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RECEIVED
JUL 29 2004
BROWNING, KALECZYC
BERRY & HOVEN, PC

MONTANA, TENTH JUDICIAL DISTRICT COURT, FERGUS COUNTY

MARTY PAULSON, WILLIAM J. HAUGEN, HARRY FELTON, RAY ROBERTSON and WARD BURLEIGH Individually and For All Persons Similarly Situated,

Plaintiffs,

v.

MONSANTO CHEMICAL COMPANY n/k/a PHARMACIA, MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS, and JOHN DOE PAINT COMPANIES and DISTRIBUTORS I through X

Defendants.

Cause No. DV-04-55

PLAINTIFFS' FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT, MONSANTO CHEMICAL COMPANY n/k/a PHARMACIA

TO: PHARMACIA CORPORATION f/k/a MONSANTO CHEMICAL COMPANY and their attorney, DANIEL HOVEN

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YOU WILL PLEASE TAKE NOTICE that Defendant, PHARMACIA CORPORATION, is hereby required, pursuant to Rules 33, 34 and 36 of the Montana Rules of Civil Procedure, to serve upon the undersigned within thirty (30) days after service of this notice, their answers in writing and under oath to the following.

The information requested herein is not restricted to your personal knowledge, but includes information in the possession of your attorneys and extends to information which you or your attorneys can obtain upon reasonable inquiry. These discovery requests shall be deemed continuing so as to require supplemental answers to be filed promptly upon obtaining further information between the time answers are served and the time of trial.

GENERAL DEFINITIONS AND INSTRUCTIONS

"**Defendant**" means PHARMACIA CORPORATION f/k/a MONSANTO CHEMICAL CO. and all other persons acting on their behalf. "Document" or documents" is used herein within its broadest sense as used in Rule 34(a)(1), and thus includes without limitation originals and non-identical copies of letters, telegrams, memoranda, reports, drafts, notes, summaries or records of conversations and interviews, minutes of meetings, diary entries, notebooks, agreements, printed publications, drawings and sketches, graphs, charts, photographs, brochures, intra and inter-company communications, marginal comments, sales literature, computer inputs, outputs and tapes, and all other writings, including tapes, phone records, and electronic and other data compilations from which information can be obtained, translated, if necessary, by plaintiff through detection devices into reasonably usable form.

"Communication" means the transmission, sending and/or receipt of information of any kind by and/or through any means including, but not limited to speech, writings, language (machine, foreign or otherwise), computer electronics of any kind, magnetic tape, video tape, photographs, graphs, symbols, signs, magnetic disks, sound, radio and/or video signals, telephone, teletype, telecommunication, telegram, microfilm, microfiche, photographic film of any type and/or other media of any kind.

"Identify" as applied to a communication means that the following information shall be provided:

(a) the date(s) on which such communication took place;

(b) the location(s) at which such communication took place;

(c) all persons having knowledge of such communication;

(d) the date, author, addressee and type of each document (e.g., letter, memorandum, telegram, chart, computer input and output, photograph,

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sound reproduction, etc.) referring and/or relating to such communication and the last known custodian(s) and location(s) of each document.

"Identify" as applied to a document means that the following information shall be provided:

(a) the date appearing on such documents, and if no date appears thereon, the answer shall so state and shall give the date or approximate date such document was prepared;

(b) the identifying or descriptive code number, file number, title or label of such document;

(c) the general nature or description of such document (i.e., whether it is a letter, memorandum, drawing, etc.) and the number of pages of which it consists;

(d) the name of the person who signed such document, and if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;

(e) the name of the person to whom such document was addressed and the name of each person other than such addressee to whom such document or copies thereof were given or sent;

(f) the name of the person having possession, custody or control of such document;

(g) whether or not any draft, copy, or reproduction of such document contains any postscript, notation, change, or addendum not appearing on the original of said document, and if so, the answer shall give the description as herein defined of each such draft, copy or reproduction;

(h) if any such document was, but is no longer, in defendant's possession or subject to its control, state what disposition was made of it and when;

(i) if the person's present whereabouts are unknown to defendant, state all information known to defendant that reasonably may be helpful in locating said person (for example; spouse's name, children's names and addresses; and the names and addresses of other known relatives).

"Identify" as applied to a natural person means to give the following information:

(a) full name;

(b) present or last known home address;

(c) present or last known business address and telephone number;

(d) title or occupation;

(e) present or last known employer;

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(f) if the person had ever been employed by defendant, state all employment positions which the person has held with defendant and the dates of each such employment position; and

(g) if the person's present whereabouts are unknown to defendant, state all information known to defendant that reasonably may be helpful in locating said person (for example; spouse's name; children's names and addresses; and the names and addresses of other known relatives).

