IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI

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| CECIL SCOTT, et al., | ) | |
| Plaintiffs, | ) | |
| vs. | ) | Cause No. 902-02008 |
| MONSANTO COMPANY, | ) | Division No. 1 |
| Defendant. | ) | |

FILED
NOV 27
CIRCUIT

RESPONSE OF DEFENDANT MONSANTO COMPANY
TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS

Defendant Monsanto Company makes the following response to Plaintiffs' Request for Production of Documents.

PLAINTIFFS' DEFINITION

1. "PCB document depository" means any and all places where Monsanto has previously or presently set aside or stored any documents which in any way relate to PCB's.

PLAINTIFFS' REQUEST

1. Any and all documents contained in the PCB document depository defined above.

OBJECTION BY DEFENDANT MONSANTO COMPANY

Defendant Monsanto Company objects to Plaintiffs' Request for Production of Documents on the following grounds:

1. To the extent plaintiffs' request seeks production of material which is properly discoverable, it is repetitious of



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extensive requests for production previously made by these plaintiffs, to which Monsanto has responded by producing over 75,000 pages of documents. Monsanto has agreed that the documents previously produced to these plaintiffs in their action against Monsanto in the U. S. District Court for the Eastern District of Texas will be treated as if they had been produced in this action. Any request for a second production of the same documents is burdensome and harassing.

2. The request is overbroad, in that it is not limited to the PCB products, the PCB users, the time frames, or the health problems alleged in this case. To the extent of its overbreadth, the request is not relevant to the subject matter of this action, is not reasonably calculated to lead to the discovery of admissible evidence, and is burdensome and oppressive.

3. The request fails to specify the documents to be produced with reasonable particularity, as required by Rule 58.01(b) of the Missouri Supreme Court Rules.

4. The request, because of its overbreadth, improperly seeks production of materials protected by the attorney client privilege and the work product protection.

5. The request is burdensome and oppressive, in that it would require an unreasonable expenditure of attorney and staff time to identify and segregate attorney-client privilege and work product materials from properly discoverable documents.

6. Rather than identifying documents by subject matter, the request identifies documents on the basis of their having



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been "set aside or stored" in a "PCB document depository." The request thereby seeks to discover the identity of documents which have been selected by Monsanto's attorneys for inclusion in a litigation support system, and thus seeks disclosure of the work product of Monsanto's attorneys.

Respectfully submitted,

HUSCH & EPPENBERGER

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 27th day of ~~December~~ November, 1991, by first class mail, postage prepaid to:

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