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TELECOPIER COVER LETTER

TO: Paul Merrell FROM: Joe Leritz
DATE: 11-15-93 TIME: 3:49 a.m. or (p.m.)
RE: Gaffey v. Montague
PAGES: 2, including cover letter
TELECOPY SENT BY: Joan (314) 231-9600
TELECOPIER NUMBER: (314) 231-9480
COMMENTS: _____

LEVEL 1 - 900 OF 1020 STORIES
Proprietary to the United Press International 1983

March 31, 1983, Thursday, AM cycle

SECTION: Regional News

LENGTH: 371 words

DATELINE: CHARLESTON, W.Va.

BODY:

A researcher who studied the toxic effects of the herbicide 2,4,5-T on Monsanto workers in Nitro Thursday filed a motion in federal court to prevent lawyers in a chemical exposure suit from seeing his report.

Dr. Raymond A. Suskind, a professor at the University of Cincinnati Medical School and director of the school's environmental health department, said in the motion that the findings were inconclusive and release of the report would damage his work.

The suit by more than 150 chemical workers, which is set for trial in October, charges Monsanto deliberately withheld information about health problems associated with exposure to chemicals they were manufacturing.

Besides 2,4,5-T, the chemicals include dioxin, benzene, Sop-a-Nox, Niran, A-Jon-C, paraminobiphenol, carbon disulfide and xylene.

The workers allege the chemicals caused cancers, heart disease, kidney disease, skin lesions, mental illness, nervousness and various aches and pains.

Last November, Monsanto quoted Suskind's study as saying exposure to 2,4,5-T, a component of the defoliant Agent Orange, poses no long-term threat of cancer, birth defects or heart disease.

The only health problem associated with the herbicide, the company said, was a skin rash akin to severe acne.

Monsanto discontinued making the herbicide in 1969 after more than two decades of production. The company said it paid for Suskind's study of 418 current and former employees.

In an affidavit accompanying his motion, however, Suskind said he did not show Monsanto the study, which he said was done independently. He said he did provide certain raw data he collected, but did not identify the results of individual workers.

He said he completed a preliminary study last July, but because of questions raised by epidemiologists at a confidential meeting, he no longer had faith in it and is now revising it.

He said he was most concerned about the impact factors such as the workers' possible exposure to such health hazards as coal dust and asbestos.

"I am currently in the process of examining these factors," he said, "but until they have been adequately studied, I am unprepared to vouch for a number of conclusions which the study suggests."

LANGUAGE: ENGLISH

MEMORANDUM

TO: Gerald R. Ortbals, Esq.
FROM: Mary Ann L. Wymore, Esq. *mlw*
DATE: September 20, 1993
RE: Gaffey v. Montague: Scheduling Re Trial

The following is our timetable for litigating the above-referenced matter pursuant to Judge Hamilton's September 14, 1993 Order Relating To Trial.

September 22, 1993

Last day to seek continuance of January 3, 1993 trial date (assumes receipt of trial order by John Michener on September 15, 1993)

October 5, 1993

Last day to serve Expert Witness Interrogatories

October 25, 1993

Last day to file Motions To Dismiss or Motions For Summary Judgment.

November 4, 1993

- (a) Last day to request non-expert witness discovery
- (b) Last day to answer Expert Witness Interrogatories

November 19, 1993

Deposition Cut-off re: Expert Witnesses

December 3, 1993

- (a) Discovery Cut-off/Completion Date
- (b) Last day to Supplement Expert Witness Interrogatories re: Rebuttal Expert Witnesses

December 14, 1993

Deposition Cut-off re: Rebuttal Expert Witnesses

December 23, 1993

- (a) Joint Stipulation re: Uncontested Facts
- (b) Witness List
- (c) Exhibit List
- (d) Portions of Depositions, Interrogatories and Admissions Intended To Be Introduced Into Evidence
- (e) Findings of Fact and Conclusions of Law

FAX COVER SHEET**To:**

**Paul Merrell & Carol Van Strum
Bradley & Merrell**

From:

**Peter Montague
Environmental Research Foundation
(410) 263-1584 (voice)
(410) 263-8944 (fax)**

1 page (cover sheet only)**Sent on 13-Nov-93 at 14:21****Comment:**

Hi, Paul-- On the subject of questions to ask Monsanto: it seems to me a key part of my "first amendment" defense involves showing that Gaffey was a spokesperson for Monsanto at scientific meetings & in the press and elsewhere and was therefore, for our limited purposes, a public figure. Just a thought that might inspire questions for Monsanto. --Peter

Sent via FaxWorks OS/2