

NUTTER, McCLENNEN & FISH

ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-2699

TELEPHONE: 617 439-2000 FACSIMILE: 617 973-9748

DIRECT DIAL NUMBER:

(617) 439-2382

May 22, 1991
18371-1

Keith Minoff, Esquire
Robinson Donovan Madden & Barry, P.C.
1500 Main Street - Suite No. 1400
Springfield, Massachusetts 01115

Re: Alice L. Warren v. The Dow Chemical Company, et al.;
U.S.D.C., Civil Action No. 89-30201F

Dear Keith:

Enclosed please find the documents responsive to plaintiff's document request directed to Union Carbide.

Very truly yours,


Susan L. Parsons

SLP:ccn
cc: Joseph E. Rendini, Esquire
8444i/26



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAY 2 11 10 AM
U.S. DISTRICT COURT
SOUTHERS DISTRICT
MASSACHUSETTS

PAUL M. CULLINAN, et al.,
Plaintiffs,
v.
MONSANTO COMPANY, et al.,
Defendants.

Civil Action
No. 85-0378-F

EX-151

DEFENDANT THE DOW CHEMICAL COMPANY'S
ANSWERS AND OBJECTIONS TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES

Defendant The Dow Chemical Company ("Dow") hereby provides the following answers and objections to Plaintiffs' First Set of Interrogatories. In each instance Dow's answer to an interrogatory is made subject to, and without waiving, any objections to the same interrogatory.

General Statement

Dow is a large corporation with numerous departments and divisions and many employees at numerous locations throughout the world. These departments, divisions and employees have changed over the years; employees have died, retired and moved. In answering these interrogatories, Dow has made efforts to research documents and data regarding

000000

45

the subject matter of the present lawsuit, but obviously each and every employee has not been contacted and questioned concerning the items included in this set of interrogatories.

These answers are based upon information presently available to Dow and its attorneys after reasonable inquiry. It is possible that future discovery and independent investigation may supply additional facts or information, add meaning to known facts, and may establish entirely new factual conclusions and contentions, all of which may lead to substantial additions through changes in and variations from the answers set forth.

The answers are made without prejudice to the right of Dow to provide additional evidence at the time of trial.

Answers and Objections

1. Please state your corporate name, state and date of incorporation, corporate purpose, address of principal place of business, names of all subsidiaries and predecessor corporations, corporate purposes of all subsidiaries and predecessor corporations, and the date of acquisition by you of all subsidiaries, and the dissolution of all predecessor corporations.

Objection:

Dow objects to this interrogatory which calls for information about all of Dow's subsidiaries, of which there are more than 100, on the ground that such discovery is unduly burdensome and deals with matters that are not relevant to the subject matter of this action and which are

not reasonably calculated to lead to the discovery of admissible evidence.

Answer:

The Dow Chemical Company was incorporated under Delaware law on June 11, 1947 and is the successor to a Michigan corporation of the same name organized in 1897. Dow is engaged in the manufacture and sale of chemicals, plastic materials, pharmaceutical, agricultural and consumer products, and other specialized products. Dow's principal place of business is: 2030 Willard H. Dow Center, Midland, Michigan 48674.

2. For all products or materials containing polyvinyl chloride ("PVC") and/or vinyl chloride ("VC") or for which PVC and/or VC was a product of decomposition sold or supplied by you to the Monsanto Company between the years 1953 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 during which the product was shipped to that plant.

Objection:

Dow objects to this interrogatory as vague and unintelligible in that the phrase "for which PVC and/or VC was a product of decomposition" is not defined and it is not clear to which products plaintiffs are referring.

Answer:

Dow no longer has any sales records prior to 1977. Because of the absence of sales records, Dow is presently uncertain whether it supplied products or materials containing PVC or VC to the Monsanto Company between the years 1953 and 1979. Dow has no sales records showing such supply between the years 1977 and 1979.

3. For each product identified in response to Interrogatory No. 2, please state the following:

- a. Composition, including amount and nature of PVC and/or VC;
- b. Intended use;
- c. Form of product or material and manner of packaging;
- d. Place of manufacture, marketing, sale and distribution;
- e. Dates during which you manufactured, produced, shipped, marketed, sold or distributed this product.

Answer:

None identified.

