

1365 Main St.
1.4.91

File XC
M. Kullig
M. Stab
W. Gittish
D. Gendr.

ROBINSON DONOVAN MADDEN & BARRY, P.C.
ATTORNEYS AT LAW
1500 MAIN STREET - SUITE 1400
POST OFFICE BOX 15609
SPRINGFIELD, MASSACHUSETTS 01115
(413) 732-2301
FAX No. (413) 785-4658

MILTON J. DONOVAN
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EDWARD J. BARRY
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JAMES H. TOURTELLOTTE
CHARLES K. BERGIN, JR.
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ROBERT P. CUNNINGHAM
JOHN C. SIKORSKI
NANCY FRANKEL PELLETIER

Gorainally - 782 0994
Lucy - 583-3077

PAUL S. WEINBERG
HENRY C. CROUSEY
FREDERICA H. MCCARTHY
JAMES O'S. MORTON
NEVA I. KAUFMAN
DOUGLAS F. BOYD
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JOHN W. LAKE
JONATHAN P. RICE
EDMUND J. GORMAN
MATTHEW J. KING

HOMANS ROBINSON
1894-1973
LAWRENCE M. SINCLAIR
1942-1986

January 15, 1991

Pursuant to
Legal action against
former VC supplier.

Terry L. Nelson
Monsanto Chemical Company
Indian Orchard Plant
730 Worcester Street
Springfield, MA 01151

Re: John Warren (Vinyl chloride)

Dear Terry:

Thank you for your letter of January 4. I am sorry to hear that you are unable to uncover any more of the materials I had requested.

To ensure that we have covered all of the bases, we have scheduled the depositions of several of the key individuals employed by Monsanto, both active and retired, who were involved in the purchasing and handling of vinyl chloride monomer at the Indian Orchard plant. I realize that this will cause at least some inconvenience to all concerned, but it is nevertheless something that we must do.

We look forward to your continued cooperation in this matter. If you come across any additional information regarding the materials we have been discussing, please let me know.

Very truly yours,

James H. Tourtelotte

JHT/cjr/1542p

DEPOSITION SUBPOENA

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

TO: Keeper of the Records
 Monsanto Chemical 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 26, 1990 at at 3:00pm
---	--

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):¹

PLEASE SEE ATTACHED EXHIBIT "A"

A TRUE COPY ATTEST.
[Signature]
 Deputy Sheriff
 DATE 2-1-91

☐ 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) OR CLERK OF COURT ROBERT J. SMITH, JR	DATE 1/22/91
(BY) DEPUTY CLERK <i>Mary Ann</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 Street, 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.)

EXHIBIT A

1. Any and all documents in your possession, custody or control referring to, relating to, or evidencing any vinyl chloride monomer and other vinyl chloride delivered, shipped, supplied, sold or furnished to Monsanto's Indian Orchard plant in Springfield, MA from 1947 through 1974, including but not limited to contracts, purchase orders, invoices, receipts, bills of lading, material safety data sheets, logs, railroad documents, laboratory logs, data books, material and identification tags, tank card documents, correspondence, memoranda, etc.
2. Any and all documents setting forth or referring to Monsanto's policies and procedures for the retention and destruction of any of the documents requested in Item No. 1 from 1974 to the present.

Lawrence S. Gormally

122 Newton Road
Springfield, MA 01118

February 14, 1991

Attorney William Farrington
Monsanto Chemical Company
Indian Orchard Plant
730 Worcester Street
Springfield, MA 01151

Dear Bill:

Attached is a letter dated February 7, 1991, from Attorney James H. Tourtelotte of Robinson, Donovan, Madden & Barry, P.C., about VCM shipments to Monsanto. Attorney Tourtelotte attached notes of a phone conversation we had September 25, 1990, on the same subject. When he called, I told him I would not answer any questions until I first talked to Monsanto representatives. Attorney Tourtelotte mentioned Terry Nelson as his contact.

I subsequently talked to Terry Nelson, who in turn gave me the name of an attorney in Boston, who had evidently represented Monsanto in the John H. Warren case.

I have received a Deposition Subpoena this week, copy attached, indicating I must be in their office on February 25, 1991, at 10 am. I would like to know if Monsanto will have an attorney present when I am being cross-examined by attorneys representing Goodrich and others.

Cordially yours,

Barry
LAWRENCE S. GORMALLY

cc:
Terry Nelson

RSV0023692

MELICK & PORTER

Counsellors at Law

Eleven Arlington Street
Boston, Massachusetts 02116

(617) 267-7502 523-6200

FAX (617) 262-0250

file

Richard P. Melick
Thomas W. Porter, Jr.
Stephen W. Sutton
Richard J. Shea

Jeffrey C. Melick
George E. Wakeman, Jr.
Robert P. Powers
Mary W. Mahoney
Bernard W. Fabricant
John F. Rooney, III
Robert T. Treat
Joseph P. Musacchio
Frank W. Beckstein, III
William L. Keville
Katherine J. Pohlman
Marsha W. Blitzer
Carolyn G. Sullivan

June 1, 1988

Terry L. Nelson
Safety Manager
Monsanto Orchard Plant
730 Worcester Street
Springfield, MA 01151

Re: JOHN WARREN vs. MONSANTO COMPANY

Dear Terry:

I have received and reviewed the materials accompanying your May 25th letter. I have no objection to DeForge's plan. I am keeping in close contact with Phil Brooks. If anything changes, I will let you know.

