

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM R. GAFFEY,
Plaintiff,

vs.

PETER MONTAGUE, et al.,
Defendants.

Cause No. 91-1938-C-7/JCH

ANSWERS OF DEFENDANTS TO
PLAINTIFF'S FIRST INTERROGATORIES
DIRECTED TO DEFENDANTS

COMES NOW plaintiff, William R. Gaffey, pursuant to Rule 33 of the Federal Rules of Civil Procedure, and propounds the following interrogatories to defendants Peter Montague and Environmental Research Foundation, to be answered under oath in accordance with the Federal Rules of Civil Procedure.

GENERAL INSTRUCTIONS

1. You are requested to furnish all information that is available to you or subject to your reasonable inquiry, including information in the possession of your attorneys, accountants, advisors or other persons directly or indirectly employed by, or connected with, you or your attorneys and anyone else otherwise subject to your control.

2. If an interrogatory has subparts, answer each subpart separately and in full, and do not limit your answer to the interrogatory as a whole. If an interrogatory cannot be answered in full, answer to the extent possible and specify the reason for your inability to answer the remainder and state whatever

information and knowledge you have regarding the unanswered portion.

3. If the information requested is not reasonably available to you, state what efforts have been made to obtain the information, if any, and from what source such information might be obtained, if known.

4. If the information requested is not available in precisely the form requested but can be supplied in a slightly modified form, state whatever information is available to you concerning the subject of the interrogatory.

5. If an interrogatory calls for information which may be derived from records or documents available to you, you may answer the interrogatory by specifically referring to any such records or documents in which the precise information may be found, and by furnishing the documents or copies thereof to Plaintiff.

6. If any information is withheld because of a claim of privilege, state the general nature of the information and describe in detail the nature of the privilege claimed.

7. The interrogatories are to be deemed as continuing, and any additional information which you acquire subsequent to the date of answering these interrogatories, up to and including the date of trial, which is different from that set forth in your answers to these interrogatories shall be furnished to Plaintiff's attorneys promptly after it is acquired by you.

DEFINITIONS

1. "Identify", when referring to any person, means to set forth the name, present or last known address of each person and, if an individual, his or her employer and title or business position during the period referred to. Once a person has been thus identified in an answer to an interrogatory, it shall be sufficient thereafter when identifying that person to simply state his or her full name.

2. "Identify", when referring to a document, means to identify its author, date, each addressee of any copy, a brief description of the subject matter of the document, and the present custodian of the original and each copy thereof bearing any marking or notation not found on the original or other identified copy.

3. "Person" or "persons" mean any natural individual, firm, partnership, association, joint venture, corporation, governmental agency or subdivision, or other organization, or legal business entity, including without limitation, any party to this litigation.

4. "Plaintiff" shall refer to plaintiff William R. Gaffey.

5. "You", "your" or "defendants" shall refer to Peter Montague and Environmental Research Foundation, jointly and/or severally, and any officer, director, shareholder, employee, representative, agent or other person or entity acting or purporting to act for or on behalf of said defendants.

6. The term "newsletter" shall refer to Rachel's Hazardous Waste News.

7. The term "article" shall refer to an article titled "Dioxins and Cancer: Fraudulent Studies" published in Rachel's Hazardous Waste News.

8. "State" means to provide a detailed explanation including all information you have with regard to the particular interrogatory.

9. The term "concerning" means and includes referring to, alluding to, responding to, relating, connected with, commenting on, in respect of, about, regarding, discussing, involving, showing, describing, reflecting, analyzing and constituting.

***SEE ATTACHED OBJECTION

INTERROGATORIES

1. Identify the geographical area (hereinafter referred to as the "reading area") over which Defendants distribute and/or sell the newsletter, and the population of the reading area, and include the following:

(a) Identify the percentage of those persons in the total population that reside in Missouri; and

(b) Identify the percentage of those persons in the total population that reside in the midwestern part of the United States.

ANSWER: See attached sheet showing number of subscribers by geographical area.

