SERVICE OF PROCESS TRANSMITTAL FORM

C T SYSTEM

The Corporation Trust Company
C T Corporation System
and Associated Companies

JUN 29 1972

TO: C T Corporation System
(C T Office)
St. Louis, Missouri
(City) (State)

FROM: C T Corporation System
(Originating Agent)
Per [signature]
Atlanta, Georgia
(City) (State)

DATE: 6-26-72 VIA: (X) Certified Mail
( ) Certified Air Mail

TO: Mr. Rodney Harris, Jr., Asst. Gen.Csl.
Director, Law Dept.
Monsanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63166

VIA: (x) Certified Mail ( ) Messenger
( ) Certified Air Mail

#001103

RE: PROCESS SERVED IN GEORGIA
(Jurisdiction)

FOR MONSANTO COMPANY (Name of Company) Delaware (Home State)

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

1. Title of Action: R. M. Patterson, Plaintiff vs Concrete Silo Company and Monteagle Silo Company, Defendants and Third Party Plaintiffs vs Monsanto Company, Third Party Defendant

2. Document(s) Served: Summons, Exhibits and Civil Action Complaint #5565

3. Court: Superior Court of Douglas County, Georgia

4. Nature of Action: Third Party Plaintiff demands judgement against third party defendant for any sum that may be recovered against defendant in favor of plaintiff, plus costs, alleging Monsanto Company manufacturered "Aroclor-1254" to be used as a sealant paint for silos which caused the toxic substance *

5. On Whom Process was Served: C T Corporation System, Atlanta, Georgia

6. Date and Hour of Service: June 26, 1972, at 9:35 AM

7. Appearance or Answer Due: Within 30 days after service, exclusive of day of servic

8. Plaintiff's Attorney(s): James & Johnson
6576 Church Street
Douglasville, Georgia 30134

9. Remarks: *known as "PCB" in the milk of the diary cattle complained of in the above styled case.

[illegible] PLEASE ACKNOWLEDGE RECEIPT BY SIGNING AND RETURNING TO US THE [illegible] COPY OF THIS TRANSMITTAL FORM.

RECEIVED AND FORWARDED ON 6/28/72 Date

BY: C T CORPORATION SYSTEM

Per B. L. HARMON

314 NORTH BROADWAY
ST. LOUIS, MISSOURI 63102

0427414

HARTOLDMON0095967

SERVICE Copy

IN THE SUPERIOR COURT FOR DOUGLAS COUNTY
STATE OF GEORGIA

R.M. PATTERSON Plaintiff	*	
vs.	*	CIVIL ACTION
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY, Defendants and Third Party Plaintiffs	*	FILE NO. 5565
vs.	*	THIRD PARTY COMPLAINT
MONSANTO COMPANY, Third Party Defendant	*	

Comes now MONTEAGLE SILO COMPANY, defendant in the above styled action, now proceeding as third party plaintiff, states its third party complaint as follows:

1.

The third party defendant is MONSANTO COMPANY, a foreign corporation, doing business in the State of Georgia, having an office and place of business at 320 Interstate North Parkway, N.W., Atlanta, Fulton County, Georgia, and with an agent designated for service of C.T. CORPORATION SYSTEMS whose address is First National Bank Tower, Atlanta, Georgia, and with said third party defendant being subject to the jurisdiction of this Court.

2.

Plaintiff, R.M. Patterson, has filed a complaint against defendent, a copy of which is attached hereto as Exhibit "A"; a copy of all other pleadings filed by Monteagle Silo Company prior to the filing of this third party complaint is hereto attached as Exhibit "B".

3.

The third party defendant MONSANTO COMPANY is or may be liable to the third party plaintiff for all or part of the claim as shown in said pleadings attached hereto as Exhibits "A", and "B".

4.

That Monsanto Company is the manufacturer of a chemical product known as "Aroclor-1254" which it sold for use in preparing a sealant for the interiors of silos according to a formula established by Monsanto Company.

FILED
Jun 20 2 23 PM '72
WAYNE ... CLERK
DOUGL... CO. GA.
DOUGL... CO. GA.

