IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CECIL SCOTT, ET AL.	§	
	§	
VS.	§	CIVIL ACTION NO.
	§	B-84-1103-CA
MONSANTO COMPANY	§	

PLAINTIFFS' NOTICE OF INTENTION TO TAKE ORAL DEPOSITION AND SUBPOENA DUCES TECUM

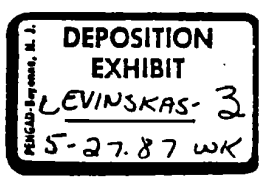
TO: Defendant, MONSANTO COMPANY, by and through its attorneys of record Mr. Robert A. Hall, Mr. Jonathan B. Shoebotham, Woodard, Hall & Primm, 4700 Texas Commerce Tower, Houston, Texas 77002;

Mr. Walter J. Crawford, Jr., Wells, Peyton, Beard, Greenberg, Hunt & Crawford, P. O. Box 3709, Beaumont, Texas 77704;

Mr. John M. Johnson, Mr. Warren B. Lightfoot, Bradley, Arant, Rose & White, 1400 Park Place Tower, Birmingham, Alabama 35203; and

Mr. Michael R. Fruehwald, Mr. Michael Rosiello, and Ms. Anne C. McGown, Barnes & Thornburg, 1313 Merchants Bank Building, 11 South Meridian Street, Indianapolis, Indiana 46204.

Pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of Civil Procedure, the Plaintiffs in this cause hereby give NOTICE to the Defendant that the oral deposition of the Manager of Toxicology of MONSANTO COMPANY, Defendant, will be taken on the date and time and at the place hereinafter stated. Specifically, the Plaintiffs intend to take the oral deposition of the



representative(s) designated by the Defendant pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and charged with the responsibility for maintaining custody of the documents listed below.

The designated representative(s) shall testify as to:

a) Matters known or reasonably available to the Defendants concerning the policies and procedures of Monsanto's Toxicology Department for the years 1965 through 1980;

b) The current standards, procedures and policies of Monsanto's Toxicology Department;

c) The duties and responsibilities of the Manager of Monsanto's Toxicology Department (i) 1965 through 1980 and (ii) currently;

d) The organization of Monsanto's Toxicology Department (i) 1965 through 1980 and (ii) currently;

e) The interrelationship between Monsanto's Toxicology Department and Monsanto's other departments and/or sections;

f) The relationship between Monsanto's Toxicology Department and any outside testing facilities (i) 1965 through 1980 and (ii) currently;

g) Any industry or government guidelines or regulations relating or pertaining to tests concerning the toxicological effects of Monsanto products on animals;

h) Any participation by Monsanto's Toxicology Department in any effort by Monsanto to avoid or defer the ban of its PCB products;

i) The day-to-day activities of the current Manager of Monsanto's Toxicology Department; and

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j) The documents designated in the accompanying Subpoena Duces Tecum.

This deposition will be taken at the offices of Gilpin, Pohl & Bennett, 1300 Post Oak Boulevard, Allied Bank Tower, 23rd Floor, Houston, Texas 77056 beginning at 9:00 a.m. on Saturday, May 23, 1987 and shall continue until completed.

This oral deposition will be taken before a certified court reporter. The testimony given during this oral deposition will be used as evidence in this matter, together with the documents produced at this deposition. You are invited to attend and cross-examine.

Pursuant to Rules 30(b)(5) and 34 of the Federal Rules of Civil Procedure, certain documents shall be produced by the designated representative(s) MONSANTO COMPANY (referred to herein as "Monsanto") at the commencement of the oral deposition. The originals and all drafts of the following requested documents shall be produced:

1) Any manual, compilation or other writing setting forth or reciting the policy or procedures for the Monsanto Toxicology Department from 1965 to date;

2) Any document pertaining to Monsanto's standards for the feeding or care of animals used in connection with the testing of Monsanto products;

3) Any document pertaining to the care, skill or precision to be used (a) by Monsanto and (b) by any outside/independent testing laboratory in gathering, recording, maintaining and/or

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reporting of data generated by or from animal studies;

4) Any document comparing or contrasting the results of IBT Aroclor tests with tests conducted by (a) Monsanto, (b) others on Monsanto's behalf and/or (c) independent or government researchers;

