren, Monsanto Chemical Company or other persons, please state in detail each act or omission which it is contended caused or contributed to the alleged injury.
11. If there is any person that you expect to call as an expert witness (including expert medical witnesses) at the time of trial, please state in detail as to each such person:
- (a) the person's identity, giving name, profession or occupation and address;
 - (b) the subject matter on which the person is expected to testify;
 - (c) the substance of the facts and opinions to which the person is expected to testify;
 - (d) a summary of the grounds for each opinion.
12. If you have retained or specially employed any person (including physicians) relating to the alleged occurrence in anticipation of litigation or for trial preparation purposes whom you do not expect to call as an expert witness at the time of trial, please identify each person by name, address and occupation.

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13. For all products as defined above sold or otherwise supplied by the defendant to Monsanto Chemical Company between the years 1947 and 1979, please state:
 - (a) trade name;
 - (b) the name and address of the plant to which the product or material was shipped;
 - (c) the dates on which the product was shipped to each plant.
14. For each individual in your employ at any time subsequent to 1947 who has knowledge of the sales or supply by the defendant of the product to Monsanto Chemical Company between the years 1947 and 1979, please state:
 - (a) the individual's name;
 - (b) his or her present or last known address and telephone number;
 - (c) his or her present employment and job classification if still in your employ;
 - (d) his or her job title or job classification during the time that he or she had such knowledge with the dates for each job title.
15. For each individual in your employ at any time subsequent to 1947 who participated in hearings held by OSHA and/or National Institute for Occupational Health and Safety and/or Department of Labor regarding regulating the use of the product, please:
 - (a) the individual's name;
 - (b) his or her present or last known address and telephone number;
 - (c) his or her present employment and job classification if still in your employ;
 - (d) his or her job title or job classification during the time that he or she had such knowledge with the dates for each job title.
16. Please identify by name, present or last known address and job title all persons who participated in Manufacturing Chemists Association meetings between the years 1947 and 1979 at which the product was discussed.
17. Please identify by name, present or last known address and job title all persons who participated in Society of the Plastics Industry, Inc. meetings between the years 1947 and 1979 at which the product was discussed.
18. Identify any and all records, reports, statements or data compilations prepared by any federal, state or local governmental entity as the result of all investigations related to the product.

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19. For each such document:

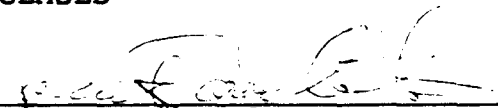
- (a) identify the person or persons having possession, custody or control of the document;
- (b) set forth, in detail, the factual findings contained in the document as well as the opinions or conclusions set forth in the document;
- (c) state whether the document or any of the matters contained therein was prepared pursuant to a duty imposed by law and, if so, identify the statute, regulation or other legal authority imposing the requirement;
- (d) identify all person(s) who conducted or assisted in the investigation or in the preparation of the document;
- (e) describe in detail when, where and in what manner the investigation was conducted.

20. Please state the name(s) and address(es) of all person(s), business(es) and entities hired by the defendant to transport, ship and/or deliver the product between the years 1947 and 1979.

21. Please state the name, present or last know address, telephone number and position they hold with the defendant, if applicable, of all persons having knowledge of discoverable facts.

THE PLAINTIFF

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

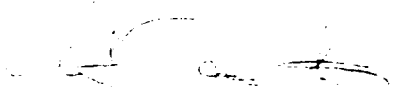
By 

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Robinson Donovan Madden
& Barry, P.C.
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(413) 732-2301
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CERTIFICATE OF SERVICE

I, James H. Tourtelotte, Esq., hereby certify that on this 26th day of October, 1990, I served a copy of the above upon the parties in the action by mailing, postage prepaid, to counsel, Sharon R. Burger, Esq., of One International Place, Boston, MA 02110; and Mark S. Granger, Esq., of 250 Summer Street, Boston, MA 02210.

Subscribed under the penalties of perjury.


James H. Tourtelotte