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TRANSWESTERN PIPELINE COMPANY

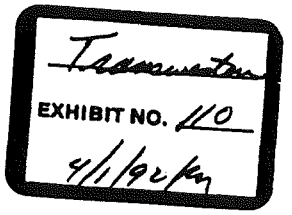
SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

TRANSWESTERN PIPELINE COMPANY, Plaintiff, vs. MONSANTO COMPANY and DOES 1 through 200 inclusive, Defendants.	CASE NO. BC 026959 NOTICE OF DEPOSITION OF JACK T. GARRETT

TO DEFENDANT AND ITS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure Section 2025, Plaintiff Transwestern Pipeline Company will take the deposition of Jack T. Garrett on March 24 and 25, 1992, beginning at 10:00 a.m., at the offices of Bryan, Cave, McPheeters & McRoberts, One Metropolitan Square, St. Louis, Missouri 63102.



Said deposition shall be taken upon oral examination before a certified shorthand reporter and will continue from day to day thereafter, excepting only Saturdays, Sundays, holidays and days upon which other witnesses affiliated with Monsanto are being deposed in St. Louis, until completed.

The witness is requested to produce at the deposition for inspection and copying those documents in his custody or control described in Exhibit A, attached, pursuant to duly issued and served subpoena.

DATED: February 28, 1992

SHEARMAN & STERLING
James P. Tallon
Jerry L. Marks
Dana K. Welch
Saied Kashani

By: Saied Kashani
Saied Kashani

Attorneys for Plaintiff
TRANSWESTERN PIPELINE COMPANY

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EXHIBIT A

I. DEFINITIONS AND INSTRUCTIONS

1. "Document" is used in the broadest possible sense and refers without limitation to any written, typed, or other graphic material, of any kind or nature, and any other tangible thing by or on which information or data is stored or can be obtained, translated (if necessary) by Monsanto through detection devices into reasonably usable form, including without limitation, any writing, drawing, film, graph, chart, photograph, phono-record, mechanical, or electrical sound recording or transcript thereof; any retrievable data, whether in computer storage, carded, punched, taped, or coded form or stored electro-statically, electro-magnetically, or otherwise; and any other data compilation from which information can be obtained.

Without limiting the generality of the foregoing, "document" specifically includes all contracts, agreements, labels, invoices, bills of sale, promotional materials, advertisements, forms, correspondence, letters, telegrams, telephone messages, notices, notes, memoranda, reports, studies, analyses, working papers, statistical statements, financial statements, financial analyses, opinions, forecasts, budgets, projections, audits, press releases, brochures, pamphlets, circulars, minutes of meetings, notes and summaries of investigations, statements, worksheets, summaries, books, journals, ledgers, audits, maps, diagrams,

drafts, newspapers, appointment books, desk calendars, diaries, inter and intra office memos and communications, faxes, and telexes.

Such terms shall also include all contemporaneously or subsequently created non-identical duplicates or copies and all drafts, preliminary versions or revisions of documents, whether or not completed, by whatever means made. As used in this Notice, "document" also includes every "document" that is no longer identical by virtue of any notation or modification of any kind.

2. Whenever appropriate, the singular form of a word shall be interpreted in plural, or vice versa; verb tenses shall be interpreted to include past, present, and future tenses; the terms "and" as well as "or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the requests in this Notice any documents that might otherwise be construed to be outside their scope; and words imparting the masculine include the feminine and vice versa.

3. Any reference to a person, corporation, association, partnership, company, or joint venture shall mean that person or entity, any parents, affiliates, divisions, controlled companies, subsidiaries, or otherwise related entitles, and all of his, her, or its current or former agents, representatives, employees, attorneys, accountants, officers, directors, auditors, and consultants, or other persons or entities acting, or purporting to act, on its behalf.

