

United States District Court

WESTERN

DISTRICT OF

OKLAHOMA

PATRICK W. COX, Personal
Representative of the Estate of
BLYSS E. COX, deceased,

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

CONOCO, INC., a Delaware
Corporation,

TO: (Name and Address of Defendant)

CONOCO, INC.
Registered Agent: The Corporation Company
735 First National Building
Oklahoma City, Oklahoma 73102

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (Name and address)

JAMES B. BROWNE, OBA #1235
BROWNE & ASSOCIATES
2335 Northwest 12th Street
Oklahoma City, OK 73107
Telephone: 405-557-0077

ANTHONY ROISMAN
COHEN, MILSTEIN & HAUSFELD
1401 New York Ave., N.W.
Suite 600
Washington, D.C. 2005

an answer to the complaint which is herewith served upon you, within 20 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 complaint.

MCD 000018331

CLERK

DATE

BY DEPUTY CLERK

MAY 14 '92 3:57

405239665: PAGE 015

ABSTRACT OF ALLEGATION

1. Plant Site which Received the Allegation:

Legal Dept. / Conoco Center
(Name of Site)

Houston TX 600 N. Dairy Ashford
(Address of Site)

2. Date Allegation Was Received at the Site:

5-14-92

3. Implicated Substance (specific chemical, mixture, article, company process/operation, or site discharge):

See enclosed petition

4. Description of the Allegor (e.g., "company employee," "individual consumer," "plant neighbor"):

Lived near Conoco refinery; Boca City, OK.

5. Description of Alleged Health Effects (including how the effect became known and the route of exposure, if explained in the allegation):

Death from lymphoma.

and/or

6. Description of the Nature of the Alleged Environmental Effect (identifying the affected plant and/or animal species, or contaminated portion of the physical environment):

7. Result of any self-initiated investigation:

See enclosed file material (20-1-1)

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File as subfile to 202.1/2/5 labelled:
202.1/2/5 Site Emission, Effluent or Other
Discharge
(Residual hydrocarbons and byproducts)

Retain 5 years

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ABSTRACT OF ALLEGATION

1. Plant Site which Received the Allegation:

Allegation received in Houston, Legal Department, 600 N. Dairy Ashford, Houston, TX 77079.

2. Date Allegation Was Received at the Site:

June 14, 1992

3. Implicated Substance (*specific chemical, mixture, article, company process/operation, or site discharge*):

Refinery "emissions, discharges, and leakage." (Substances: residual hydrocarbons, including diesel, gasoline, propane, butane, lube oil, grease, petroleum coke, kerosene, and their derivatives, and byproducts into soil, surface water, air, and groundwater; air emissions of sulfur dioxide, carbon monoxide, particulate matter, volatile organic compounds such as benzene and xylene, and heavy metals such as lead, chromium, nickel, arsenic, selenium, and mercury.).

4. Description of the Allegor (*e.g., "company employee," "individual consumer," "plant neighbor"*):

Plant neighbor. Alleged affected party is female, date of birth not specified in allegation.

5. Description of Alleged Health Effects (*including how the effect became known and the route of exposure, if explained in the allegation*):

It is alleged that decedent died of lymphoma May 7, 1990.

and/or

6. Description of the Nature of the Alleged Environmental Effect (*identifying the affected plant and/or animal species, or contaminated portion of the physical environment*):

N.A.

7. Result of any self-initiated investigation:

See litigation file: Patrick Cox v. Conoco Inc., Legal docket no. C-1992-0099 maintained in the Legal Department.

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ABSTRACT OF ALLEGATION

1. **Plant Site which Received the Allegation:**

Conoco Center

(Name of Site)

Houston, Texas

(Address of Site)

2. **Date Allegation Was Received at the Site:**

September 1991

3. **Implicated Substance** (*specific chemical, mixture article, company process/operation, or site discharge*):

Benzene and toxic refinery chemicals

4. **Description of the Allegor** (*e.g., "company employee," "individual consumer," "Plant neighbor"*):

Plant neighbor

5. **Description of Alleged Health Effects** (*including how the effect became known and the route of exposure, if explained in the allegation*):

Refinery pollutants, including benzene, caused granulocytic leukemia.

and/or

6. **Description of the Nature of the Alleged Environmental Effect** (*identifying the affected plant and/or animal species, or contaminated portion of the physical environment*):

N/A

7. **Result of any self-initiated investigation:**

Incident is deemed to be recordable per TSCA/Section 8c.

