C T SYSTEM

SERVICE OF PROCESS TRANSMITTAL FORM

The Corporation Trust Company
C T Corporation System
and Associated Companies

TO: Mr. E. J. Putzell, Jr.
c/o Monsanto Company
800 N. Lindbergh
St. Louis 66, Missouri
(Authorized Recipient)

TO: C T CORPORATION SYSTEM
(C T Office)
ST. LOUIS, MISSOURI
(City) (State)

FROM: C T CORPORATION SYSTEM
(Originating Agent)
Per Robert E. Boyd
Robert E. Boyd
PHILADELPHIA, PENNSYLVANIA
(City) (State)

DATE: 5/21/64 VIA: ( ) Certified Mail (X) Certified Air Mail

VIA: (X) Certified Mail ( ) Messenger
( ) Certified Air Mail

RE: PROCESS SERVED IN PENNSYLVANIA
LEFT (Jurisdiction)

FOR MONSANTO COMPANY (Formerly MONSANTO CHEMICAL COMPANY) DELAWARE
(Name of Company) (Home State)

left at the registered office

Enclosed are copies of legal process served upon the statutory agent of the above company as follows:

1. Title of Action: Mildred Barrett, Plaintiff, v. B. F. Drakenfeld & Co., Inc. and Monsanto Chemical Company, Defendants.

2. Document(s) Served: Complaint

3. Court: Court of Common Pleas of Washington County, Pennsylvania. No. 519 Feb. T. 1964 A.D. In Trespass.

4. Nature of Action: Plaintiff asks for damages against the defendants and each o them in excess of $10,000.00, claiming that she sustained personal injurie from the use of defendant Drakenfeld's 24-018 enamel in 487 oil, containin defendant Monsanto's Aroclor 4465. Negligence alleged.

5. On Whom Process was Served: Left in the Philadelphia office of C T Corporation System by a Deputy Sheriff on May 21, 1964, 11:20 A.M.

6. Date and Hour of Service: See Item #5.

7. Appearance or Answer Due: Within 20 days (Notice to Plead is stamped on the cover of the Complaint)

8. Plaintiff's Attorney(s):
Guilfoil, Caruthers, Symington, Montrey & Daniel, 434 Paul Brown Building, Saint Louis 1, Missouri.
Patterson, Crawford, Arensberg & Dunn, 1404 First National Bank Building, Pittsburgh 22, Pennsylvania.
Zeman and Zeman, Washington Trust Building, Washington, Pennsylvania.

9. Remarks: Although the process server was informed that our office is merely the Registered office to which the Secretary of the Commonwealth of Pennsylvania forwards process served upon him for the above corporation, he nevertheless left the attached Complaint.

RECEIVED AND FORWARDED ON 5/22/64 (Date)

BY: C T CORPORATION SYSTEM

Per

314 North Broadway
(Address)
St. Louis, Missouri

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING AND RETURNING TO US THE ENCLOSED CARBON COPY OF THIS TRANSMITTAL FORM.

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IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

MILDRED BARRETT,

Plaintiff

v.

B. F. DRAKENFELD & CO., INC., a corporation, and MONSANTO CHEMICAL COMPANY, a corporation,

Defendants

No. 519 Jun T 1964 AD

In Trespass

COMPLAINT

Plaintiff brings this suit upon the following causes of action:

COUNT I

1. Defendant, B. F. Drakenfeld & Co., Inc., (hereinafter called "Drakenfeld") is a corporation organized under the laws of New York, registered to do business in Pennsylvania, with its principal place of business in Canton Township, Washington County, Pennsylvania.

2. Defendant, Monsanto Chemical Company, (hereinafter called "Monsanto") is a corporation organized under the laws of Delaware, registered to do business in Pennsylvania, which regularly conducts business in Washington County, where a transaction or occurrence took place out of which this cause of action arose.

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3. Defendant Drakenfeld is engaged in the business of manufacturing, preparing and distributing into the channels of trade paints and enamels, and among the various products so distributed by said defendant is an enamel known as 24-018 enamel in 487 oil.

4. Defendant Monsanto is engaged in the business of manufacturing and preparing chemicals, chemical products, oils and thinners and distributing said products into the channels of trade, and among the various products so manufactured and distributed by said defendant is the product known as Aroclor 4465.

5. Defendant Drakenfeld prepares the aforesaid product 24-018 enamel in 487 oil by combining various other materials with Monsanto's product Aroclor 4465.

6. At all times hereinafter mentioned, both defendants herein did know and intend that said products would be used by the consuming public and would be handled, dealt with, touched and fumes thereof would be inhaled by the public, and both defendants placed said products in the channels of trade with such knowledge and intention.

7. During the years 1958, 1959, 1960 and 1961, and until the month of May, 1962, defendant Drakenfeld continuously supplied 24-018 enamel in 487 oil containing defendant Monsanto's Aroclor 4465 to the International Bent Glass Company, Inc., in St. Louis, Missouri, and said product was used daily by said latter company in the process of making its products. At all times during which [illegible] 487 oil was so used in the manufacturing processes of International Bent Glass Company, Inc., both defendants herein did falsely represent that the products 24-018 enamel in 487 oil and Aroclor 4465 were fit and safe for such use by the public, but both defendants and each defendant knew that such products contained chlorinated

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biphenyls and chlorinated triphenyls, with a high amount of chlorination; said defendants, and each of them, knew that said products would from time to time be heated or baked in ovens, and that use by the public of said products was likely to cause liver damage, skin eruptions, rashed acne, cysts and dermatitis of various kinds.