(a) Defendants have not yet done this calculation, but information on the population of various states is equally available to plaintiff.

(b) Defendants are uncertain by which states are included in the "midwestern part" of the United States. See answer to subsection (a).

2. Identify how many newsletters are delivered to the reading area population by subscription, and include the following:

(a) Identify each and every citizen group the newsletter is provided to and/or made available to;

(b) Identify each and every government agency the newsletter is provided to and/or made available to;

(c) Identify each and every business the newsletter is provided to and/or made available to;

(d) Identify each and every institute of higher learning (i.e., colleges, universities, etc.) the newsletter is made available to; and

(e) Identify any other group the newsletter is provided to and/or made available to not identified in response to 2.(a)-(d).

ANSWER: We object to giving the names of individual subscribers; this is a commitment we have made to our subscribers and to violate it would result in an invasion of privacy of third parties. Subject to that objection, our subscribers included 169 persons whose addresses appear to indicate they are members of citizen groups; 33 persons whose addresses appear to indicate they are located at universities; and 85 persons with what appear to be business addresses.

3. State how many copies of the Number 171 edition of the newsletter were printed and identify how many people in the reading area, according to Defendants' figures, read the Number 171 edition of the newsletter, providing a break down of the total by state.

ANSWER: 1,000 copies were printed. 962 were mailed. We don't know how many were read.

4. Identify whether Defendants have a manual or other instructional material which provide journalists' standards to be observed in investigating, gathering and publishing news, and include the following:

(a) Identity the complete titles and authors of any such manual or instructional material;

(b) Identify how reporters are trained in the use of any such manual or instructional material; and

(c) Identify how editors are trained in the use of any such manual or instructional material.

ANSWER: OBJECTION: This is vague, and calls for conclusions and legal conclusions.

5. Identify all individuals, reporters, editors or other employees of Defendants who worked in the field or in the office on the story in the Number 171 edition of the newsletter which is the subject of this litigation, and include the following:

(a) State whether these individuals are still in Defendants' employ, and if not, state why;

(b) State whether any of these individuals ever had a claim or complaint filed against them in conjunction with Defendants' printing defamatory statements or implications, and if so include the following:

(i) The name and address of the person or entity who filed such charges or complaint;

(ii) A description of the defamatory statements or implications printed that caused said claim or complaint;

(iii) If applicable, the name and address of the tribunal where such claim was filed, the title of the cause and the number assigned by the tribunal to such claim;

(iv) The amount of money paid, if any, to settle or otherwise satisfy said claim or complaint;

(v) Whether a retraction was offered or printed by Defendants; and

(vi) The final judgment of the court for those cases not settled.

and

(c) State whether any person named above has ever been previously admonished or reprimanded.

ANSWER: Peter Montague

(a) Yes

(b) No

(c) **OBJECTION:** This is overbroad, burdensome, vague and not reasonably calculated to lead to the discovery of admissible evidence.

6. With respect to defendant Peter Montague, please state the following:

(a) Identify all colleges, universities or other institutions attended;

(b) Identify all professors who taught Peter Montague courses pertaining to journalism, writing or related areas;

(c) Identify all professors who taught Peter Montague courses pertaining to epidemiology or toxicology related areas;

(d) Identify all textbooks used by Peter Montague pertaining to journalism, writing or related areas and/or epidemiology and toxicology;

(e) Identify five journalism texts with which Peter Montague is familiar;

(f) Identify all articles, stories, published writing, papers, peer reviewed scientific journals, etc., which Peter Montague has authored or co-authored;

(g) Identify the extent of Peter Montague's journalism experience; and

(h) State by whom Peter Montague is employed and identify all titles or positions held by Peter Montague.

ANSWER: (a) University of Virginia
Antioch College
Mexico City College
Indiana University
University of New Mexico

(b) I cannot remember

(c) OBJECTION: This is overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to objection, Peter Montague consults books or articles as needed.