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4. The documents requested herein specifically include all documents in the possession, custody, or control of Monsanto Company ("Monsanto") including parents, affiliates, divisions, controlled companies, subsidiaries, or otherwise related entities, or any of Monsanto's current or former agents, representatives, employees, attorneys, accountants, auditors, directors, officers, consultants, or other persons or entities acting, or purporting to act, on Monsanto's behalf.

5. "Monsanto" or "Monsanto Company" means Monsanto Company and its parents, affiliates, divisions, controlled companies, subsidiaries, or otherwise related entities, or any of Monsanto's current or former agents, representatives, employees, attorneys, accountants, auditors, directors, officers, consultants, or other persons or entities acting, or purporting to act, on Monsanto's behalf.

6. "Transwestern" means Transwestern Pipeline Company, the plaintiff in this action.

7. "Texas Eastern" means Texas Eastern Transmission Corp., which was Transwestern's corporate parent until 1984, and which was succeeded in 1979 by Texas Eastern Corp., which is now known as Panhandle Eastern Pipeline Company.

8. "Turbinol" means the PCB-containing gas compressor lubricant sold by Monsanto under the name Monsanto MCS-153 -- Turbinol 153.

9. "PCBs" means the chemical compound polychlorinated biphenyls.

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10. "Relevant period" means the period of time during any part of which Monsanto developed, designed, tested, manufactured, promoted, advertised, distributed, or sold Turbinol or any other PCB-containing gas compressor lubricant.

11. "Communication" is used in the broadest possible sense and refers to any meeting, discussion, presentation, contact, proposal, memoranda, letter, telegram, telex, cable, telecopy, fax, telephone call, or any other communication, or notes thereof, or document relating thereto, whether formal or informal, and includes the transmittal, in any manner or medium, of information, facts, or ideas.

12. "Relating to" means constituting, concerning, containing, evidencing, showing, or referring in any way, directly or indirectly, to the subject matter of the particular request in this Notice.

13. The use of the word "including" shall be construed to mean "including without limitation."

14. All documents produced are to be produced in their entirety, without redaction, and including all attachments and enclosures. If, for any reason, a document cannot be produced in full, please state with particularity the reason or reasons it is not produced in full, and describe, to the best of Monsanto's knowledge, information, belief and with as much particularity as possible, those portions of the document that are not produced. When a document is only in part responsive to any request in this

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Notice, it shall nevertheless be produced in its entirety. If documents that are produced are normally kept in a file or other folder, then that file or folder must also be produced.

15. That more than one request in this Notice may ask for the same document is not to be interpreted to narrow or to limit the normal interpretation placed upon each individual request.

16. Unless otherwise indicated, the documents to be produced are those created, or believed to have been created, at any time from the first day of the relevant period, as previously defined herein, up to and including the date of this Notice.

17. If any document requested to be produced herein was in Monsanto's possession, custody, or control, but has since been disposed of, lost, discarded, destroyed, or partially destroyed or is otherwise unavailable, please provide the following:

(a) The nature or type of the document, including any title or identifying number thereon (e.g., letter, report, memoranda);

(b) Its date or origin or preparation;

(c) The name of its author or originator;

(d) The name of its addressee, if any;

(e) The name of all recipients of any copy of such document;

(f) A summary of its substance;

(g) The time period during which the document was in Monsanto's possession, custody, or control;

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(h) The name and address of any person or entity who to the best of Monsanto's knowledge has a copy of the document;

(i) The date or approximate time of the disposition, loss, destruction, discarding, or when the document became unavailable; and

(j) The reason for disposition, loss, destruction, discarding, or unavailability of the document, and the person, if any, responsible therefor.

18. File folders with tabs or labels identifying documents responsive to the requests in this Notice should be produced intact with such documents.

19. Documents attached to each other shall not be separated.

20. If responsive documents are kept together in the usual course of business, they should be so produced, in order fairly to reveal and not to distort the order of Monsanto's filing and record-keeping system.