0427415

HARTOLDMON0095968

5.

That Monsanto Company manufactured and distributed said chemical product in 1963 for use in preparing said sealant paint for use in silos.

6.

That Monsanto Company knew that said chemical was used in the sealant for the interior of silos where silage was kept for cattle.

7.

That Monsanto Company knew or should have known that said chemical would be absorbed by the silage and after ingestion by dairy cattle, the milk therefrom contained a toxic substance known as "PCB".

8.

That the introduction of the toxic substance "PCB" into milk in high quantities requires that such milk be condemned.

9.

That if Monteagle Silo Company is held liable in damages to Plaintiff, R.M. Patterson, that such liability must arise from the use of the chemical manufactured and distributed by Monsanto Company.

WHEREFORE, the third party plaintiff demands judgment against the third party defendant for anysum that may be recovered against defendant in favor of plaintiff, together with the costs of this action.

JAMES & JOHNSON

J. Clifford Johnson

J. CLIFFORD JOHNSON
OF COUNSEL FOR MONTEAGLE SILO COMPANY

JAMES & JOHNSON
ATTORNEYS AT LAW
6576 Church Street
Douglasville, Georgia 30134
942-7791

CERTIFICATE OF SERVICE

This is to [illegible] this day served counsel for [illegible] pending matter [illegible] in a [illegible] in the [illegible] properly [illegible] adequate postage [illegible].

This 20 day of [illegible], 1972

J. Clifford Johnson
Attorney

[illegible] defendant + 3rd party plaintiff

0427416

HARTOLDMON0095969

IN THE SUPERIOR COURT FOR THE

COUNTY OF DOUGLAS, STATE OF GEORGIA

R. M. PATTERSON,

Plaintiff

-versus-

CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY,

Defendants

CIVIL ACTION NO. 5565 p.102

COMPLAINT

Now comes R. M. Patterson, Plaintiff in the above styled action, and states his claim as follows:

COUNT ONE

1.

The Court has jurisdiction over the Defendants, Concrete Silo Company and Monteagle Silo Company, foreign corporations, pursuant to Georgia Code Ann. § 24-113.1 by virtue of the fact that the Defendant, Concrete Silo Company, carried on business within Douglas County, Georgia and that Concrete Silo Company has merged into Defendant, Monteagle Silo Company.

2.

In 1962, Plaintiff operated a large dairy farm in Douglas County, Georgia, and Plaintiff continues to operate a large dairy farm at the same location.

3.

In 1963, relying on the skill and judgment of the Defendant, Concrete Silo Company, Plaintiff contracted with said Defendant for the purchase and construction of two concrete silos on the aforesaid dairy farm operated by the Plaintiff for the express purpose of storing silage to be fed to the dairy

Exhibit A

GEORGIA, DOUGLAS SUPERIOR COURT
Filed 20th day Oct 1972
Clerk

0427417

HARTOLDMON0095970

cattle belonging to Plaintiff.

4.

At the time of contracting for the purchase of said silos the Defendant had reason to know the particular purpose for which same would be used and that Plaintiff was relying on the Defendant's skill and judgment to furnish suitable goods for the intended purpose, and Defendant thereby warranted that said goods to be used in construction of the silos themselves would be fit for such purpose.

5.

The Defendant, Concrete Silo Company, by its agents and employees did provide the goods for the construction of the two silos on the above mentioned dairy farm belonging to Plaintiff. In construction thereof the Defendant did cause the interior walls of said silos to be coated with a substance known as "Cumar."

6.

Plaintiff further states that the Defendant, Concrete Silo Company, did not fulfill its implied warranty. Plaintiff was notified by the Georgia State Department of Agriculture that the milk produced by his dairy from October 2, 1970 thru July 29, 1971 contained large quantities of a toxic substance known as "PCB."

7.

The source of the "PCB" contamination was determined to be the product "Cumar" used to coat the interior walls of said silos, which product "Cumar" had been absorbed by and into the silage contained therein thereby poisoning the same.