(d) OBJECTION: This is vague, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

(e) OBJECTION: This is vague, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

(f) See attached.

(g) CONTINUED ON ATTACHED PAGE

Answer to Interrogatory Number 6, Continued:

(g) Reporter and editor for high school newspaper, reporter for Westport Town Crier, reporter for Fairfield News, editor of college newspaper at Antioch, editor of The Gadfly at Mexico City College, reporter for Mexico Today, reporter for Bloomington Spectator, and associate editor for New Mexico Review and Legislative Journal, worked for the Workbook, edited New Jersey Hazardous Waste News, and writes and edits Rachel's Hazardous Waste News.

7. Identify the names and titles of the persons who wrote, edited or worked on the article appearing in the Number 171 edition of the newsletter which is the subject of this litigation prior to publication, and include the following:

(a) State whether these people are still in Defendants' employ and if not, state why and an address or telephone number where they may be reached;

(b) State whether any attorneys were consulted concerning said article and provide the identities of each; and

(c) State whether anyone claiming to be an epidemiologist was consulted concerning said article and provide the identifies of any such persons.

ANSWER: Peter Montague

(a) Yes

(b) No

(c) Through the years I have had numerous conversations with epidemiologists. Many of these conversations would have involved the Monsanto studies. I cannot recall at this time the particularities of these conversations. If this interrogatory is being directed only to those conversations I had while I was immediately in the process of writing this article, then I may have had conversations with Paul Connett and Tom Webster.

8. State whether Defendants possess the source materials, interviews, field notes, etc., taken during the course of Defendants' work on the article which is the subject of this litigation, and include the following:

- (a) Identify where said documents are located; and
- (b) Identify who has custody of said documents.

ANSWER: Yes

- (a) Environmental Research Foundation
- (b) Peter Montague

9. Identify each and every source of the article which is the subject of this litigation, and include the following:

- (a) Identify the name, address and telephone number of each said source;
- (b) Identify each and every effort made by Defendants to verify the authenticity of each said source;
- (c) Identify each and every effort made by Defendants to verify the authenticity of the contents of said article; and
- (d) State whether Defendants had in their possession any of the studies referred to in the article.

ANSWER: (a) The sources are those listed in the article.

(b) They appeared regular, and were received from trustworthy sources. Through the years I have had numerous conversations with epidemiologists as well as others knowledgeable in the field of dioxins and the Monsanto studies. I have maintained an interest in these areas for a number of years. As such, I was familiar with the sources at the time that I first reviewed the precise documents that were quoted. This longtime experience was a factor in my evaluation of the authenticity of the sources.

(c) The documents were themselves reviewed, read and quoted. On the basis of my experience reading, they appeared authentic.

(d) Yes

10. State whether Defendants ever had a claim or complaint filed against them for printing defamatory statements or implications, and include the following:

(a) Identify the name and address of each person or entity who filed such charges or complaint;

(b) Provide a description of the defamatory statements or implications printed that caused such claim or complaint;

(c) If applicable, identify the tribunal where such claim was filed, the title of the cause and the number assigned by the tribunal to such claim or case;

(d) State the amount of money paid, if any, to settle or otherwise satisfy said claim or complaint;

(e) State the final judgment of the court for those cases not settled; and

(f) State whether a retraction was offered or printed by Defendants.

ANSWER: None other than the present.

11. Identify the date of initial publication of the newsletter, and include the following:

(a) Identify each and every publisher of the newsletter from the date of inception;

(b) Identify each and every editor of the newsletter from the date of inception;

(c) Identify all sources of donations and/or gifts used to finance the newsletter from the date of inception, and include the following:

(i) Provide the date of each said donation and/or gift;

(ii) Provide the amount of each said donation and/or gift; and

(iii) Provide the name and place of employment of each person making said donation and/or gift.

and

(d) Identify any and all financial institutions providing loans to launch the newsletter, and include the following:

(i) State the principal amount of each and every loan;

(ii) State the balance due on each and every loan;
and

(iii) Identify all signers on each and every loan.

