SERVICE OF PROCESS TRANSMITTAL FORM

The Corporation Trust Company
C T Corporation System
and Associated Companies

St. Louis, Missouri
(City) (State)

June 17, 1963
(Date)

TO: Mr. H. J. Putzell, Jr.
c/o Monsanto Chemical Company
600 North Lindbergh Boulevard
St. Louis 66, Missouri

(xxxx) VIA CERTIFIED MAIL
( ) VIA CERTIFIED AIR MAIL
( ) VIA MESSENGER

RE: **PROCESS SERVED IN THE STATE OF** MISSOURI

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

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

1. Title of Action: James A. White vs. B. F. Drakenfeld and Company and Monsanto Chemical Company
2. Document(s) Served: Summons and Petition
3. Court: Circuit Court, City of St. Louis, Missouri
   No. 56080 E, Division 1
4. Nature of Action: Damages for alleged personal injuries - two Counts-
   Amount each County $45,000.00
5. On Whom Process was Served: C T Corporation System, St. Louis, Missouri
6. Date and Hour of Service: June 17, 1963 at 11:00 a.m.
7. Appearance or Answer Due: Within 30 days after service
8. Plaintiff's Attorney(s): Guilfoil, Caruthers, Symington and Montrey
   430 Paul Brown Building
   St. Louis 1, Missouri
9. Remarks:

FPB:jm

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

Signed C T CORPORATION SYSTEM

Per

Address 314 North Broadway

St. Louis, Missouri

N-290-Y 1-62 50M Sets

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HARTOLDMON0095369

STATE OF MISSOURI)
) ss.
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS,

STATE OF MISSOURI

JAMES A. WHITE, Plaintiff, vs.	)	
D. F. DRAKENFELD AND COMPANY, a corporation, 45 Park Place, New York 7, N.Y., Serve: Secretary of State, Jefferson City, Missouri, and	)	Cause No. Division No.
MONSANTO CHEMICAL COMPANY, a corporation, Serve: C. T. Corporation Service, 314 No. Broadway, St. Louis 2, Missouri, Defendants.	)	

PETITION

COUNT I

Plaintiff, for cause of action in Count I of this petition, states:

(1) Defendant D. F. Drakenfeld and Company (hereinafter called "Drakenfeld") is and was a foreign corporation duly organized and existing under law at all times hereinafter mentioned; as hereinafter more particularly alleged, Drakenfeld has committed a tort against the person of plaintiff, in the

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City of St. Louis, State of Missouri, and has thereby agreed that the Secretary of State of Missouri shall be its agent for the service of process, all as is provided in V.A.M.S., 1949, Section 351.630.

(2) Defendant Monsanto Chemical Company (hereinafter called "Monsanto") is and at all times hereinafter mentioned was a corporation organized and existing under the laws of the State of Delaware, having a registered agent and office in the City of St. Louis, State of Missouri, and having its principal place of business in the State of Missouri.

(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 407 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 407 oil by combining various other materials with Monsanto's product Aroclor 4465.

(6) Both defendants herein did know and intend that said products would be used by the consuming public and would be

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handled, dealt with, touched and the 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) Both defendants herein did impliedly warrant and 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 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, rashes, acne, cysts and dermatitis of various kinds.

(8) Plaintiff, beginning in the year 1958 began to make use of said products in his employment with International Dont Glass Company, Inc. at St. Louis, Missouri, handling such products, touching the same, and inhaling the fumes thereof, all in reliance on the skill and judgment and aforesaid warranty of both defendants, being wholly unaware of the toxic and dangerous qualities of such products.

(9) After a period of such use of such products, the same, contrary to and in breach of the warranty of both defendants, directly and proximately caused plaintiff to become ill and diseased, in that plaintiff suffered eruptions of plaintiff's skin over and about plaintiff's neck, shoulders, chest, back, buttocks, face, ears and eyelids, said areas have become covered

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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 was injured, damaged and diseased; these conditions are painful, irritating and embarrassing; all of said conditions are permanent.

(10) 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 premises considered, plaintiff prays judgment against the defendants and each of them, on this Count I of the petition for Forty-Five Thousand Dollars ($45,000.00), and for plaintiff's costs.

COUNT II

Plaintiff, for cause of action in Count II of this petition, states:

(1) Plaintiff restates and realleges each and every allegation in paragraphs (1), (2), (3), (4), (5) and (6) of Count I of this petition.

(2) 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

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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.

(3) Plaintiff began to make use of such products in 1958 in his employment at St. Louis, Missouri, with International Bent Glass Company, and as a direct and proximate result of the defendants' negligence, plaintiff was injured in those particulars alleged hereinabove in Count I, paragraph (9).

(4) Plaintiff restates and realleges each and every allegation in Count I, paragraph (10).

WHEREFORE, the premises considered, plaintiff prays judgment on this Count II of this petition against the defendants, and each of them, in the sum of Forty-Five Thousand Dollars ($45,000.00) and for his costs.

GUILFOIL, CARUTHERS, SYMINGTON
AND MONTREY

By _____
Hanford H. Caruthers
430 Paul Brown Building
St. Louis 1, Missouri
CArfield 1-2777
ATTORNEYS FOR PLAINTIFF

0416873

Form No. 75

Circuit Court for the City of St. Louis

State of Missouri

James A. White

Plaintiff

vs.

B. F. Drakenfeld & Co., et al

Defendant

No. 56080 E

Div. 1

SUMMONS

The State of Missouri to Defendant Monsanto Chemical Company, a Corp.

You are hereby summoned to appear before the above-named court and to file your pleading to the petition, copy of which is attached hereto, and to serve a copy of your pleading upon

Guilfoil, Caruthers, Symington, et al attorneys for plaintiff, whose address is 430 Paul Brown Bldg.

all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition.

Dated June 12, 19 63

PHELIM O'TOOLE
Circuit Clerk.

By
Deputy Clerk.

(Seal of Circuit Court)

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RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

(1) By delivering on the ..... day of ....., 19..

a copy of the summons and a copy of the petition to each of the within-named defendants .....

.....

.....

.....

(2) By leaving on the ..... day of ....., 19.....

for each of the within-named defendants .....

.....

.....

a copy of the summons and a copy of the petition at the respective dwelling place or usual place of abode of said defendants with some person of his or her family over the age of 15 years;

(3) By .....

.....

.....

.....

.....

All done in ..... County, Missouri,

Sheriff's fees:

Summons ..... $

Non est ..... $

Mileage ..... $

Total ..... $

Sheriff of ..... County, Missouri.

By .....
Deputy Sheriff.

DIRECTIONS TO SHERIFF

A copy of the summons and a copy of the petition must be served on each defendant. For methods of service in all classes of suits see Sec. 27 Civil Code.

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No. 56080 E

Div. 1

SUMMONS

Civil Code, Form No. 1

In the Case of

..... Plaintiff

vs.

Defendant

In the Circuit Court of the

City of St. Louis

STATE OF MISSOURI

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