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FAX TRANSMITTAL SHEET

To: see below

From: REM transmitting from (503) 528-7105.

Date: 11/4/93

Pages (including this sheet) 10

Message: John Michener (514) 621-3136

Peter Montague (416) 263-8944

Peter - please forward copies to Gerson,
if you can find him!

If you experienced any difficulties in receiving this transmission,
please call (503) 528-7151.

Note: We now have a separate fax line and can receive telefax
messages automatically. If the message is urgent, please follow-up
with a telephone message because the telefax receiver is in a
remote location.

MEMORANDUM

TO: John Michener
cc: Gerson Smoger, via P. Montague

FROM: Paul Merrell

RE: Gaffey v. Montague, et al

DATE: November 4, 1993

Following this cover sheet, please find a number of items I've prepared as we agreed.

The first item is a list of persons or entities that need to receive subpoenas, in addition to the subpoena duces tecum attachment sent yesterday by FedEx. Those whose names are followed by three asterisks need to receive a subpoena duces tecum along with their deposition notice. Only those with the asterisks should receive the "Attachment A" which is attached to this memo.

(Please note that the list does not include addresses for two persons, Judith Zack and Raymond Suskind. Peter Montague is working on obtaining their addresses. If he is not successful this morning, I suggest that we serve Monsanto with Ms. Zack's subpoena and that we serve Dr. Suskind at the Kettering Research Institute in Cincinnati, Ohio. I will be looking for an address for the latter organization and call you with it as soon as it is located.)

The next item is the information I would like to see included in a Rule 30(b)(6) notice to Monsanto. I understand that you are also working on such a notice and will include your own materials.

The final item is our witness list.

Gerson and I are very pleased that Gaffey has named George Carlo as his only expert. Carlo has been heavily involved in a

Memorandum
November 1, 1993
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major dioxin scandal himself and was caught lying to a judge in Mississippi about being a lawyer as well as a scientist. We couldn't ask for a better break in this case.

I enjoyed speaking with you the other day and look forward to working with you on this case.

c:\users\msc\montague\memopm.001

PERSONS TO BE SUBPOENAED FOR DEPOSITIONS:

Judith Zack***

Address (P. Montague looking for)

Raymond Suskind***

Address (P. Montague looking for)

George Roush***

10 Babbler Lane
St. Louis, Mo. 63124

Emmett Kelly***

R. Emmett Kelly & Associates
665 South Skinker
St. Louis, Mo. 63105

Jan Yung***

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Mo. 63167

Marcie Strauss***

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Mo. 63167

Mary Gaffey***

11269 Pineside Drive
St. Louis, Mo. 63146

William Gaffey

11269 Pineside Drive
St. Louis, Mo. 63146

Dr. George Carlo

(Plaintiff's expert; time and place to be arranged by stipulation)

Persons designated as persons most knowledgeable by Monsanto in response to PMK deposition notice(s)

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Mo. 63167

ATTACHMENT A

At the time and place set by the attached subpoena for your deposition to be taken, produce the following records for inspection and copying to the extent that you or your attorney have them in your possession, custody, or control.

1. The most current version of your resume or curriculum vitae;

2. All documents you review to prepare for your deposition, as well as all documents discussing or referring to the same or similar subjects;

3. All documents you prepare in order to prepare for your deposition, such as but not limited to notes, outlines, or drawings;

4. If, in any other lawsuit, you have testified as a witness, had your deposition taken, or signed an affidavit, produce each and every affidavit and transcript of your testimony or deposition. If you do not have the original or a copy of each such document, produce any documents that state the title of the lawsuit, the name of the court in which it was filed, and the case number;

5. All documents discussing or referring in any way to studies of the health of persons exposed to dioxin at a Monsanto Company chemical plant in Nitro, West Virginia;

6. All documents having anything to do with such studies; and

7. All records of communications with the plaintiff William R. Gaffey discussing or referring in any way to this lawsuit.

ATTACHMENT FOR MONSANTO 30(B)(6) NOTICE

Please use the definitions provided in the attached subpoena duces tecum. Produce the person or persons most knowledgeable about the following subjects:

1. The Monsanto corporate motivation for conducting the Nitro worker studies, including without limitation the identities and roles of all persons who participated in the proposal and decision to conduct the studies, the substance of their communications and records thereof including their present existence and location, the use or uses Monsanto officers and staff intended to and did make of the studies, and any and all instructions and guidance given to those responsible for implementation of the studies;