21. Electronic records and computerized information should be produced: (a) in an intelligible format; or (b) together with a description of the system from which they were obtained sufficient to render the records and information intelligible.

22. Each document produced should be produced in a manner that makes clear the precise request or requests in this Notice (i.e., the paragraph number of the request) to which the document relates.

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23. If any of the documents requested below are claimed by Monsanto to be privileged or otherwise withheld, Monsanto is requested to provide for each such document, with sufficient specificity to identify that document for purposes of a motion to compel further discovery:

(a) a specific statement of the ground and authority upon which Monsanto is relying in withholding production; and

(b) a statement which sets forth;

(i) the identify of the document's author(s) and every person who is known by Monsanto to have either helped in its preparation or received a copy of the document;

(ii) The title or other identifying data;

(iii) the date of the document, or, if no date appears thereon, the approximate date;

(iv) in summary, the nature and subject matter thereof;

(v) the identity and location of each person having or last having had possession, care, custody, or control of the original and each and any copies thereof; and

(vi) if the document was, but is no longer in Monsanto's possession or control, state what disposition was made of it, including, but not limited to, specification of the name and address of the person(s) who disposed of the document and the date, time, place, mode, or method of the disposal.

24. When this Notice does not specifically request a particular document, but the document would help to make the production complete, comprehensive, or not misleading, please

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produce the document. Only non-identical copies of a document are to be considered separate documents.

25. Where there are no documents in Monsanto's custody, control, or possession that are responsive to a particular item, please so state.

26. This Notice shall be deemed continuing so as to require further and supplemental production if Monsanto obtains additional documents between the time of initial production and the time of trial.

DOCUMENT REQUESTS

1. All documents relating to any communications between Monsanto and Transwestern relating to or involving PCBs in any way, directly or indirectly.

2. All documents relating to any communications between Monsanto and Texas Eastern relating to or involving PCBs in any way, directly or indirectly.

3. All documents relating to any communications between Monsanto and the Southern California Gas Company relating to or involving PCBs in any way, directly or indirectly.

4. All documents relating to any communications between Monsanto and Pacific Lighting Gas Supply Company relating to or involving PCBs in any way, directly or indirectly.

5. All documents relating to any communications between Monsanto and Pacific Lighting Gas Service Company relating to or involving PCBs in any way, directly or indirectly.

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6. All documents relating to any communications between Monsanto and any governmental entity relating to PCBs or any PCB-containing product during the relevant period.

7. All documents relating to the sale of Turbinol or other PCB-containing gas compressor lubricants to Transwestern or Texas Eastern at any time during the relevant period, including without limitation all contracts, invoices, and bills or sale associated therewith.

8. All documents relating to the sale of Turbinol or other PCB-containing gas compressor lubricants to persons or entities other than Transwestern or Texas Eastern at any time during the relevant period.

9. All documents relating to the cessation of the sale of Turbinol or other PCB-containing gas compressor lubricants by Monsanto.

10. All documents relating to the design, testing, and manufacture of Turbinol or other PCB-containing gas compressor lubricants.

11. All documents relating to the promotion, advertising, marketing, distribution, and sale of Turbinol or other PCB-containing gas compressor lubricants, including without limitation any warnings, instructions for use, warranties, disclaimers, and labels or other packaging associated therewith.

12. All documents relating to the use(s) of Turbinol or other PCB-containing gas compressor lubricants.

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13. All documents relating to Monsanto's decision to notify its customers in or about 1971 and 1972 of certain hazards associated with Turbinol and PCBs.

14. All documents relating to the hazards to human, animal and/or aquatic health associated with PCBs or any PCB-containing product.

15. All documents relating to scientific and medical studies conducted by MONSANTO or others with respect to the hazards associated with PCBs to human, animal, and/or aquatic health.

16. All documents relating to the operation of natural gas pipelines and gas compressors.

17. All documents relating to the development, design, testing, manufacture, marketing, advertising, distribution and sale during the relevant period of any gas compressor lubricant not containing PCBs.