"Representative" as applied to a legal entity means any officer, agent, employer or other person acting on behalf of that legal entity.

If any document is not produced on the grounds of attorney-client privilege or attorney work product, please furnish the following information with respect to each such document:

(a) State the date of the document;

(b) State the subject matter of the document;

(c) Identify the persons who prepared the document;

(d) Identify all persons who received the document;

(e) Identify all persons who are in the possession or control of the document;

(f) State in meaningful terms the privilege(s) claimed.

The terms "relating to" or "relate to" shall mean, consist of, refer to, reflect on, arise out of, or be in any way or manner legally, factually, or logically connected with the matter discussed.

The term "person" shall mean any natural person, governmental body, governmental agency, corporation, general or limited partnership, joint venture, and/or any other form of business organization or association, whether or not said person is a party to this action or in any way connected to a party in this action.

The term "nature" as in the nature of something shall mean the essence or characteristics of the thing.

The term "basis" or "bases" as in the bases for some allegation shall mean the cause, grounds or reasons for such allegation. When stating the basis or bases for any allegations, identify each and every communication and document and set forth each and every act and statement on which you rely. When stating the basis or bases for an allegation identify each person who possesses knowledge of facts, which relate to your answer and give the substance of the knowledge he possesses.

The term "meeting" shall mean and include any contemporaneous presence of any natural persons, whether or not such presence was by chance

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or prearranged, or whether or not the meeting was formal or informal or in connection with some other activity.

The term "communication" shall mean and include any transmission or exchange of information other than fact to face, between two or more persons, whether orally or in writing, and including without limitation any conversing, discussing or propounding of views or ideas by means of any document, telephone, telex, telecopies, cable, video or audio transmission device or some other electronic or other medium

Without limitation of the term "possession, custody, or control, "a document is deemed to be within your possession, custody or control if you physically possess the document or a copy thereof or if you have access to or the right to secure a document or a copy thereof from any other person or public or private entity having physical possession thereof.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents relating to the manufacture, production, sales, marketing and distribution of PCBs made by Defendant, including Aroclor 1254.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce all documents relating to any adverse health effect, sickness or disease of any kind incurred or suffered by any employee of Defendant related in any way to the manufacture, production, sales, marketing or distribution of PCBs including Aroclor 1254.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce any documents relating to any type of claim for occupational injury or disease made by any employee of Defendant relating to the manufacture, production, sales, marketing or distribution of PCBs made by Defendant including Aroclor 1254.

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RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all documents relating to the subject of environmental pollution by PCBs manufactured, produced or distributed by Defendant, including Aroclor 1254.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Attached hereto as "Exhibit 1" to Plaintiffs' first discovery requests is a report of the minutes of Aroclor "AD HOC" Committee.

Please produce the minutes of all meetings of this committee.

INTERROGATORY NO. 1: Please identify all members of this committee by name and current address, if living.

ANSWER:

REQUEST FOR PRODUCTION NO. 6: Attached hereto and incorporated by reference herein is a copy of a letter dated March 3, 1970 from R. E. Kelly M.D. to W. B. Papageorge.

Please produce all documents related to the contamination episode described in this letter and any other episodes of a similar nature, including any reports of environmental contamination by paint formulations containing Aroclors.

RESPONSE:

INTERROGATORY NO. 2: This same letter described in Request for Production No. 6 contains the following statement "When are we going to tell our

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customers not to use any Aroclor in any paint formulation that contacts food, fee, or water for animals or humans".

Please set forth with particularity each and every effort made by Defendant to warn its customers not to use any Aroclor in any paint formulation that contacts food, feed or water for animals or humans after March 3, 1970.

ANSWER:

REQUEST FOR PRODUCTION NO. 8: Please produce all documents pertaining to the subject of telling Defendant's customers not to use any Aroclor in any paint formulation that contains food, feed or water for animals or humans that were given by Defendant after March 3, 1970.

RESPONSE:

INTERROGATORY NO. 3: Please identify all paint manufacturers or distributors that purchased Aroclor 1254 for use in their paint formulations.

ANSWER:

DATED this 28 day of July, 2004.

TORGER OAAS
Co-Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served upon the following counsel of record this 28 day of July, 2004 via:

☑U.S. Mail ☐Federal Express ☐UPS ☐Hand Delivery ☐Fax

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By: _____

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