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OCT 30 1990

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

S.R.B.

CIVIL ACTION NO. 89-30201-F

ALICE L. WARREN,
ADMINISTRATRIX OF THE
ESTATE OF JOHN H. WARREN,
DECEASED,

Plaintiff

VS.

THE DOW CHEMICAL COMPANY,
THE B.F. GOODRICH COMPANY,
UNION CARBIDE COMPANY and
CONTINENTAL OIL COMPANY,

Defendants

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT, CONTINENTAL OIL COMPANY

DEFINITIONS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, plaintiff requests the defendant, Continental Oil Company, to produce the following documents for examination, photocopying and photographing at the offices of plaintiff's counsel within thirty (30) days hereof:

All documents in each category set forth below which are in defendant's possession, custody, or control and that meet the description, directly or indirectly, set forth in each such category.

"Document" shall mean the original, all non-identical copies and all drafts of any book, pamphlet, letter, computer file or other form of correspondence, telegram, telex, cable, report, study, memorandum, note, diary entry, telephone message, form, chart, drawing, photograph, agreement, contract, summary, financial record, or other verbal, numerical or pictorial recording, whether printed, typed, handwritten, drawn, recorded on film or computer or other means. If any document sought to be produced has been destroyed (and no copy exists), identify the date of destruction, the person responsible for ordering destruction, and the purpose for destruction.

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By requesting documents "in your possession, custody or control" the plaintiff seeks all documents in the custody or control or possession of defendant, Continental Oil Company.

As used herein, "the defendant" means Continental Oil Company or any agent, employee, representative, accountant, or consultant, or any other person engaged by defendant, Continental Oil Company, in any way in connection with defendant, Continental Oil Company's, business, whether past or present, and without regard to their having severed their affiliation with defendant, Continental Oil Company.

As used herein, the term "books and records" means all charters, articles of incorporation, by-laws, minutes, stock certificates, ledgers, journals, account books or sheets, or related documents.

Where any requested document listed herein calls for information or the production of a document or communication which defendant claims to be protected by any privilege or other limitation on disclosure, the defendant should provide a written statement as to the existence of the information, document or communication, and should also state each privilege or limitation claimed, with a summary of all facts and circumstances upon which each such claim is based.

The term "the product" as used herein in the Requests shall mean vinyl chloride monomer ("VC") and polyvinyl chloride ("PVC"), manufactured, sold or delivered by the defendant.

REQUEST FOR PRODUCTION OF DOCUMENTS

- ① All documents of every kind, nature and description, including but not limited to, office records of any claims, injuries, illnesses of which the defendant has received notice concerning the product from 1948 to date.
- ② All documents of every kind, nature and description, including but not limited to, reports of testing, examination or chemical analysis of the product in the possession, custody or control of the defendant.
- ③ All documents of every kind, nature and description, including but not limited to, notes, memoranda and office records, identifying any and all persons who conducted testing, examination or chemical analysis of the product from 1947 to 1979.
- ④ All instructions, rules, regulations, documents, correspondence, brochures, manuals or other material which describes any warnings provided to any purchasers or users of the product from 1947 to 1979.

000867

5. All instructions, rules, regulations, documents, correspondence, manuals, brochures or other material which describe any safety procedures to be observed in using the product from 1947 to 1979.
6. All documents of any kind, nature and description referring to or containing oral or written communications between the defendant and the Occupational Safety and Health Administration, National Institute for Occupational Safety and Health or any other agency, division, department, bureau or commission of federal, state, local or municipal government, including but not limited to, all product safety data sheets and reports of alleged dangers or safety hazards and representations about the product, prepared for or at the request, or in the possession, custody or control of the defendant.
7. All marketing, advertising, promotional, catalog, sales or other written or pictorial material concerning the product.
8. Copies of all written statements, signed or unsigned, of all experts whom the defendant or defendant's attorney intends to be present at the trial for the purpose of testifying concerning the plaintiff's claim, or for the purpose of supporting the defendant's defense without the intention of testifying.
9. The coverage selection and/or declaration pages of all insurance policies which may provide coverage for claims brought against the defendant in this action or whose proceeds would be available to satisfy any judgment in this matter.
10. All documents of every kind, nature and description which depict or explain the design, assembly, composition or chemical makeup of the product.
11. All documents of every kind, nature and description, including but not limited to, trade standards, procedures or practices relating to the use, storage, transportation and sale of the product.
12. All documents of every kind, nature and description related to the sale, delivery or furnishing of the product to Monsanto Chemical Company, including but not limited to, invoices, product safety data sheets, bills of sale, order forms, warning notices, warranties, receipts, delivery orders and bills of lading from 1947 to 1979.
13. All documents of every kind, nature and description relating to shipment of the product to Mondanto Chemical Company issued by the Interstate Commerce Commission, Department of Transportation, Bureau of Explosives and Association of American Railroads from 1947 to 1974.

000868

25. All documents relating to complaints or other notices of injury or illness similar to that alleged by the plaintiff received by the defendant.
26. All documents relating to communication between the defendant and all persons, businesses and entities hired by the defendant to transport the products during the years 1947 to 1979.

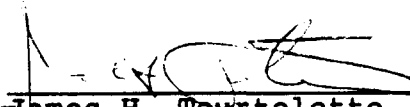
THE PLAINTIFF
ALICE L. WARREN, ADMINISTRATOR OF
THE ESTATE OF JOHN H. WARREN,
DECEASED

By 
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Robinson Donovan Madden
& Barry, P.C.
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BBO NO. 500800

CERTIFICATE OF SERVICE

I, James H. Tourtelotte, Esq., hereby certify that on this 26th day of October, 1990, I served a copy of the above upon the parties in the action by mailing, postage prepaid, to counsel, Sharon R. Burger, Esq., of One International Place, Boston, MA 02110; and Mark S. Granger, Esq., of 250 Summer Street, Boston, MA 02210.

Subscribed under the penalties of perjury.


James H. Tourtelotte

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