18. Any and all documents referring or relating to lubricants used in gas compressors, whether or not such lubricants contained PCBs.

19. Any and all documents produced by Monsanto in any other litigation where that litigation arose from allegations of damage by products containing PCBs.

20. Any and all transcripts that constitute a record of testimony given under oath in any other litigation where that litigation arose from allegations of damage by products containing PCBs, together with any exhibits used in connection with such testimony.

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21. Any and all documents referred to or contemplated by Thomas Bistline in the following statement made in the August 12, 1991 Business Week, "We have disclosed what we knew when we knew it."

22. Any and all documents constituted, referring or relating to Monsanto's warnings to Transwestern about the hazards of PCBs.

23. Any and all documents constituting, referring or relating to Monsanto's warnings to Texas Eastern Corp. about the hazards of PCBs.

24. Any and all documents referring, reflecting, evidencing or relating to a meeting or meetings between representatives of Monsanto and NCR (and possibly others) which took place on or about June 1, 1970, at which, among other subjects, the biodegradability of Aroclor 1242 was or may have been discussed. Responsive documents include but are not limited to communications between Monsanto and NCR, internal communications or memoranda, minutes, or agenda or other notes of the meeting(s), and any drafts of such documents.

25. Any and all documents referring to, reflecting, evidencing or relating to a meeting or meetings of Monsanto's Corporate Management Committee which took place on or about May 11, 1970 at which the PCB problem was discussed. Responsive documents include but are not limited to communications between the participants, internal communications or memoranda, minutes, or agenda or other notes of the meeting(s), resolutions or plans of action adopted or considered at the meeting, and any drafts of such documents.

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26. Any and all documents reflecting, evidencing or relating to sales of or attempts to sell any functional fluid manufactured by Monsanto for use in natural gas compressors by Monsanto to Texas Eastern or Transwestern from January 1, 1950 to December 31, 1980. Responsive documents include but are not limited to contracts, call reports, purchase orders, invoices, bills, statements, delivery receipts or other records.

27. Any and all documents relating to, constituting or evidencing any communications by or between or among Transwestern, Texas Eastern and Monsanto where the communication in any way related to potential, suspected or actual hazards of PCBs or PCB-containing products, including but not limited to any requests for information about possible PCB hazards from Texas Eastern or Transwestern to Monsanto and Monsanto's response, if any.

28. Any and all documents constituting, reflecting or relating to internal meetings, correspondence, memoranda or other communications by or between Monsanto or individuals employed by Monsanto where the communication, correspondence, meeting or memoranda in any way related to proposed or actual communications with Texas Eastern or Transwestern concerning the potential, actual or suspected hazards of PCBs or of PCB-containing products.

29. Any and all documents relating to the development of PCB-containing lubricants or other functional fluids for use in natural gas compressors.

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30. Any and all documents evidencing, reflecting or relating to any meeting of the Monsanto Board of Directors, or any committee thereof, at or during which the PCB problem was discussed. Responsive documents include but are not limited to Board minutes, agendas, resolutions, notes or correspondence, in draft or final form.

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PROOF OF SERVICE
[By Mail]

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, California, and am not a party to the within action; my business address is 725 South Figueroa Street, 21st Floor, Los Angeles, California 90017. On February 28, 1992, I served the foregoing document described as **NOTICE OF DEPOSITION OF JACK T. GARRETT** on the interested parties in this action as follows:

Charles F. Preuss
Donald F. Zimmer, Jr.
Evelyn G. Heilbrunn
Bronson, Bronson & McKinnon
505 Montgomery Street
San Francisco, California 94111-2514

(BY MAIL) By the original thereof enclosed in sealed envelope, and depositing same in the United States Mail with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing it true and correct.

Executed at Los Angeles, California, this 28th day of February, 1992.

Sascha Meeks

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