4. For all products containing PVC and/or VC or for which PVC and/or VC was a product of decomposition sold or supplied by you to the Monsanto Company during the years 1953-1979, please identify:

- a. All purchase orders evidencing such sales or supply;
- b. All invoices evidencing such sales or supply;
- c. All statements of account evidencing such sales or supply;

- d. Any other written materials including office memoranda relating to such sales or supply;
- e. All correspondence with or between officers or agents of the Monsanto Company relating to such sales.

Answer:

None (see answer to interrogatory No. 2).

5. For each individual in your employ at any time subsequent to 1953, who has knowledge of the sales or supply by you of PVC and/or VC-containing products or materials, or products or materials for which PVC and/or VC is a product of decomposition, to the Monsanto Company between the years 1953 and 1979, please state:

- a. The individual's name;
- b. His or her present address and telephone number;
- d. His or her present employment and job classification if still in your employ;
- d. His or her job title during the time that he or she had such knowledge, with dates for each job title.

Objection:

Dow objects to this interrogatory as vague and unintelligible in that the phrase "for which PVC and/or VC was a product of decomposition" is not defined and it is not clear to which products plaintiffs are referring.

Answer:

- a. Larry L. Rice.
- b. 1300 Harwood Court, Midland, Michigan 48640;
telephone number (517) 631-0480.
- c. Mr. Rice is retired.

d. Product Management (1969-1973); Field Sales
(1973-1979); Director of Marketing, Inorganic
Chemicals and Metals (1979-1985).

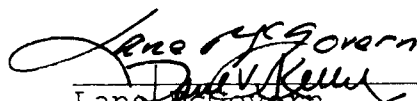
6. Please state the full name, home address and telephone number, business address and telephone number, and employment capacity or title of the individual signing these interrogatories on behalf of the answering defendant, and of all other individuals who have supplied information in answer to these interrogatories, specifying next to the name of each such individual the number of the interrogatory or interrogatories to which that individual contributed the response.

Answer

Ronald L. Davis
Manager, Litigation Section
The Dow Chemical Company
1111 Washington Street
Midland, Michigan 48674

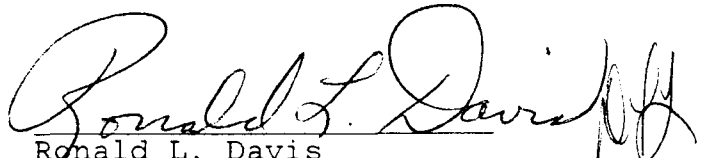
Mr. Davis is answering these interrogatories as an authorized agent of Dow; he does not have personal knowledge of the facts recited in these answers. Mr. Larry L. Rice contributed information in response to interrogatory 5.

As to objections:


Lane McGovern
Paul V. Kelly
ROPES & GRAY
225 Franklin Street
Boston, MA 02110
(617) 423-6100

STATE OF MICHIGAN)
) SS.
COUNTY OF MIDLAND)

Ronald L. Davis, being sworn, says that he is the Manager of the Litigation Section of The Dow Chemical Company ("Dow"), and while he does not have personal knowledge of all facts recited in these Answers to Interrogatories, the information collected and made available to him by others is true to the best of his knowledge and belief (based upon the information made available to him); and that these Answers are verified on behalf of Dow in this litigation.


Ronald L. Davis

Sworn and subscribed to before me this 28th day of April, 1986.


Notary Public

KRISTINE S. GRINN
NOTARY PUBLIC, MIDLAND COUNTY, MICHIGAN
MY COMMISSION EXPIRES MAY 14, 1988

CERTIFICATE OF SERVICE

I, Paul V. Kelly, one of the attorneys for defendant The Dow Chemical Company, hereby certify that on this date I served a copy of the foregoing Defendant The Dow Chemical Company's Answers and Objections to Plaintiffs' First Set of Interrogatories, on all parties to this action, by sending a copy of the same, by first-class mail, postage prepaid, to:

Nancy Gertner, Esq.
Silvergate, Gertner, Baker
& Fine
88 Broad Street
Boston, MA 02110

Allan van Gestel, Esq.
Goodwin, Procter & Hoar
28 State Street
Boston, MA 02109

Robert P. Powers, Esq.
Melick & Porter
Eleven Arlington Street
Boston, MA 02116



Paul V. Kelly
Ropes & Gray
225 Franklin Street
Boston, MA 02110
(617) 423-6100

Dated: April 30, 1986