HARTOLDMON0095971

Without knowledge of the poisonous qualities of the silage, said silage was fed by Plaintiff to his dairy cattle, and in turn, the milk produced by such cattle was contaminated with toxic PCB.

8.

As a result of the foregoing fact, Plaintiff was notified by proper authority that milk containing such high quantities of PCB would be condemned and he would be prohibited from marketing same.

9.

Feeding cows the silage from said contaminated silos did, and would produce PCB contamination in milk from said cows in excess of the limit legally imposed. Accordingly, Plaintiff's silos were rendered useless and of no value.

10.

As a result of the breach of said implied warranty, Plaintiff has suffered damages in that, said silos are useless and will require dismantling and replacement; that in order to continue his operation through the winter, Plaintiff has been required to construct a temporary feed storage facility, obtain additional labor to service said temporary feed storage facility, suffer loss of feed stored in said temporary feed storage, and Plaintiff will be required to purchase a tractor equipped with a front-end loader in order to service said temporary feed storage facility.

11.

As a result of said breach of implied warranty, the dairy herd belonging to Plaintiff has been diminished in value

HARTOLDMON0095972

and further the pecuniary worth of Plaintiff's dairy business has been reduced.

12.

At a date following the purchase and construction of said silos, Defendant, Concrete Silo Company, merged into Defendant, Monteagle Silo Company. As a result thereof, Defendant, Monteagle Silo Company, is a successor to all liability of Defendant, Concrete Silo Company.

COUNT TWO

1.

As paragraph 1 of Count Two, Plaintiff incorporates, by reference, paragraphs 1 thru 12 of Count One above.

2.

Defendants negligently failed to inspect and test the product "Cumar", used by them on the interior walls of said silos to ascertain whether or not said product could be safely used as a lining for the silos constructed by them for Plaintiff.

3.

The Defendants negligently failed to ascertain from the manufacturer of the product "Cumar" whether or not the Monsanto Company had prescribed any restrictions, warnings or limitations concerning the use of the product "Cumar" as a lining or sealant for silos.

4.

Said negligence on the part of Defendants, along with the possible negligence of the Monsanto Company, damaged Plaintiff in that said silos are useless and will require dismantling and replacement; that in order to continue his operation through the winter, Plaintiff has been required to construct a temporary feed

HARTOLDMON0095973

storage facility, obtain additional labor to service said temporary feed storage facility, suffered loss of feed stored in said temporary feed storage, will be required to purchase a tractor and necessary equipment to service temporary feed storage facility; has diminished the value of the dairy herd belonging to the Plaintiff and the value and pecuniary worth of the Plaintiff's dairy business.

WHEREFORE, Plaintiff prays that judgment in its favor be rendered in the sum of $80,000.00.

TISINGER & TISINGER

By: _____
Attorney for Plaintiff

ADDRESS:

202 Tanner Street

Carrollton, Georgia 30117

0427421

HARTOLDMON0095974

ORIGINAL SUMMONS

STATE OF GEORGIA

SUPERIOR COURT

DOUGLAS COUNTY

Civil Action, File No. 5565 p. 102

R. M. Patterson

Plaintiff.

VS.

SUMMONS

CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY

Defendant.

To the above-named Defendant: Concrete Silo Company and Monteagle Silo Company

You are hereby summoned and required to file with the Clerk of said Court and serve upon Richard G. Tisinger, Plaintiff's attorneys, whose address is 202 Tanner Street, Carrollton, Georgia 30117 an answer to the complaint which is herewith served upon you, within 30 days after service of this summons, upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This the 20th day of January, 19 72

Wayne Heard
Clerk of Court.

Wayne Heard,

0427422

HARTOLDMON0095975

COUNTY, GA.