ANSWER: December 1, 1986

(a) Environmental Research Foundation

(b) Peter Montague

(c) OBJECTION: This is overbroad, burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an invasion of privacy of third parties.

(d) OBJECTION: This is overbroad, burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an invasion of privacy of third parties.

12. State the net worth of defendants Environmental Research Foundation and Peter Montague, and include the following:

(a) Identify the basis for this figure, including but not limited to the gross value of Environmental Research

Foundation's total assets and liabilities together with the gross and net earnings and/or donations for the last five years;

(b) Identify what percentage of Environmental Research Foundation's earnings and/or donations are attributable to business in Missouri;

(c) Identify what percentage of Environmental Research Foundation's earnings and/or donations are attributable to business in the midwestern part of the United States; and

(d) Identify all benefactors of donations and/or gifts in the last five years, and include the following:

(i) Identify the profession or business of each entity making said donations and/or gifts; and

(ii) State the percentage of the entities or persons identified above either performing or utilizing epidemiologist services; and

(e) Provide the information requested in items 12.(a) -

(d) for Peter Montague.

ANSWER: OBJECTION: Interrogatory 12 is overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Further, it seeks information which is privileged and confidential. Subject to and without waiving any objection:

(a) See documents provided. (b) Unknown (c) Unknown

(d) OBJECTION: This is overbroad, burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an invasion of privacy of third parties.

(e) See objection set forth above. Further, the question is vague and ambiguous as applied to Montague, and goes well beyond any question of net worth.

13. Identify each and every step involved in the process of preparing an issue of the newsletter for publication, and include the average amount of time this process takes.

ANSWER: Keep up with and become aware of developments in the environmental field, including acquiring and reviewing documents, having conversations, and proofreading and sending the newsletter to the printer. There is no average amount of time for any particular process.

14. State whether any person claiming to be an epidemiologist has been consulted by defendants concerning the statements in the article which is the subject of this litigation either prior to or subsequent to publication, and include the following:

- (a) Identify any such persons;
- (b) Identify the affiliations of any such persons;
- (c) Identify the date(s) of any such consultation(s);

and

(d) State in detail the result of any such consultation(s).

ANSWER: OBJECTION: This is overbroad, burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and calls for work product, mental impressions, trial preparation, and attorney-client privileged matters.

15. State whether Defendants have received any correspondence or other written communication from any person and/or entity concerning the statements contained in the article which is the subject of this litigation, and include the following:

- (a) Identify any such persons and/or entities;
- (b) Identify the affiliations of any such persons and/or entities;
- (c) Identify the purpose(s) of any such correspondence or other written communication; and

(d) State in detail what, if any, response was provided by Defendants to any of the correspondence or other written communication.

ANSWER: OBJECTION: This is overbroad, burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and would include work product, trial preparation, and matters protected by the attorney-client privilege. Subject to and without waiving the objection, plaintiff wrote to defendant Montague twice, as did plaintiff's attorney, Monnye R. Gross. See documents provided.

16. State whether you intend to call an expert witness to testify at trial or at any hearing in this matter. If so, state the following:

- (a) Identify each such expert witness;
- (b) State the general nature of the subject matter on which each is expected to testify; and
- (c) State the substance of the facts and opinions to which each expert is expected to testify and provide a summary of the grounds for each opinion.

ANSWER: Previously answered.

LEWIS, RICE & FINGERSH

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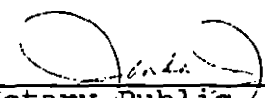
Attorneys for Plaintiff

STATE OF Maryland)
COUNTY OF Anne Arundel) SS

I, Peter Montague, being first duly sworn upon my oath, state that the foregoing answers to interrogatories are true and correct according to the best of my knowledge, information and belief.


Peter Montague

Subscribed and sworn to before me this 2 day of
Nov, 1993.

 Callumman
Notary Public

My commission expires:

4/1/94