2. The universe of records of or referring to the Nitro worker studies that were acquired or generated by Monsanto or its agents or contractors, including without limitation their present existence, condition, location, retrievability, disclosability, and contents; to the extent such records are no longer in Monsanto's possession, custody, or control, the circumstances of their destruction or removal from Monsanto's possession, custody, or control including without limitation the motivation and authorization for and identities of persons accomplishing such acts;

3. The particular role of plaintiff William R. Gaffey in the [i] proposal for, [ii] decision to conduct, and [iii] implementation of any or all of the Nitro worker studies; his role in activities involving the Nitro worker studies after their completion; his interactions with others in regard to the studies; the universe of

records he generated, reviewed, and acquired in regard to the foregoing; and the present existence, condition, location, retrievability, disclosability, and contents of such records and, to the extent such records are no longer in Monsanto's possession, custody, or control, the circumstances of their destruction or removal from Monsanto's possession, custody, or control including without limitation the motivation and authorization for and identities of persons accomplishing such acts;

4. Information and reliability thereof that Monsanto officers, staff, contractors, and agents provided to other persons or entities who studied the same or overlapping populations of workers involved in the Nitro worker studies, including without limitation Dr. Marianne Moses and Dr. Marilyn Fingerhut;

5. The source(s), extent, and duration of dioxin contamination within, on the grounds of, and in the area surrounding Monsanto's chemical manufacturing facility at Nitro, West Virginia, and any and all tests, analyses, and studies thereof including without limitation their methodologies and conduct, whether conducted by Monsanto, by others, or in conjunction with Monsanto; the extent to and circumstances under which any of the foregoing information was made available to plaintiff William R. Gaffey or his co-workers involved in the Nitro worker studies and if not made available all reasons therefor; all records of the foregoing, including their present existence, condition, location, retrievability, disclosability, and contents, and, to the extent such records are no longer in Monsanto's possession, custody, or control, the circumstances of their destruction or removal from

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Monsanto's possession, custody, or control including without limitation the motivation and authorization for and identities of persons accomplishing such acts;

6. All payments made by Monsanto to or for the benefit of plaintiff William R. Gaffey since his retirement from Monsanto; Monsanto's intent in regard to future use of Dr. Gaffey's services and expected remuneration therefor; and factors affecting whether and the extent to which Monsanto intends to make payments to Dr. Gaffey in the future.

7. The conduct, methods, and all results of any and all Monsanto investigations into whether any or all of the Nitro worker studies are scientifically valid or fraudulent;

8. All communications between or among Monsanto officers, staff, or agents with persons outside the company in regard to allegations that one or more of the Nitro worker studies are scientifically invalid and/or fraudulent, all Monsanto decisions and policies regarding the same, and implementation thereof;

9. The Monsanto personnel record of plaintiff William R. Gaffey;

10. All records of communications between Dr. George Carlo and Monsanto officers, staff, or agents; and

11. The authenticity, genuineness, and hearsay status of all records produced by Monsanto in response to the Defendants' concurrent subpoena duces tecum.

TRIAL WITNESS LIST:

Fact witnesses (may also testify within their areas of expertise)

Dr. Cate Jenkins

Cougar Associates
1660 Lanier Place, N.W.
Washington, D.C. 20009

Judith Zack

Raymond Suskind

George Roush

10 Babbler Lane
St. Louis, Mo. 63124

Emmett Kelly

R. Emmett Kelly & Associates
665 South Skinker
St. Louis, Mo. 63105

Janet Yung

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Mo. 63167

Marcie Strauss

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Mo. 63167

Mary Gaffey

11269 Pineside Drive
St. Louis, Mo. 63146

William Gaffey

11269 Pineside Drive
St. Louis, Mo. 63146

Persons designated as persons most knowledgeable by Monsanto in
response to PMK deposition notice(s)

Monsanto Company



800 North Lindbergh Blvd.
St. Louis, Mo. 63167

Person to authenticate Monsanto records and testify regarding hearsay status

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Mo. 63167

Person to authenticate government records and testify regarding hearsay status

Defendants reserve the right to call rebuttal witnesses not listed above

Expert witnesses:

Dr. Richard Clapp

Center for Environmental Health Studies
210 Lincoln Street
Boston, Mass. 02111

Dr. Devra Lee Davis

OASH/HHS
200 Independence Avenue S.W.
Room 718F
Washington, D.C. 20201

Dr. Samuel Epstein

University of Illinois-Chicago
School of Public Health
2121 West Taylor
Room 324
Chicago, Ill. 60612

Dr. Ellen Silbergeld

University of Maryland
Dept. of Epidemiology
Howard Hall, Suite 102A
660 West Redwood St.
Baltimore, Md. 21201

Defendants reserve the right to call rebuttal witnesses not listed above