Entered on General Execution Docket Page ____ this ____ day of ____, 19__

____, Clerk.

CLERK'S COST

Whole Service	$
To filing and docketing suit	
Copying and issuing summons	
Issuing ____ extra copies	
Entering ____ orders	
Filing ____ Pleas	
Demurrers	
Issuing ____ Subpoenas	
Entering verdicts	
Commission to examine witness	
Entering Judgment	
Recording Proceedings	
Issuing fi. fa.	
Entering fi. fa. on Exec'n D'ft	
Entering fi. fa. on Gen'l Ex'n D'ft	

SHERIFF'S COST

To serving ____ writs	
Serving garnishments	
Attending verdict by Jury	
Witness	
Comm'n for taking interrogat'rs	
Total cost	
Levies	$
Settlement	$

No. 5565 p. 102

STATE OF GEORGIA

SUPERIOR Court

CIVIL DIVISION

Term, 19__

SUMMONS

COMPLAINT FOR DAMAGES

Verdict and Judgment

ORIGINAL

R. M. Patterson

vs.

Concrete Silo Co. & Montesgle Silo Co.

Filed in office, this 20th day of January, 19 72

Richard G. Tisinger Clerk.

Richard G. Tisinger
202 Tanner Street
Carrollton, Georgia 30117
Plaintiff's Attorney.
832-3505

(Rev 9518—Rev. 1967)

GEORGIA, ____ COUNTY:

I have this day served the Defendant ____ personally with a true copy of the within petition and summons.

This the ____ day of ____, 19__

____ Sheriff.

GEORGIA, ____ COUNTY:

I have this day served the Defendant ____ with a true copy of the within petition and summons by leaving same at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

This the ____ day of ____, 19__

____ Sheriff.

GEORGIA, ____ COUNTY:

0427423

I have this day served the Defendant ____ a corporation, with a true copy of the within petition and summons by handing same in person to ____, an officer of said corporation.

____, 19__

HARTOLDMON0095976

IN THE SUPERIOR COURT OF DOUGLAS COUNTY

STATE OF GEORGIA

R. M. PATTERSON,	:	Civil Action,
vs.	:	File Number 5565
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	:	

A G R E E M E N T

By agreement of counsel for each of the parties to the within and foregoing styled Complaint, the Defendants are herewith granted an extension of time for the filing of any and all defensive motions and pleadings, so that such pleadings and motions may be filed up to and including April 3, 1972.

of Counsel for Plaintiff

of Counsel for Defendants

GEORGIA, DOUGLAS SUPERIOR COURT
Filed 13th day of March 1972
Virginia Heard Clerk

Exhibit B

0427424

HARTOLDMON0095977

IN THE SUPERIOR COURT OF DOUGLAS COUNTY

STATE OF GEORGIA

R. M. PATTERSON,	:	
vs.	:	Civil Action,
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	:	File Number 5565

A G R E E M E N T

By agreement of counsel for each of the parties to the within and foregoing styled Complaint, the Defendants are herewith granted an extension of time for the filing of any and all defensive pleadings and motions, so that such pleadings and motions may be filed up to and including May 3, 1972.

Richard E. Thalheimer
of Counsel for Plaintiff

John R. Dolvin, Jr.
of Counsel for Defendants

0427425

GEORGIA, DOUGLAS SUPERIOR COURT
Filed 3 day of April 72
J. Wayne Hood Clerk

X X X X
X X X X X

HARTOLDMON0095978

IN THE SUPERIOR COURT OF DOUGLAS COUNTY

STATE OF GEORGIA

R. M. PATTERSON	:	Civil Action,
VS	:	File Number 5565
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	: :	

A G R E E M E N T

By agreement of counsel for each of the parties to the within and foregoing styled Complaint, the Defendants are herewith granted an extension of time for the filing of any and all defensive Motions and Pleadings, so that such pleadings and motions may be filed up to an including June 1, 1972.

Richard R. Trainger
of Counsel for Plaintiff

J. R. Dollar Jr.
OF Counsel for Defendants

Filed May 3rd, 1972
Wayne Heard

J. R. DOLLAR, JR.
ATTORNEY AT LAW
[illegible] SPRING STREET
[illegible]
[illegible], GEORGIA
[illegible]

0427426

IN THE SUPERIOR COURT OF DOUGLAS COUNTY

STATE OF GEORGIA

R. M. PATTERSON	:	
vs.	:	Civil Action,
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	:	File Number 5565

A G R E E M E N T

By agreement of counsel for each of the parties to the within and foregoing styled Complaint, the Defendants are herewith granted an extension of time for the filing of any and all defensive Motions and Pleadings, so that such pleadings and motions may be filed up to and including June 21, 1972.