EXHIBIT "A"

#9324-17

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RECEIVED
SEP 06 1991
MARK R. ZEHLER

ETHEL J. MILLS, as personal)
Representative of)
Ernest Noel Mills, Deceased,)
)
Plaintiff,)
)
vs.)
)
CONOCO INC., a Delaware)
corporation;)
)
Defendant.)

CASE NO. CIV-90-539-A

PLAINTIFF'S FIRST REQUEST TO DEFENDANTS CONOCO
FOR PRODUCTION OF DOCUMENTS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff, by and through her attorneys, hereby requests that Defendant Conoco provide and permit Plaintiff's counsel to inspect and copy each of the following documents within thirty (30) days of receipt of this request for documents. Production is to be made at the offices of James B. Browne, 2335 N.W. 12th Street, Oklahoma City, Oklahoma 73107-5605.

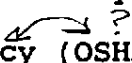
DEFINITIONS

1. "Document" as used herein is used in its broadest sense, as expressed in Rule 34(a) of the Federal Rules of Civil Procedure, and specifically includes copies of every instrument or device by which, in which, through which, or on which information has been recorded, including those reflecting meetings, discussions or conversations; notes; letters; memoranda (including internal memoranda); manifests; tables; drawings; files; graphs; charts;

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maps; photographs; deeds; studies; data sheets; notebooks; books; appointment calendars; telephone bills; telephone messages; receipts; vouchers; minutes of meetings; pamphlets; computations; calculations; accounting statements; financial statements; voice recordings; computer printouts and discs; or any other device or media on which or through which information of any type is transmitted, recorded, or preserved. The term "document" also means every copy of a document when such copy is not an identical duplicate of the original.

2. "Person" as used herein is used in its broadest sense to include natural persons, public or private corporations and their subsidiaries or divisions, proprietorships, partnerships, Joint ventures, governmental entities, association, organizations, groups, trusts, estates and any other form of entity. Any reference herein to any "person," whether or not a party herein, that is a corporation, partnership, joint venture, or any entity other than a natural person, shall be constructed as including all past and present officers, directors, officers, employees, and agents or members of the Board of Directors of the entity.

3. "Toxic substance" or "chemical" as used herein refers to any toxic or hazardous substance or hazardous or industrial waste or chemical waste regulated at any level by the United States Environmental Protection Agency (OSHA). 

4. "Release" means any planned or unplanned spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the ground, groundwater, surface water, or air (including the

abandonment or discharging of barrels, containers and other closed receptacles containing any chemicals.)

5. "Refinery property" means the land owned or occupied by the Conoco Ponca City Refinery.

6. "Reflecting, referring, relating or pertaining to," or any part thereof, in addition to its other customary and usual meaning, means discussing, constituting, mentioning, assessing, embodying, recording, stating, concerning, describing, touching upon, or summarizing.

7. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the document request inclusive rather than exclusive; the singular shall include the plural and vice versa; the use of a verb in any tense shall be construed as the use of a verb in all other tenses whenever necessary to bring within the scope of these documents requests that might otherwise be construed to be outside their scope; and the term "including" shall mean including without limitation.

INSTRUCTIONS

1. Each paragraph and subparagraph of these Document Requests should be construed independently and without reference to any other paragraph or subparagraph for the purpose of limitation.

2. If any requested document was but is no longer in your possession or subject to your control state what disposition was made of it. With respect to requested documents, documents prepared previous or subsequent to the appropriate periods but which relate or refer thereto are to be included.

3. The response to each Document Request is to be numbered

in a manner consistent with these Document Requests.

