

DEPOSITION SUBPOENA

United States District Court	DISTRICT Massachusetts
ALICE L. WARREN, ADMINISTRATRIX OF THE ESTATE OF JOHN H. WARREN, DECEASED	DOCKET NO. 89-30201-F
v. THE DOW CHEMICAL COMPANY, et. al.	TYPE OF CASE ☒ CIVIL ☐ CRIMINAL
	SUBPOENA FOR ☒ PERSON ☒ DOCUMENT(S) or OBJECT(S)

TO: Larry Gormally, c/o Monsanto Company
730 Worcester Street
Indian Orchard, MA 01151

YOU ARE HEREBY COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above-entitled case.

PLACE Robinson Donovan Madden & Barry, P.C. 1500 Main Street, Suite 1400 Springfield, MA 01115	DATE AND TIME February 25, 1991 at 10:00am
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YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):¹

PLEASE SEE ATTACHED EXHIBIT "A"

☐ Please see additional information on reverse

Any subpoenaed organization not a party to this suit is hereby admonished pursuant to Rule 30 (b) (6), Federal Rules of Civil Procedure, to file a designation with the court specifying one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and shall set forth, for each person designated, the matters on which he will testify or produce documents or things. The persons so designated shall testify as to matters known or reasonably available to the organization.

U.S. MAGISTRATE (2) ROBERT J. SMITH, JR.	DATE 1/22/91
ROBERT J. SMITH, JR.	
(BY) DEPUTY CLERK <i>Mary Jann</i>	
This subpoena is issued upon application of the: ☒ Plaintiff ☐ Defendant ☐ U.S. Attorney	ATTORNEY'S NAME AND ADDRESS Keith A. Minoff, Esq. Robinson Donovan Madden & Barry, P.C. 1500 Main St., Suite 1400 Springfield, MA 01115 (413) 732-2301

(1) If not applicable, enter "none."

(2) A subpoena shall be issued by a magistrate in a proceeding before him, but need not be under the seal of the court. (Rule 17(a), Federal Rules of Criminal Procedure.)

File Memo to Warren/Dow from JHT: 9/12/90

I spoke to Larry Gormley, whom I know and who served as an agent for Monsanto for 30 or more years. He does know something about VCM purchases by Monsanto and who sold VCM to Monsanto. I asked him to tell me what he knew, but he wishes to speak to Terry Nelson and possibly attorneys for Monsanto to first ensure that he is not doing something against Monsanto's interests and it's all right with them. He's going to get back to me in regard to that.

I also asked him if he would work for us as a paid consultant to bring us up to speed on just what goes on in the chemical industry. That could help us a lot in our own discovery.

JHT/sw

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*Call
Joe - Treviser*
MEMORANDUM

JHT
Mr. I spoke to Burnett
See me.
Kell

TO: File and
Keith A. Minoff ✓

FROM: JHT

DATE: September 25, 1990

RE: John Warren
September 24, 1990 Conversation With Larry Gormally

Larry was a purchasing agent for Monsanto for many years. He, however, had no personal involvement in negotiating VCM contracts or swaps. He said, however, there would be a contracts for all swaps and all outright purchases of VCM. The contract would have been negotiated at the corporate purchasing office in St. Louis and he believes an R.H. Burnett, who still works for Monsanto and may still be in St. Louis, would have been the person responsible. He said as a result of the records retention program as far as he knows there are no records of these purchases in Monsanto. Contracts were retained for five years and other materials for three, and the Monsanto plant was pretty careful about adhering to the retention program and did dispose of material timely.

There was a process for receiving and monitoring receipt of materials. That process was administered by the Transportation and Material Department which would receive the weight of the cars and the cars themselves from Conrail. The cars would come from their point of origin to the West Springfield freight yard and at that time, be switched into Monsanto, that is, placed on the appropriate rail line to come to the siding at the Monsanto plant. Railroad personnel would have shipping documents for each car, manifests or

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bills of lading or delivery receipts. Larry believes that New York Central was the railroad that handled the traffic and later Conrail. He thinks that the railroad retained its records for much longer than Monsanto and might still have them. The Receiving Department would then remove the material from the cars and put it into storage tanks. It was his understanding that each tank car actually was sampled for the quality of its contents. He believes Dow, Goodrich, Gulf, Union Carbide and Conoco all delivered VCM. However, he didn't have much personal involvement with the process and in June of 1969 went over to work at the Bircham Bend plant. Consequently, he knows nothing about the Dow contract.

Joseph Tierney worked in Transportation and Material for thirty years. He lives in St. Paul's Parish where he teaches CCD and is involved in the silver haired legislative process. Dick Buecker lives in Longmeadow and at one time was Joe Tierney's superior, as was Al Laakso.

The control lab was the lab responsible for testing the samples and Larry does not know all the persons who were in charge of that lab, but he said there were supervisors named Blickens, Laakso, who has already been mentioned, and a man named Hamilton. Larry understands there was a good amount of "Foreign VCM" and swap arrangements were common.

Keith, I'd like us to do a thorough informal discovery involving Terry Nelson first to screen the Larry Gormally material. I have a call into Nelson for that purpose. I don't know whether he'll talk

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to me or won't. Then we should go to Joseph Tierney and any persons to whom he gives us a lead, including Dick Buecker. At the same time, we should be running down R.H. Burnett. To share the work, how about your calling St. Louis Corporate Purchasing and see if Burnett still works in St. Louis for Monsanto, or works for Monsanto at all. See if you can get a telephone number on Burnett and call him about the contract swaps, etc. He may want to check with Bob Powers for permission to talk to us, and you can give him Powers' number if he does. I went that route with Gormally. He didn't want to talk to me without getting clearance. I gave him Powers' and Terry Nelson's names. I believe he spoke to both of them. They said OK, and then I spoke to him.

I'll ask Joe Tierney about the methods we might use to discover the railroad records. If we can get those, we've got it all, it seems to me.

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