5) Any document regarding any investigation or analysis of those Aroclor tests conducted by IBT for Monsanto;

6) Any document regarding or otherwise pertaining to trips (a) by Monsanto employees or representatives (i) to the offices of IBT (ii) to other locations where IBT representatives were met or (b) by IBT employees or representatives (i) to the offices of Monsanto or (ii) to locations where IBT and Monsanto employees or representatives met;

7) All literature regarding PCBs which was supplied or made available to Monsanto's experts, or consultants;

8) All Electrical Power Research Institute reports, articles, papers, etc., pertaining or relating to PCBs;

9) Any list or summary identifying (a) which IBT studies were redone by or for Monsanto and (b) the variances or similarities between the Monsanto tests conducted by IBT and those redone by or for Monsanto;

10) Any industry (and/or government) guidelines, standards or suggested guidelines/standards applicable to toxicological studies from 1960 to date (e.g. Aroclor studies on rats, beagle dogs, leghorn hens and/or fish) including any variations thereof from their inception to date;

11) Any document setting forth or otherwise stating Monsanto's standard of care regarding the following data in connection with toxicological tests (gathering, recording, maintaining):

a) blood data;

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b) urine analysis;
c) body weight;
d) feeding data;
e) autopsy (procedures and results);
f) viscera;
g) microscopic analysis;
h) organ analysis;
i) death of test animals;
j) substitution of animals;
k) loss of animals due to escape or confusion of identity.

12) All correspondence between IBT and Dr. Paul Wright while Dr. Wright was employed by Monsanto;

13) Any document evidencing or suggesting that Monsanto corrected, changed, altered or otherwise amended (a) any report of a test performed by IBT for Monsanto and (b) any paper published or to be published regarding IBT's study of any Aroclor product;

14) Any document (a) evidencing or otherwise pertaining to suggestion by Monsanto as to the "results" to be achieved by IBT in connection with the tests by IBT of Monsanto products, and (b) Monsanto's policy in regarding thereto (i) 1965 to 1980 and (ii) currently; and

15) Those documents relating to items a through j first above listed.

As used in this notice, the term "documents" means any printed, typewritten or handwritten matter, or reproduction thereof, of whatever character, in the possession, custody or control of a witness or his agents, representatives or employees, including without limitation, correspondence, contracts, memoranda, agreements, letters, brochures, reports, handwritten or typewritten notes, sound recordings or transcriptions thereof, computer print-outs,

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inter-company and intra-company communications, work papers, diaries, calendar pads, appointment books, ledgers, financial statements, checks, bank drafts and writings of whatever kind and character, whether originals or reproductions, and whether in draft or final form, including copies bearing different markings or notations.

"Aroclor" shall mean any Monsanto product containing PCBs or their contaminants.

"Animal" shall mean any animal, mammal, reptile, bird, or fish used in connection with any study.

"PCB" means polychlorinated biphenyl and its contaminants and derivatives.

"Toxicology Department" means any department or section responsible for investigating or determining the possible toxicological effects of exposure to products manufactured by Monsanto Company.

Respectfully submitted,

By:_____
Michael A. Pohl

OF COUNSEL:

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Bloomington, Indiana 47402
(812) 336-4840

ATTORNEYS FOR PLAINTIFFS,
CECIL SCOTT, ET AL.

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 1987, a true and correct copy of the above Notice of Intent to Take Oral Deposition and Subpoena Duces Tecum was served upon counsel of record either by messenger or by placing same in the United States mail, certified mail, return receipt requested, postage prepaid and addressed as follows:

Mr. Robert A. Hall
Mr. Jonathan B. Shoebotham
Woodard, Hall & Primm
4700 Texas Commerce Tower
Houston, Texas 77002

Mr. Walter J. Crawford, Jr.
Wells, Peyton, Beard, Greenberg,
Hunt & Crawford,
P. O. Box 3708

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Beaumont, Texas 77704

Mr. John M. Johnson
Mr. Warren B. Lightfoot
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Birmingham, Alabama 35203

Mr. Michael R. Fruehwald
Mr. Michael Rosiello
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Barnes & Thornburg
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Michael A. Pohl

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