4. If any Document Request cannot be provided in full, it shall be provided to the extent possible, and an explanation shall be give as to why a full provision is not possible.

5. If only part of a document is responsive to a Document Request and the entire documents is produced, the response section of the document shall be indicated.

6. If any Document Request is objected to in part, for any reason, the remainder of the Document Request is to be provided in full.

7. In responding to the Document Request, furnish all information that is available, including information which is in the possession of any of Conoco's agents, contractors, employees or attorneys or otherwise subject to Conoco's custody or control.

8. If any claim of privilege is made, state the nature of the privilege and the precise grounds upon which the privilege is claimed, and (a) if a privilege is claimed as to any information called for, identify each person who has knowledge of such information; and (b) if a privilege is claimed as to a document required to be produced, state the author, preparer, recipient, date, type (e.g., letter, receipt, etc.), and subject matter of the document.

9. These Document Requests, except where otherwise specified, cover the period of time beginning with January 1, 1970, and continuing until the date the documents are produced and through completion of this litigation, unless otherwise specified in the individual Document Request.

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10. All responses must be supplemented as provided for in Rule 26(e) of the Federal Rules of Civil Procedure.

DOCUMENTS TO BE PRODUCED

1. All documents that refer or relate to any releases of toxic substances or chemicals at or from the Refinery Property.

2. All documents that disclose or relate to the chemical composition of any release of toxic substances or chemicals at or from the Refinery Property.

3. All Documents that disclose or relate to the source, duration, and date of any releases of toxic substances or chemicals at or from the Refinery Property.

4. All documents that refer or relate to the facilities, equipment, or storage structures, whether or not they still exist, from which any of the releases referred to in Requests 1-3 originated or could have originated.

5. All documents that refer or relate to the operations or process, whether or not still in use, from which any of the releases referred to in Request 1-3 originated or could have originated.

6. All documents that refer or relate to any transfer of toxic substance or chemical (including chemical composition, quantity, date, source and destination) between Defendant and any other person or entity, whether by sale, lease, disposal, or as part of a service contract, between 1970 and the present.

7. All documents that refer or relates to facilities, equipment, storage structures, processes, or operations intended to control the release or potential release of toxic substances or

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chemicals at or from the Refinery Property.

8. All applications for permits to release any chemicals or to operate any facility, storage structure, or equipment filed by Defendant with any governmental agency -- federal, state, county, city, or other.

9. All documents that refer or relate to the type, location, and method of operation of any testing, monitoring, analysis, sampling, quantifying, or other method of identifying the chemical composition, source quantity, duration or date of any release of toxic substances or chemicals at or from the Refinery Property.

10. All documents that refer or relate to the ownership or control of any testing, monitoring, analysis, sampling, quantifying, or other method of identifying the chemical composition, source, quantity, duration or date of any release of toxic substances or chemicals at or from the Refinery Property.

11. All documents that refer or relate to or disclose the results of any testing, monitoring, analysis, sampling, quantifying, or other method of identifying the chemical composition, source, quantity, duration or date of any release of toxic substances or chemicals at or from the Refinery Property.

12. All documents that refer or relate to or disclose the results of any testing, monitoring, analysis, sampling, quantifying, or other method of identifying the chemical composition, source, quantity, duration or date of any release of toxic substances or chemicals at or from the Refinery Property that have been provided to any government agency -- federal, state, county, city, or other.

13. All documents that refer or relate to insurance coverage of Defendants by insurance carriers pertaining to issues of chemical exposure and chemical contamination of the environment.

14. All pleadings from any litigation or dispute filed in any state or federal court involving the Refinery Property and relating to chemical release, chemical exposure or damage to health or property associated with chemicals.

15. All documents that have been produced or used in any litigation or dispute filed in any State or Federal Court, whether or not such documents were admitted into evidence, involving the Refinery Property and relative to chemical release or air and/or ground water control, chemical exposure and/or damage to health or property associated with chemicals.

16. All documents from any dispute not filed in any State or Federal Court involving the Refinery Property that refer or relate to chemical release, chemical exposure or damage to health or property associated with chemicals.

