

IN THE CIRCUIT COURT FOR CALHOUN COUNTY, ALABAMA

SABRINA ABERNATHY, et al.,

Plaintiffs,

v.

MONSANTO COMPANY, et al.,

Defendants.

Civil Action No. CV-96-269
(Consolidated)



RE-NOTICE OF DEPOSITION
AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: William S. Cox, III, Esq.
Lightfoot, Franklin & White, LLC
The Clark Building
400 North 20th Street
Birmingham, Alabama 35203

Kriegshauser Reporting
319 North Fourth Street, Suite 319
St. Louis, Missouri 63102

Arthur F. Fite, III, Esq.
Fite & Miller, LLC
P. O. Box 368
Anniston, Alabama 36202

PLEASE TAKE NOTICE that, beginning at 10:00 a.m., on Wednesday, July 18, 2001, at the offices of Kriegshauser Reporting, 319 North Fourth Street, Suite 319, St. Louis, Missouri, the plaintiffs in the above-styled action, pursuant to Rule 30(b)(5) and 30(b)(6) of the Alabama Rules of Civil Procedure ("ARCP"), will take the deposition of TOM BISTLINE by oral examination before a court reporter or some other person authorized by law to administer oaths, and this deposition shall be for the purpose of discovery or for use as evidence in the trial of this action, or for both purposes. You are invited to attend and cross-examine.

Pursuant to Alabama Rules of Civil Procedure 26, 30 and 34, the deponent is requested to

bring to the deposition the documents requested in Exhibit A attached hereto.

Under Rule 30(b)(6), this deponent will be examined on the following matters:

1. The origin of the defendant's records pertaining to PCBs which have been transferred to, and stored in the defendant's document repository ("the repository") located in North Carolina.
2. Why the records were transferred to North Carolina.
3. The quantity of records in the repository as well as the physical nature of the records (whether they are originals, copies, microfiche, electronically stored, in boxes, in folders, etc.).
4. The identity and relationship to the defendant of persons who have been granted access to the records.
5. Whether and how the records are indexed or filed to facilitate ready access to particular documents or categories of documents.
6. How the records are searched and retrieved when requests are made for production of records or documents in litigation against defendant involving PCBs generally.
7. How the records were searched when requests were made for production of records and documents in this case specifically.
8. Whether any records or documents in the repository have ever been destroyed, lost or permanently transferred, and if so, what they were when they were destroyed, lost or transferred, why they were destroyed, lost or transferred, and where they were transferred.
9. Whether the repository has a separate filing/indexing section pertaining to Anniston, and if so, whether there are any documents or records contained therein which have not been previously produced in this case.
10. The nature, date, location, and author of any summary, review, compendium, or

abstract of the records or a portion thereof.



DONALD W. STEWART
Attorney for Plaintiffs

OF COUNSEL:

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P. O. Box 2274
Anniston, Alabama 36202
(256) 237-9311

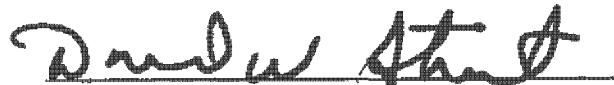
CERTIFICATE OF SERVICE

This is to certify that I have this date served counsel for all parties to this action with a copy of the within and foregoing document by facsimile transmission and/or by depositing same in the United States mail in a properly addressed envelope with adequate postage affixed thereon and addressed as follows:

William S. Cox, III, Esq.
Lightfoot, Franklin & White, LLC
The Clark Building
400 North 20th Street North
Birmingham, Alabama 35203

Arthur F. Fite, III, Esq.
Fite & Miller, LLC
P. O. Box 368
Anniston, Alabama 36202

This 3rd day of June, 2001.



DONALD W. STEWART
Attorney for Plaintiffs

EXHIBIT A

For the purpose of this request, the word "documents" shall mean every original and non-identical copy of each and every paper, writing (including blind copies), statement, bill, sheet, letter, telegraph, teletype, picture, photograph, negative, slide, movie, film, visual or audio-transcription, videotape, report, memorandum, sketch, chart, note (including, but not limited to notes used to prepare any letter, memorandum, report or other document as herein defined), contract agreement, form, expense ledger, check (cancelled or otherwise), check stub, receipt, memorandum of telephone conversation, witness (including, but not limited to, potential witness) statement, transcript, memorandum pertaining to witness (including, but not limited to, potential witness), interview, sound recordings, sound recording transcription, inter-office and/or inter-company memorandum, engineering study, cross-section, expert analysis, expert opinion, expert summary, computer printout, book of account, evidence of expenses incurred, work memorandum, report of investigation and/or inspection, file memorandum, bid, request for proposal, record, brochure, book, microfilm proposal exhibit, attachment, draft, certificate, chart, table, price list, paper containing price information, data stored or recorded or in punch cards, computer tapes, disks, reels, other devices for business machines, other means of storing and/or human intelligence, transcripts, testimony, transcripts of testimony, trial or deposition notes transmitting of testimony, affidavits, pleadings, answers to interrogatories, response to request for admission (whether in this process or any other), and printed or readable material.

PREFATORY INSTRUCTIONS

1. If an original of a requested document is not located in your home or office, but a legible copy of the requested document is located at said home or office or the deponent has access to a legible copy, then the deponent is requested to provide said copy at the deposition.

2. If, in responding to these requests for production of documents, deponent asserts that any document sought by plaintiffs is protected from discovery due to such document's being a privileged communication, then for each such document, deponent is requested to:

- a. Identify the author of the document;
- b. State the author's present address and telephone number, or, if such information is unknown to deponent, then the author's last known address and telephone number;
- c. State the date said document was originated;

- d. State the location where said document was originated;
- e. State the present location of said document;
- f. If the present location of said document is a place other than the location where said document was originated, state every other location where said document has been placed or otherwise located;
- g. State each date that said document was delivered to and/or otherwise communicated to any person;
- h. Identify each person to whom said document was addressed and/or sent and/or made available to for review and/or communicated to in any manner, and state said person's present address and telephone number, or, if said address and telephone number are presently unknown to deponent, then state said person's last known address and telephone number;
- i. Based upon the context of said document, state the purpose, in general, for which said document was originated;
- j. State the subject matter, in general, of said document; and,
- k. For each such document, state with specificity the nature of every privilege that deponent asserts regarding the discovery of said document sought by plaintiffs.

REQUESTED DOCUMENTS

Defendant is hereby directed to produce at the deposition the following tangible items, the content and nature of which will be additional subjects of inquiry:

1. An index to the repository records, in either electronic or paper form.
2. If any of the records are considered by defendant to be relevant but privileged, a log of such documents and the grounds upon which the claim of privilege is asserted.