

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE SUPERIOR COURT OF
MARION COUNTY
5778-0603

C.A. BOTTEMA, JR., d/b/a
BOTTEMA FARMS,

Plaintiffs,

vs.

MONSANTO COMPANY,
BLOOMFIELD SILO COMPANY, INC.,
CONCRETE SILO COMPANY,
INDIANA BRAND COMPANY,
MADISON BRAND COMPANY,
JOHN DOE, and
JOHN DOE, INC.,

Defendants.

FILED
CAUSE NO. 5778-0603

MAY 21 1976

Thomas R. O'Shea
CLERK

COMPLAINT

Comes now the plaintiff, and for his cause of action
against the defendants alleges that:

1. The plaintiff is the owner of nine (9) silos which were
for the purpose of storing silage as feed for milk cows.
2. The said silos were lined with material manufactured,
sold and placed in the stream of commerce by the defendant, Monsanto
Company. The other defendants were the builders, contractors and
sellers of said silos, and the material for lining said silos.
3. Some of said silos may have been made, sold and lined by
others whose names are not presently known. The John Doe defendants
are named in their stead, and the correct names will be substituted by
amendment hereafter.
4. In July of 1976, it was discovered that the lining of said
silos contained toxic substances and polychlorinated biphenyls, other-
wise known as PCV, in toxic and dangerous quantities.
5. As a result thereof said silos have been rendered useless,
cattle and milk had to be destroyed, the silos have had to be re-
coated, milk has been lost, the use of the silos has been lost, and
said silos will have to be torn down and replaced, all as a proximate
result of said defect in said silos.

6. The said loss and damage is the proximate result of one or more of the following wrongful acts of the defendants:

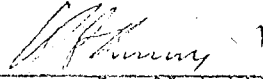
- a) The defendants manufactured or constructed said products in a defective condition as aforesaid, and they are strictly liable.
- b) The defendants were negligent.
- c) The defendants impliedly warranted said products to be reasonably fit and safe for the purposes for which they were sold, but they were not.

7. The plaintiff has been damaged in the sum of \$350,000.00 as a proximate result of the foregoing.

WHEREFORE, plaintiff prays and demands judgment against the defendants for the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) plus interest from July, 1975, and for the costs of this action and for all other proper relief.

KENDALL, STEVENSON & LOWRY

YOUNG & YOUNG

By: 
Attorneys for Plaintiff

KENDALL, STEVENSON & LOWRY
One South Washington Street
Danville, Indiana 46122

YOUNG & YOUNG
118 North Delaware Street
Indianapolis, Indiana 46204
(317) 639-5161

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 19_____, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk of the Circuit Court of Marion County

Dated: _____, 19_____

By: _____
Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, 19_____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the _____ day of _____, 19_____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 19_____.

Clerk of the Circuit Court of Marion County

By: _____
Deputy

Cause No. _____	Room No. _____
C. R. BOTTEMA, JR., d/b/a BOTTEMA FARMS, Plaintiff	VS: MORGAN CO. CO., et al. Defendant
SUMMONS CIRCUIT COURT	
SHERIFF'S COSTS	
YOUNG & YOUNG Attorney for Plaintiff 118 North Delaware Street Address Indianapolis, Indiana 46204 (317) 639-5161 Telephone	

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 19_____:

- (1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____;
- (2) By leaving a copy of the Summons and a copy of the complaint at _____ which is the dwelling place or usual place of abode of _____;
- (3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____
Deputy

SUMMONS

SUPERIOR In the
Circuit Court of Marion
County, Indiana

C.M. BOTTEMA, JR., d/b/a
BOTTEMA FARMS,

Plaintiff

S778-0603

CAUSE No. _____

—vs—
MONSANTO COMPANY,
BLOOMFIELD SILO COMPANY, INC.,
CONCRETE SILO COMPANY,
MADISON BRAND COMPANY,
JOHN DOE, and
JOHN DOE, INC.,

Defendants

TO DEFENDANT: (Name) MONSANTO COMPANY
C.T. CORP SYSTEMS, RESIDENT AGENT
(Address) 1011 MERCHANTS BANK BUILDING
INDIANAPOLIS, INDIANA 46204

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

DATED: MAY 24 1978

Thomas R. O'Brien (Seal)
Clerk, Circuit Court of Marion County

(The following manner of service of summons is hereby designated.)

XX

Registered or certified mail.

Service on individual — (Personal or copy) at above address.

Service at place of employment, to-wit: _____

Service on agent. (Specify) _____

Other service. (Specify) _____

Howard S. Young, Jr.
Attorney for Plaintiff
YOUNG & YOUNG
118 North Delaware Street
Address Indianapolis, Indiana 46204
(317) 639-5161
Telephone _____

HARTOLDMON0095880

CT SYSTEM

SERVICE OF PROCESS TRANSMITTAL FORM

C T Corporation System
The Corporation Trust Company
C T Law Technology, Inc.

JUN 5 1978

TO: William McCurdy, Atty.
Legal Department
Monsanto Company
800 N. Lindbergh Blvd.
(Authorized Recipient)
St. Louis, Missouri 63166

TO: C T CORPORATION SYSTEM
(C T Office)
St. Louis, Mo.
(City) (State)
FROM: C T Corporation System
(Originating Agent)
Per Mary Lindsey
Indpls. Ind.
(City) (State)
DATE May 25, 1978 VIA: First Class Mail

VIA: ☐ Certified First Class Mail
☐ Messenger

RE: PROCESS SERVED IN _____ Ind.
(Jurisdiction)

FOR _____ MONSANTO COMPANY Del
(Name of Company) (Domestic State)

Enclosed are copies of legal process served upon the statutory agent of the above company as follows:

1. Title of Action: C.M. Bottema, Jr. d/b/a Bottema Farms, v. Monsanto Company, et al.
2. Document(s) Served: Summons; Complaint.]
3. Court: Marion Superior Court, Indpls. Ind., No. S778 0603.
4. Nature of Action: Alleges breach of warranty with respect to silo linings manufactured by defendant. Seeks \$350,000.
5. On Whom Process was Served: From Marion Superior Court, Indpls. Ind., by certified mail to Monsanto Company % C T Corp. System, Indpls. Ind.
6. Date and Hour of Service: May 25, 1978 - 11:00 AM.
7. Appearance or Answer Due: Within twenty days, commencing the day after receipt of summons.
8. Plaintiff's Attorney(s): Howard S. Young, Jr., 118 N. Delaware St., Indpls. Ind.
9. Remarks:

RECEIVED AND FORWARDED ON 5-30-78 (Date)

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING THE
CARBON COPY AND RETURNING IT TO

BY: C T CORPORATION SYSTEM
Per M. A. DELTON
X 314 NO. BROADWAY
(Address)
ST. LOUIS, MISSOURI 63102

HARTOLDMON0095881