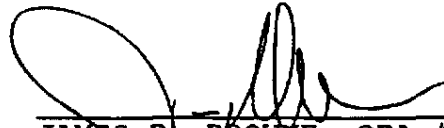
17. All complaints from any source, government or private, regarding releases of toxic substances or chemicals at or from the Refinery Property or damages to property or health from such releases.

18. All complaints, notices of violation, citations, or orders from any government agency -- federal, state, county, city, or other -- regarding compliance with environmental laws or control of releases of toxic substances or chemicals to the workplace or the environment.

19. All documents produced, whether entered into evidence or

not, during any proceeding in that certain case styled "W. Mae Morgan, Mike A. Gallagher, and Patricia Gallagher, husband and wife, for themselves and as parents and next friends of David Isaac Gallagher and April Dawn Gallagher, minors, on behalf of themselves and all others similarly situated, Plaintiffs, v. Conoco, Inc., a Delaware corporation; Jupiter II Joint Venture, a Texas Joint Venture of Conoco, Inc., a Delaware corporation; Kerley Enterprises, inc., an Arizona corporation; and Kerley Agricultural Chemical Company, Defendants" and numbered 89-876-T in the United States Federal Court for the Western District of Oklahoma.

Respectfully submitted,



JAMES B. BROWNE, OBA #1235
RICHARD M. GLASGOW, OBA #13135
Browne & Associates
Browne Law Center
2335 N.W. 12th Street
Oklahoma City, Oklahoma 73107
405/557-0077

-and-

JERRY S. COHEN
ANTHONY Z. ROISMAN
Cohen, Milstein, Hausfeld & Toll
1401 New York Ave., N.W., #600
Washington, D.C. 20005
202/628-3500
ATTORNEYS FOR PLAINTIFFS

MCD 000018418

CERTIFICATE OF MAILING

This is to certify that on this 3rd day of September, 1991,
a true and correct copy of the above and foregoing instrument was
mailed via certified mail to:

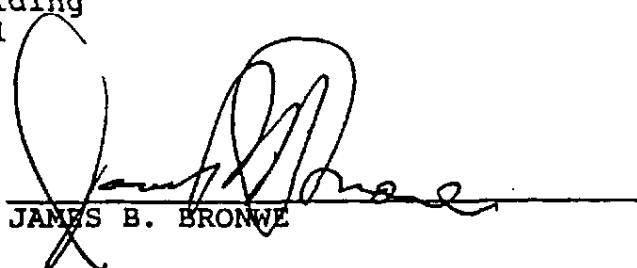
Gary Davis, Esq.
Stephen L. Deguisti
1800 Mid-American Tower
20 North Broadway
Oklahoma City, OK 73102

and

Mark Zehler, Esq.
600 N. Dairy, Suite 2170
Houston, TX 77079

Attorneys for Defendant, Conoco, Inc.

Louis C. Woolf
W. Kyle Carpenter
Baker, Wworthington, Crossley,
Stansberry & Woolf
Bank of East Tennessee Building
Knoxville, Tennessee 37901



JAMES B. BRONWE

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2021-01-16

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ABSTRACT OF ALLEGATION

1. Plant Site which Received the Allegation:

Lake Charles refinery/Houston corp. Legal Dep
(Name of Site)

Lake Charles, La./Houston TX.
(Address of Site)

2. Date Allegation Was Received at the Site:

1-12-93

3. Implicated Substance (specific chemical, mixture, article, company process/operation, or site discharge):

Benzene, Butadiene, ethylene oxide, & other ^{carcinogenic chemicals}

4. Description of the Allegor (e.g., "company employee," "individual consumer," "plant neighbor"):

contract employee.

5. Description of Alleged Health Effects (including how the effect became known and the route of exposure, if explained in the allegation):

Plasma cell myeloma

and/or

6. Description of the Nature of the Alleged Environmental Effect (identifying the affected plant and/or animal species, or contaminated portion of the physical environment):

7. Result of any self-initiated investigation:

Reviewed by W. Braddie, J. Elledge, & M. K. Kell.