8. Plaintiff, beginning in the year 1958 and continuing until the month of May, 1962, made use of 24-018 enamel in 487 oil, as supplied by defendants in her employment with International Bent Glass Company, Inc., at St. Louis, Missouri, and, in connection therewith, handled said product, touched same, and inhaled the fumes thereof, all in reliance on the skill and judgment and aforesaid representations of both defendants, being wholly unaware of the toxic and dangerous qualities of such products.

9. During the year 1958, after a period of use of said product, plaintiff began to suffer eruptions of plaintiff's skin over and about plaintiff's neck, shoulders, chest, back, buttocks, face, ears and eyelids; said areas became covered with comedones, cysts, acne, infectious lesions, papules and a condition known as chloracne; plaintiff's eyelids and periorbital skin became erythematous, edematous and scaly; plaintiff's liver became injured, damaged and diseased. Plaintiff continued to suffer these aforesaid conditions through the period of time during which she used 24-018 enamel in 487 oil, still suffers the residual effects of the same, and will suffer said residual effects permanently.

10. At various times throughout the period of time heretofore mentioned, diligent attempts were made by plaintiff, her employer, International Bent Glass Company, Inc., its representatives, and other employees similarly injured, and their representatives, to determine, discover and

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ascertain the nature, extent and cause of her disease and injury through the use of various skilled medical experts and specialists, but said medical experts and specialists were unable to determine, discover or ascertain the same. During the month of May, 1962, The Occupational Health Research and Training Facility, Division of Occupational Health, Public Health Service, United States Department of Health, Education and Welfare, as a result of an investigation conducted by its representatives in March, 1962, determined, discovered and ascertained for the first time that the direct and proximate cause of plaintiff's condition, as heretofore alleged, was the use of defendant Drakenfeld's 24-018 enamel in 487 oil, containing defendant Monsanto's Aroclor 4465, and communicated its finding to plaintiff in the month of May, 1962, thus constituting plaintiff's first knowledge of the direct and proximate cause of her condition, as heretofore alleged.

11. In supplying their product to third persons, the defendants actively concealed the seriousness of the danger and risk to which persons would be exposed who were lawfully using their product for the purposes for which it was manufactured. The defendants knew or should have known that their product was uniquely dangerous and hazardous and that persons lawfully using it could not know that it was unsafe for the purposes for which it was supplied.

12. Plaintiff has become obligated for large sums of money for medical attention for the aforesaid conditions and will become obligated for additional such sums in the future in an amount not now ascertainable.

WHEREFORE, the plaintiff asks for damages against the defendants and each of them in excess of $10,000.00.

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COUNT II

1. Plaintiff restates and realleges each and every allegation in Paragraphs 1, 2, 3, 4, 5 and 6 of Count I of this Complaint.

2. During the years 1958, 1959, 1960 and 1961, and until the month of May, 1962, defendant Drakenfeld continuously supplied 24-018 enamel in 487 oil containing defendant Monsanto's Aroclor 4465 to the International Bent Glass Company, Inc., in St. Louis, Missouri, and said product was used daily by said latter company in the process of making its products.

3. Both defendants and each of them knew, or in the exercise of ordinary care should have known that said products, containing highly chlorinated biphenyls and triphenyls, are, and for many years have been, known to be of a toxic and dangerous nature in that they were reasonably likely to cause abnormal reactions, skin eruptions, rashes, liver damage, dermatitis and diseases, and defendants and each of them were under a duty to give an adequate warning of such dangers and risks to the public who used such products, but both defendants and each of them negligently breached said duty by failing and omitting to give an adequate warning of such dangers and risks.

4. Plaintiff restates and realleges each and every allegation of Paragraphs 8, 9 and 10 of Count I of this Complaint.

5. Plaintiff was injured in the particulars alleged hereinabove in Count I, Paragraph 9, and as herein realleged in Paragraph 4 of this Count, as a direct and proximate result of defendants' negligence as heretofore alleged.

6. Plaintiff restates and realleges each and every allegation of Paragraphs 11 and 12, Count I of this Complaint.

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WHEREFORE, the plaintiff asks for damages against the defendants and each of them in excess of $10,000.00.

GUILFOIL, CARUTHERS, SYMINGTON
MONTREY & DANIEL

By Rexford H. Caruthers Esq
Rexford H. Caruthers

By J. Paul Allred Jr Esq
J. Paul Allred, Jr.

434 Paul Brown Building
Saint Louis 1, Missouri

PATTERSON, CRAWFORD, ARENSBERG
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Pittsburgh 22, Pennsylvania

ZEMAN AND ZEMAN

By Adolph L. Zeman
Adolph L. Zeman

Washington Trust Building
Washington, Pennsylvania

Attorneys for Plaintiff

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STATE OF MISSOURI)
) SS:
CITY OF ST. LOUIS)

Before me, the undersigned authority, appeared MILDRED BARRETT, who, being sworn, says that the facts contained in the foregoing Complaint are true upon personal knowledge as to a part and upon information and belief as to the remainder.

Mildred Barrett

Sworn to and subscribed this 2nd day of April, 1964.

Notary Public

My Commission Expires:

My Commission Expires Sept. 26, 1967

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