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February 28, 1992

Michael Malin, Esquire
WHITE & WILLIAMS
One Liberty Place
1650 Market Street, Suite 1800
Philadelphia, PA 19103-7301

RE: Paoli Railroad Yard PCB Litigation

Dear Michael:

Plaintiffs recent notice of depositions calling for the appearance of Dr. Robert G. Kaley, II on Monday, March 2, 1992, has resulted in a request from you for an explanation of the need to depose Dr. Kaley in light of his November 16, 1990 appearance.

Please be advised that Dr. Kaley's forthcoming deposition is necessitated by, inter alia, the EPA's October, 1991 determination that planar PCB molecules have the same toxicity of furans and dioxins. See, Volume 56, Fed.Reg. §196, pages 501-02-04, dated 10/9/91. Given that Monsanto has previously acknowledged that furans are highly toxic and the EPA's recent determination that planar PCB molecules are the equivalent of furons there are new lines of inquiry regarding the toxicity of PCBs that did not exist in November of 1990. Inasmuch as Dr. Kaley was tendered by Monsanto as the employee who had conducted the quantitative analysis of polychlorinated biphenyls for Monsanto, it is appropriate to proceed with his deposition on March 2, 1992.

Very truly yours,

JOHN F. INNELLI

JFI:mlp
VIA FACSIMILE
cc: Martin D'Urso
Arnold Cohen