FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APR 03 1987
BURGESS E. HARRIS, CLERK
BY DEPUTY JUDY CHATELAIN

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CECIL SCOTT, et al.	§	
	§	
Plaintiffs	§	
	§	CIVIL ACTION NO.
vs.	§	B-84-1103-CA
	§	
MONSANTO COMPANY,	§	
	§	
Defendant	§	

PLAINTIFFS' NOTICE OF INTENTION
TO TAKE ORAL DEPOSITIONS
AND SUBPOENA DUCES TECUM

TO: Defendant, MONSANTO COMPANY, by and through its counsel of record, Jonathan B. Shoebotham and Robert A. Hall, Woodard, Hall & Primm, 4700 Texas Commerce Tower, Houston, Texas 77002;

Walter J. Crawford, Jr., Wells, Peyton, Beard, Greenberg, Hunt & Crawford, 624 Petroleum Bldg., P. O. Box 3708, Beaumont, Texas 77704;

Mr. John M. Johnson, Mr. Warren B. Lightfoot, Bradley, Arant, Rose & White, 1400 Park Place Tower, Birmingham, Alabama, 35203; and

Mr. Michael R. Fruewald, Mr. Michael Rosiello, Ms. Anne C. McGown, Barnes & Thornburg, 1313 Merchants Bank Bldg. 11 South Meridian Street, Indianapolis, Indiana 46204.

Pursuant to the provisions of Rule 30(b) of the Federal Rules of Civil Procedure, the Plaintiffs in this cause hereby give NOTICE to the Defendant that the oral depositions of certain officers, directors, managing agents or other persons designated by MONSANTO COMPANY pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of

Judy Chatelain

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DEPOSITION EXHIBIT
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Civil Procedure will be taken on the dates and times hereinafter specified at the offices of Gilpin, Pohl & Bennett, Allied Bank Tower, 23rd Floor, 1300 Post Oak Boulevard, Houston, Texas 77056. These depositions will continue until each one is completed.

The oral deposition testimony given by these witnesses will be stenographically transcribed by a certified court reporter. Additionally, this oral deposition testimony will also be electronically recorded by videotape pursuant to a written stipulation of the parties or Court Order under Rule 30(b)(4) of the Federal Rules of Civil Procedure. The testimony given during these oral depositions will be used as evidence in this matter, together with the documents produced at these depositions. You are invited to attend and cross-examine.

The Defendant is requested to designate those officers, directors, managing agents or other persons who consent to testify on its behalf as to the following matters known or reasonably available to the Defendant. For each topic specified, the relevant time period extends from the date of the first production or manufacture of PCBs in any form by MONSANTO COMPANY, Defendant, to the present time.

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In presenting these representatives, MONSANTO COMPANY ("Monsanto"), Defendant, is requested to designate and produce the person or persons who have the greatest knowledge within Monsanto and/or any of its subsidiaries and/or affiliates about each of the following topics.

1. Topic: Monsanto's advertising and marketing of its PCB products; specifically, the source and accuracy of all representations, technical data, warnings, instructions regarding the toxicology, safe handling practices and use of its PCB products. The designated representative(s) will be called upon to offer sworn testimony about how and why this technical and advertising literature was created; the persons and entities to whom it was distributed; how and why each recipient or class of recipient was selected; and the intended purpose of the statements, descriptions and representations contained in this literature.

Date and time of deposition: Wednesday, April 15, 1987 at 9:00 a.m.

2. Topic: Those policies and practices Monsanto employed at its PCB manufacturing and distribution facilities regarding the handling of PCBs by Monsanto personnel and any PCB related health or other problems experienced by Monsanto personnel at these facilities.

Date and time of deposition: Thursday, April 16, 1987 at 9:00 a.m.

3. Topic: The cost of production for all PCB products; the overhead allocated to the production of PCB products; the revenues associated with PCB products; and the profits generated for Monsanto as a result of its manufacture and sale of PCBs. The designated representative(s) will be called upon to offer sworn testimony about the relative profitability of Monsanto's PCB products as compared to other products produced by Monsanto and the profitability of the two Monsanto plants that produced PCBs as compared to Monsanto plants that did not produce PCBs.