Richard G. Tisinger
of Counsel for Plaintiff

J. R. Dollar, Jr.
of Counsel for Defendants

GEORGIA, DOUGLAS SUPERIOR COURT
Filed 31 day of May 1972
J. T. Connor, Deputy Clerk

0427427

IN THE SUPERIOR COURT FOR DOUGLAS COUNTY
STATE OF GEORGIA

R.M. PATTERSON	I	CIVIL ACTION
	I	
VS.	I	FILE NO.: 5565
	I	
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	I	MOTION TO DISMISS FOR LACK OF JURISDICTION OVER DEFENDANT

COMES NOW, MONTEAGLE SILO COMPANY, named as a defendant in the above captioned matter, and moves the Court pursuant to Section 12(b) of the Civil Practice Act to dismiss the above styled action as to this defendant, for lack of jurisdiction over the person of the defendant in that this defendant is a corporation organized and existing under the laws of the State of Tennessee and is not otherwise subject to service of process issued by this Court.

JAMES & JOHNSON

J. CLIFFORD JOHNSON
OF COUNSEL FOR MONTEAGLE SILO COMPANY

JAMES & JOHNSON
6576 CHURCH STREET
P.O. BOX 985
DOUGLASVILLE, GEORGIA 30134
942-7791.

NOTICE OF MOTION

TO: RICHARD G. TISINGER
Attorney at Law
202 Tanner Street
Carrollton, Georgia 30117

Please take notice that the undersigned will bring the above motion on for hearing before this Court at Douglasville, Georgia, on Tuesday July 18, 1972 at 10 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard.

This 20 day of June, 1972.

JAMES & JOHNSON

J. CLIFFORD JOHNSON

0427428

HARTOLDMON0095981

IN THE SUPERIOR COURT FOR DOUGLAS COUNTY
STATE OF GEORGIA

R.M. PATTERSON	*	CIVIL ACTION
	*	
VS.	*	FILE NO. 5565
	*	
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	*	MOTION TO DISMISS FOR INSUFFICIENCY OF SERVICE OR PROCESS OF SUMMONS

Comes now MONTEAGLE SILO COMPANY, named as a defendant in the above captioned matter, and moves the Court to dismiss the matter as to this defendant on the grounds that the return of service shows on its face a failure to indicate to whom service was made and the capacity of the person upon whom the alleged service was made and the manner of service, and further that this defendant may not be served in the State of Tennessee under any provision of the laws of the State of Georgia.

JAMES & JOHNSON

J. CLIFFORD JOHNSON
OF COUNSEL FOR MONTEAGLE SILO COMPANY

6576 Church Street
Douglasville, Georgia 30134
942-7791

NOTICE OF MOTION

TO: Richard G. Tisinger
Attorney at Law
202 Tanner Street
Carrollton, Georgia 30117

Please take notice that the undersigned will bring the above motion on for hearing before this Court at Douglasville, Georgia, on Tuesday July 18, 1972, at 10 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard.

This 20 day of June, 1972.

JAMES & JOHNSON

J. CLIFFORD JOHNSON

0427429

HARTOLDMON0095982

IN THE SUPERIOR COURT FOR DOUGLAS COUNTY
STATE OF GEORGIA

R.M. PATTERSON	*	CIVIL ACTION
	*	
VS.	*	FILE NO. 5565
	*	
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	*	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Comes now MONTEAGLE SILO COMPANY, named as a defendant in the above captioned matter, and moves the Court pursuant to Section 12 (b) of the Civil Practice Act to dismiss the above styled action as to this defendant for failure to state a claim upon which relief can be granted in that the complaint shows on its face that the claim stated is barred by the statute of limitations.

