COPY

IN THE MATTER OF:

Tennessee Gas Pipeline Company
vs.
Monsanto Company

Cause No. 94-CI90145

CONFIDENTIAL

Deposition of Cumming Paton
October 26, 1995

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COMMONWEALTH OF KENTUCKY

ROWAN CIRCUIT COURT

CIVIL BRANCH

TENNESSEE GAS PIPELINE COMPANY,

Plaintiff,

vs. NO. 94-CI90145

MONSANTO COMPANY,

Defendant.

CONFIDENTIAL

Deposition of CUMMING PATON, Volume II, CONFIDENTIAL, taken on behalf of the Plaintiff, at the offices of Thompson & Mitchell, One Mercantile Center, in the City of St. Louis, State of Missouri, on the 25th day of October, 1995, before Dawn L. McTeer, Registered Professional Reporter and Notary Public.

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APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

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CUMMING PATON,

CONFIDENTIAL EXAMINATION

QUESTIONS BY MR. ROEDER:

MR. ROEDER: Miss Court Reporter, this is an exhibit which is confidential with respect to this litigation. So I think Mr. Chambers will feel more comfortable if I say that this ought to receive the confidential treatment that he previously said yesterday would apply to all documents marked confidential, but really only applies to documents that have this confidential TGPC versus Monsanto designation. Okay. The record may reflect that the court reporter has a question.

(Discussion off the record.)

MR. CHAMBERS: Yesterday I had raised objections about documents marked company confidential, and had suggested that they needed to receive the same kind of treatment we're just talking about. I need to clarify for you that it's only those exhibits bearing the confidential TGPC versus Monsanto designation that need to receive the treatment of having a separate transcript prepared.

Q: (By Mr. Roeder) All right. Sir, Exhibit 222 is a memorandum to you from P. W. Gann, G-A-N-N, dated January 24, 1972, regarding the Therminol FR

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notification letter, and it bears production numbers 4814 through 4837. This is a memorandum you received at Monsanto, isn't it?

A: Yes.

Q: Okay. Now, Mr. Gann writes in the second paragraph "At the moment, 21 letters are in contention." What does that mean?

A: I can't recall now what that meant.

Q: Okay. Was this pursuant to the obligations that were assigned to you that we just looked at in the PCB action plan?

A: Possibly, yes.

MR. ROEDER: That's all I have for that exhibit. That would stop the confidential portion of this testimony. Fair enough, Mr. Chambers?

MR. CHAMBERS: Thank you. Yes, it's fine.

(Whereupon, the testimony continues in the nonconfidential transcript, Volume II.)