Date and time of deposition: Friday, April 17, 1987 at 9:00 a.m.

Subpoena Duces Tecum: The designated representative(s) shall produce all of Monsanto's financial records showing the cost of manufacture and/or cost of the sale of PCBs by Monsanto; the earnings and/or profits of Monsanto from its sale of PCBs and PCB products; and corresponding Monsanto financial information on all other chemical products. Included are all documents pertaining to incremental costs of production and sale of PCB and PCB products and all

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documents which evidence relative cost and profit of PCBs compared to other products manufactured and sold by Monsanto.

4. Topic: Any and all medical, toxilogical and/or epidemiological research conducted by or for Monsanto regarding the use and hazards of PCBs; specifically, the individual, departmental and consulting research assignments by Monsanto in this area; operating budgets for such research; Monsanto's staffing for such research; and input into this research provided by Monsanto's management.

Date and time of deposition: Monday, April 20, 1987 at 9:00 a.m.

5. Topic: Monsanto's efforts (if any) to monitor available medical and scientific literature regarding the hazards to human health associated with exposures to PCBs, including the monitoring of animal studies; the amount of resources (including funding, manpower and equipment) devoted by Monsanto to such efforts; and Monsanto's efforts to monitor and protect the health of its own employees, their customers' employees and the general public from any hazards of exposure to PCBs.

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Date and time of deposition: Tuesday, April 21, 1987 at 9:00 a.m.

6. Topic: Monsanto's "business group efforts" and any and all other corporate responses to the general public disclosure in the late 1960's and early 1970's of the health hazards and problems associated with PCBs and the development and implementation of Monsanto's corporate response thereto, including changes in the corporation's public relations, advertising and marketing campaigns with regard to PCBs and its PCB products. The designated representative(s) will be called upon to give sworn testimony about the reasons for, source of and implementation of Monsanto's decision to limit the sale of PCBs to certain uses; Monsanto's decision to modify contracts for continued sales to include provisions for unilateral cessation of sales at Monsanto's sole discretion; and Monsanto's requirement of indemnities from companies to whom it continued to sell PCBs.

Date and time of deposition: Wednesday, April 22, 1987 at 9:00 a.m.

Subpoena Duces Tecum: The designated representative(s) shall produce all Monsanto documents concerning the possible adverse environmental impacts of PCBs

and/or adverse health consequences of exposure to PCBs; all documents discussing how Monsanto could, should or would respond to any suggestion of adverse environmental and/or health consequences of PCBs; all documents pertaining to or containing any analysis of the impact on Monsanto of the partial and/or complete ban on the manufacture, sale or distribution of PCBs; and all documents pertaining to or containing any studies of the possible or actual financial impact on Monsanto of the cessation of PCB sales.

7. Topic: The requirements imposed by federal or state statutes, rules or regulations on the manufacture, distribution, handling, storage, use and disposal of PCBs; the implementation of these federal or state statutes, rules or regulations by Monsanto; and the effect on Monsanto of the implementation of these regulatory and proscriptive matters.

Date and time of deposition: Thursday, April 23, 1987 at 9:00 a.m.

Subpoena Duces Tecum: The designated representative(s) shall produce any and all Monsanto documents regarding the corporation's response to these

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regulatory and proscriptive matters and its implementation of the requirements imposed thereby.

Respectfully submitted,

By: _____
JOSEPH C. BLANKS

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ATTORNEYS FOR PLAINTIFFS,
CECIL SCOTT, ET AL.

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 1987, a duplicate original of the foregoing Plaintiffs' Notice of Intention to Take Oral Depositions was filed with the Clerk of the Court for the Eastern District of Texas, Beaumont Division. I also certify that a true and correct copy of this Notice was served upon counsel of record on the 3rd day of April, 1987, by messenger delivery and/or by placing same in the United States mail, certified mail, return receipt requested, postage prepaid and addressed as follows:

Mr. Robert A. Hall
Mr. Jonathan B. Shoebotham
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Mr. Walter J. Crawford, Jr.
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