JAMES & JOHNSON

J. CLIFFORD JOHNSON
OF COUNSEL FOR MONTEAGLE SILO COMPANY

6576 Church Street
Douglasville, Georgia 30134
942-7791

NOTICE OF MOTION

TO: Richard G. Tisinger
Attorney at Law
202 Tanner Street
Carrollton, Georgia 30117

Please take notice tha t the undersigned will bring the above motion on for hearing before this Court at Douglasville, Georgia, on Tuesday, July 18, 1972, at 10 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard.

This 2nd day of June, 1972.

JAMES & JOHNSON

J. CLIFFORD JOHNSON

0427430

HARTOLDMON0095983

IN THE SUPERIOR COURT FOR DOUGLAS COUNTY
STATE OF GEORGIA

R.M. PATTERSON	*	CIVIL ACTION
	*	
VS.	*	FILE NO. 5565
	*	
CONCRETE SILO COMPANY and MONTEAGLE SILO COMPANY	*	ANSWER OF DEFENDANT MONTEAGLE SILO COMPANY

Comes now MONTEAGLE SILO COMPANY, named as a defendant in the above captioned matter, and without waiving its motions heretofore filed, answers the complaint as follows:

FIRST DEFENSE

Defendant MONTEAGLE SILO COMPANY shows the Court as follows:

1.

Defendant denies the allegations contained in paragraph 1 of Count One of the Complaint and further shows that it did not carry on any business in Douglas County, Georgia with Plaintiff; and further shows that it is not subject to the jurisdiction of this Court, in that any business with Plaintiff was prior to the adoption of Georgia Code Annotated 24-113.1 on April 12,1968, as amended; and further shows that it was not involved in any merger with Concrete Silo Company at a time when Concrete Silo Company was in the process of liquidation; and further shows that this defendant MONTEAGLE SILO COMPANY did not assume any liability for warranties, either express or implied, nor did it assume any liability of Concrete Silo Company to persons to whom Concrete Silo Company had sold silos or agreed to construct silos.

2.

Defendant can neither admit nor deny the allegations contained in paragraph 2 of Count One for lack of knowledge or information sufficient for it to form abelief as to the truth of such allegations.

3.

Defendant can neither admit nor deny the allegations contained in paragraph 3 of Count One for lack of knowledge or information sufficient for it to form a belief as to the truth of such allegations in that this Defendant only purchased the assets of Concrete Silo Company in April, 1966 and business records are not available at this time; therefore, this Defendant requires the strictest proof of such allegations by Plaintiff.

HARTOLDMON0095984

4.

Defendant can neither admit nor deny the allegations contained in paragraphs 4, 5, 6, 7, 8, 9, 10 and 11 of Count One of the Complaint for lack of knowledge or information sufficient for it to form a belief as to the truth of such allegations, in that Concrete Silo Company ceased operations in April, 1966, and its assets were bought by this Defendant in April, 1966, and business records are not available at this time and further that the remainder of such allegations are information within the knowledge of Plaintiff and therefore this Defendant requires the strictest proof of such allegations by Plaintiff.

5.

Defendant denies the allegation contained in paragraph 12 of Count One of the Complaint.

6.

Defendant MONTEAGLE SILO COMPANY incorporates as its answer to paragraph 1 of Count Two, its answers to paragraphs 1 thru 12 of Count One as answered above.

7.

Defendant denies the allegations contained in paragraph 2 of Count Two.

8.

Defendant denies the allegations contained in paragraph 3 of Count Two.

9.

Defendant denies the allegations contained in paragraph 4 of Count Two.

SECOND DEFENSE

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

THIRD DEFENSE

That any right of action which Plaintiff may ever have had is barred in that such right, if it ever existed, arose more than six years prior to the commencement of this Complaint.

0427432

HARTOLDMON0095985

FOURTH DEFENSE

Defendant further shows that if it could be liable to Plaintiff under the terms of the Complaint, that MONSANTO COMPANY, chemical manufacturers, would be the responsible party, not this defendant, in that the product "Cumar" is a sealant paint made with a chemical furnished by said MONSANTO COMPANY.

