MISSOURI CIRCUIT COURT
TWENTY-FIRST JUDICIAL CIRCUIT
ST. LOUIS COUNTY

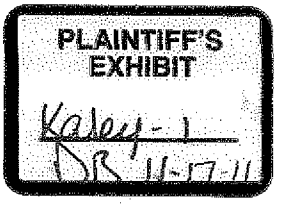
NISHIDA, NICHOLAS WHITE, Individually and as Survivor of MARK WHITE, Deceased, and ALISON TUCKER	§	Cause No. 09SL-CC01964
Plaintiffs,	§	Division No. 13
v.	§	NOTICE OF DEPOSITION
MONSANTO CO., *et al.*	§	
Defendants.	§	

PLAINTIFFS' SECOND AMENDED NOTICE OF DEPOSITION OF DEFENDANT PHARMACIA CORPORATION PURSUANT TO M.R.C.P. 57.03(b)(4)

To: Robert E. Kaley, Corporatate Representative of Pharmacia.

Pursuant to Missouri Rule of Civil Procedure 57.03, Plaintiffs will take the deposition of Robert E. Kaley, the Corporate Representative of Pharmacia Corporation on November 17-18, 2011, starting at 9:00 a.m. at the offices of Husch Blackwell Sanders, LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105-3441, (314) 480-1500. The deposition shall be taken before a videographer and court reporter from U.S. Legal that is duly authorized by law to administer oaths. This notice shall be considered good and valid until such time that the depositions of the deponents have been completed and shall continue from day to day until concluded as necessary.

Pursuant to Rule 57.03(b)(4) of the Missouri Rules of Civil Procedure, Pharmacia Corporation shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf who can testify as to the following matters



known or reasonably available to Pharmacia Corporation. As used herein, the name "Monsanto" refers to the company now known as "Pharmacia," sometimes referred to as "Old Monsanto":

1) Monsanto's manufacture and sales of DDT, including the reasons for Monsanto's decision to stop manufacturing and selling DDT.
2) The history of Monsanto's development and marketing of uses for PCBs other than as dielectric fluids.
3) List of all brands of PCB-containing products sold by Monsanto, including the product names, and, as to each name, the years of production and intended uses of the products.
4) Monsanto's total gross sales from PCB products, on a year-by-year basis.
5) Monsanto's manufacture and sales of polychlorinated terphenyl ("PCTs") products, including the reasons for Monsanto's decisions to stop manufacturing and selling PCTs.
6) To the extent that Monsanto claims in this lawsuit that PCBs were, at any time or place, required by law, electrical codes, or insurance carriers for certain uses, identification of the documents and/or other materials relied on by Monsanto to support such claims.
7) The history of Monsanto's acquisition of Swann Chemical's business and the timeline of events leading to that acquisition and Monsanto's control of Swann's Anniston facility.
8) The extent to which alternatives to PCBs were available, on a year-by-year basis, for:
    a. capacitor fluids
    b. transformer fluids
    c. plasticizers
    d. heat transfer fluids
    e. hydraulic fluids
    f. carbonless copy paper
    g. inks
    h. adhesives
    i. paints
    j. pesticide extenders
    k. waxes
    l. any other uses for PCBs not expressly listed above
9) Toxicological studies conducted and/or sponsored by Monsanto with regard to PCBs, from 1930 to the present.

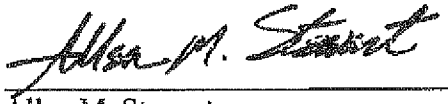
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10) Cancer surveillance of Monsanto's employees, as conducted by Dr. Emmet Kelly during his tenure as Monsanto's medical director.
11) Any epidemiology studies conducted with respect to current and former Monsanto employees exposed to PCBs.
12) The history of any warnings provided by Monsanto to its customers and/or end users of PCBs, with respect to the need to prevent PCBs from being released into the environment.
13) Monsanto's internal standards of conduct, with respect to the production, marketing, and sales of chemicals, from 1930 to 1977.
14) The key to departmental codes listed for Monsanto personnel on internal Monsanto documents.
15) Any public statements made by Monsanto (or any agents of Monsanto) with regard to whether PCBs are capable of causing:
    a. cancer of any type
    b. Non-Hodgkin's Lymphoma
16) The history of legal and regulatory standards governing Monsanto's conduct in the production and marketing of PCBs.

YOU ARE HEREBY ORDERED to produce for inspection and copy on November 17, 2011, at 9:00 a.m. all invoices, receipts, or documents evidencing payments received, from any Monsanto related entity, including Monsanto Company, Solutia, Inc.; Pharmacia Corporation, Pfizer, Inc. or their attorneys.

Dated: This 4th day of November, 2011.

Respectfully submitted,
ALLEN STEWART, P.C.



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ATTORNEYS FOR PLAINTIFFS

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the following attorneys of record via e-mail on November 4, 2011.



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ATTORNEYS FOR DEFENDANTS MONSANTO COMPANY, SOLUTIA, INC., PHARMACIA CORP., and PFIZER, INC.

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