Sincerely,

Robert P. Powers

Robert P. Powers

RPP/lc

RSV0023693

T+m Retired 22 / ally & Tarkenton
Monsanto — MESSAGES

TO:

Beal

WHILE OUT, YOU WERE:



TELEPHONED



VISITED

BY

Joe Tierney

OF

J

☒ PLEASE PHONE

☐ IS HOLDING

☐ IS IN LOBBY

☐ WILL CALL AGAIN

☐ RETURNED CALL

☐ PLEASE VISIT

732-1579

ACCESS

AREA

NUMBER

EXTENSION

MESSAGE

*Re. a suit with
Low Chemical
& John Warner (revised)*

TIME

11:30

DATE

2/5

SIGNED

ME

IN-18 (Rev.11/89)



Elie

*1-800-
8547-1160*

Norm T
[Signature]

RSV0023694

Lawrence S. Gormally

122 Newton Road
Springfield, MA 01118

February 14, 1991

Attorney William Farrington
Monsanto Chemical Company
Indian Orchard Plant
730 Worcester Street
Springfield, MA 01151

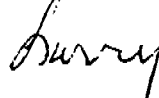
Dear Bill:

Attached is a letter dated February 7, 1991, from Attorney James H. Tourtelotte of Robinson, Donovan, Madden & Barry, P.C., about VCM shipments to Monsanto. Attorney Tourtelotte attached notes of a phone conversation we had September 25, 1990, on the same subject. When he called, I told him I would not answer any questions until I first talked to Monsanto representatives. Attorney Tourtelotte mentioned Terry Nelson as his contact.

I subsequently talked to Terry Nelson, who in turn gave me the name of an attorney in Boston, who had evidently represented Monsanto in the John H. Warren case.

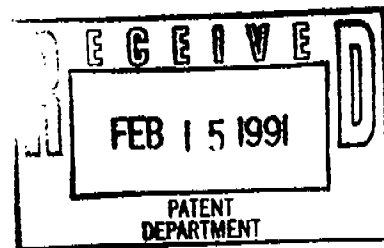
I have received a Deposition Subpoena this week, copy attached, indicating I must be in their office on February 25, 1991, at 10 am. I would like to know if Monsanto will have an attorney present when I am being cross-examined by attorneys representing Goodrich and others.

Cordially yours,



LAWRENCE S. GORMALLY

cc:
Terry Nelson



RSV0023695

ROBINSON DONOVAN MADDEN & BARRY, P.C.

ATTORNEYS AT LAW

1500 MAIN STREET - SUITE 1400

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PATRICIA M. RAPINCHUK

February 7, 1991

HOMANS ROBINSON
1894-1973

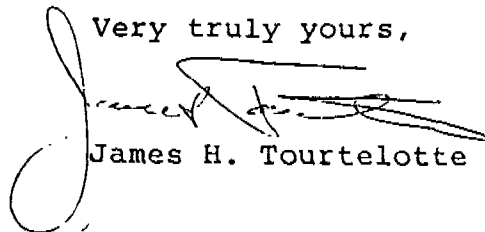
LAWRENCE M. SINCLAIR
1942-1986

Mr. Lawrence S. Gormally
122 Newton Road
Springfield, MA 01118

Dear Larry:

You will be receiving (if you have not already done so) a notice and subpoena to a deposition here in our office in which we will be taking your testimony as to what you remember about VCM shipments to Monsanto. I realize that you were tangential to that process, but the things you have to say do have some value to the case and we want to make sure they are preserved. You will be subject to cross-examination by a lawyer representing Goodrich and one representing Dow, Conaco and Union Carbide. I am enclosing herewith the notes of our conversation of 9/25/90.

Very truly yours,


James H. Tourtelotte

JHT/sw
1858q
Enc.

RSV0023696

[REDACTED]

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

RSV0023697

[REDACTED]

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.

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
122 Newton Rd.
Springfield, MA

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 St., Suite 1400 Springfield, MA 01115	DATE AND TIME February 25, 1991 at 10:00am.
--	---

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):¹

PLEASE SEE ATTACHED EXHIBIT "A".

A TRUE COPY ATTEST
NORMAN A. SHINK
Deputy Sheriff
2/11

☐ 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.

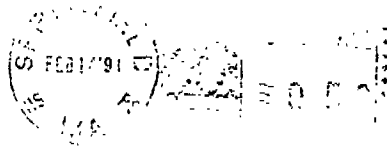
U.S. MAGISTRATE (2) OR CLERK OF COURT ROBERT J. SMITH, JR.	DATE 2/4/91
(BY) DEPUTY CLERK <i>[Signature]</i>	
This subpoena is issued upon application of the: ☒ Plaintiff ☐ Defendant ☐ U.S. Attorney	ATTORNEY'S NAME AND ADDRESS Keith A. Minoff, Esq. Robinson Donovan Madden & Barry, P.C. 1500 Main St., Suite 1400 Springfield, MA 01115 (413)732-2301

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Attorney William Farrington
Monsanto Chemical Company
Indian Orchard Plant
730 Worcester Street
Springfield, MA 01151

*122 Newton Road
Springfield, MA 01118*

RSV0023701

- ~~783 1471 Steve Tupper~~

- ~~Ship Myers - 2782~~

- ~~Cathy 2613~~

- ~~Adelstein Kator~~

~~Apr 30~~

~~May 21 24~~

- ~~Pat Betty~~ 7479/20 145
- Jim Tortabitto 732-2301

Bowget

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Kpr. Records, Lt. L.

" " 4ptl.

- ~~783 8056 Elaine Tere~~