WHEREFORE, Defendant MONTEAGLE SILO COMPANY prays that its answer be inquired into and the complaint against it be dismissed with all costs upon the Plaintiff.

JAMES & JOHNSON

J. CLIFFORD JOHNSON
OF COUNSEL FOR MONTEAGLE SILO COMPANY

6576 Church Street
Douglasville, Georgia 30134
942-7791

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States mail, a copy of same in a properly addressed envelope with adequate postage thereon, this 20 day of June, 1972.

JAMES & JOHNSON

J. CLIFFORD JOHNSON

0427433

HARTOLDMON0095986

DIRECTIONS:

Lay the Document one inch from the margin here, fold the wrapper over one inch of the Document and insert fasteners.

COPY OF SUMMONS

STATE OF GEORGIA

SUPERIOR COURT

DOUGLAS COUNTY

Civil Action, File No. 5565

R.N. Patterson

Plaintiff.

VS.

SUMMONS

Concrete Silo Company & Monteagle Silo Co., Defendants & Third Party Plaintiffs
vs
Monsanto Company, Third Party Defendant
320 Interstate North Parkway, N. W.
Atlanta, Georgia Defendant.

To the above-named Defendant: Concrete Silo Company & Monteagle Silo Co. & Monsanto Company

You are hereby summoned and required to file with the Clerk of said Court and serve upon J. Clifford Johnson, Attorney

Plaintiff's attorneys, whose address is 6576 Church Street
Douglasville, Georgia 30134

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons, upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This the 20th day of June, 19 72

Clerk of Court.

To the Defendant upon whom this Summons is served:

This copy of Summons was served upon you on the 26 day of June, 19 72

Sheriff of Douglas County.

935

0427434

HARTOLDMON0095987

DOUGLAS COUNTY, GA.

Entered on General Execution Docket Page ____ this ____ day of ____, 19__

____, Clerk

CLERK'S COST

Whole Service	$
To filing and docketing suit	
Copying and issuing summons	
Issuing ____ extra copies	
Entering ____ orders	
Filing ____ Pleas	
Demurrer	
Issuing ____ Subpoenas	
Entering verdicts	
Commission to examine witness	
Entering Judgment	
Recording Proceedings	
Issuing fi. fa.	
Entering fi. fa. on Exec'n D'k't	
Entering fi. fa. on Gen'l Ex'n D'k't	

SHERIFF'S COSTS

To serving ____ writs	
Serving garnishments	
Attending verdict by Jury	
Witness	
Comm'rs for taking interrogat'rs	
Total cost	
Levies	$
Settlement	$

No. 5565

STATE OF GEORGIA

SUPERIOR Court

CIVIL DIVISION

Term, 19__

SUMMONS

COMPLAINT FOR THIRD PARTY

Verdict and Judgment

COPY OF ORIGINAL

R. M. PATTERSON

vs.

Concrete Silo Co. & Montaigle Silo Co.,
Defendants & Third Party Plaintiffs
Monsanto Company Third Party
320 Interstate North Parkway, N.W.
Atlanta, Georgia

Filed in office, this 20th day of June, 19 72

J. Clifford Johnson, Attorney-Clerk.
6576 Church Street
Douglasville, Georgia 30134
PHONE: 942-7701 Plaintiff's Attorney.

(Rev. 1962—Rev. 1967)

GEORGIA, ____ COUNTY:

I have this day served the Defendant ____ personally with a true copy of the within petition and summons.

This the ____ day of ____, 19__

Sheriff.

GEORGIA, ____ COUNTY:

I have this day served the Defendant ____ with a true copy of the within petition and summons by leaving same at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

This the ____ day of ____, 19__

Sheriff.

GEORGIA, ____ COUNTY:

I have this day served the Defendant ____ a corporation, with a true copy of the within petition and summons by handing same in person to ____, an officer of said corporation.

This the ____ day of ____, 19__

Sheriff.

0427435

HARTOLDMON0095988