C 3:06

received 2/28/92

LAW OFFICES

RUDOLPH, SEIDNER, GOLDSTEIN, ROCHESTIE & SALMON, P.C.

SUITE 1600
1818 MARKET STREET
PHILADELPHIA, PA 19103-3691

EDWARD RUDOLPH
STEPHAN H. GOLDSTEIN*
WILLIAM R. SALMON, JR.
MARK A. WISNIEWSKI
JAMES W. PEARSON, JR.†
ARTHUR J. SEIDNER
GARY A. ROCHESTIE
HARRY A. DORIAN, JR.
ROBERT M. ROSEMAN*
PHYLLIS J. ALBERT

JAY STEVEN HARRIS
JOHN J. TAYLOR***
JEFFERY S. ORCHINIK
ARTHUR G. KREVITZ**
JANE B. MARTON****
DAVID J. SOWERBUTTS
MARK S. GOLDMAN
ROBERT EISLER

(215) 299-9900
FAX: (215) 299-9910

BUCKS COUNTY OFFICE
BENSALEM (215) 750-7200

DELAWARE COUNTY OFFICE
(215) 876-3900

*ALSO MEMBER NEW YORK BAR
**ALSO MEMBER NEW JERSEY BAR
***ALSO MEMBER PA. HOUSE OF REPRESENTATIVES
****ALSO MEMBER OKLAHOMA BAR
†ALSO MEMBER CALIFORNIA BAR

DIRECT DIAL:

M-3

TELECOPIER TRANSMITTAL
(Ricoh FAX-65)

TO: Michael Malin Esq

ADDRESS: _____

TELECOPY PHONE #: 864-7123

CONFIRMATION PHONE #: _____

FROM: John Tyndall

MATTER: _____

TOTAL PAGES TRANSMITTED (INCLUDING COVER SHEET): 2

TO RECIPIENT: To transmit, dial (215) 299-9910

To confirm, or for any problems in receiving, call (215) 299-9900

COMMENTS: _____

FAX Operator: _____

Date: 2-28-92

EXHIBIT
M-3
LL 3-2-92

WATER_PCB-SD0000029265

LAW OFFICES
RUDOLPH, SEIDNER, GOLDSTEIN, ROCHESTIE & SALMON, P.C.
SUITE 1600
1818 MARKET STREET
PHILADELPHIA, PA 19103-3691

(215) 299-9900
FAX: (215) 299-9910

BUCKS COUNTY OFFICE
BENSALEM (215) 750-7200

DELAWARE COUNTY OFFICE
(215) 876-3900

JOHN F. INNELLI
DIRECT DIAL
(215) 299-9961

February 28, 1992

Michael Malin, Esquire
WHITE & WILLIAMS
One Liberty Place
1650 Market Street, Suite 1800
Philadelphia, PA 19103-7301

RE: Paoli Railroad Yard PCB Litigation

Dear Michael:

Plaintiffs recent notice of depositions calling for the appearance of Dr. Robert G. Kaley, II on Monday, March 2, 1992, has resulted in a request from you for an explanation of the need to depose Dr. Kaley in light of his November 16, 1990 appearance.

Please be advised that Dr. Kaley's forthcoming deposition is necessitated by, inter alia, the EPA's October, 1991 determination that planar PCB molecules have the same toxicity of furans and dioxins. See, Volume 56, Fed.Reg. §196, pages 501-02-04, dated 10/9/91. Given that Monsanto has previously acknowledged that furans are highly toxic and the EPA's recent determination that planar PCB molecules are the equivalent of furons there are new lines of inquiry regarding the toxicity of PCBs that did not exist in November of 1990. Inasmuch as Dr. Kaley was tendered by Monsanto as the employee who had conducted the quantitative analysis of polychlorinated biphenyls for Monsanto, it is appropriate to proceed with his deposition on March 2, 1992.

Very truly yours,

JOHN F. INNELLI

JFI:mlp
VIA FACSIMILE
cc: Martin D'Urso
Arnold Cohen

WATER_PCB-SD0000029266