

EXHIBIT 42

FILED UNDER SEAL

W. G. T. says
now cancelled. Bio Test has not been able to develop data. Perhaps they can improve technique for later submission.
CHEVRON CHEMICAL COMPANY

ORTHO DIVISION

Richmond, California

February 21, 1966

6-1412 - 24 Jan 66
**PARAQUAT RESIDUE STUDIES IN
DAIRY CATTLE - INDUSTRIAL
BIO TEST REPORT**

MEMO TO THE FILE:

P.S. You may wish to clarify the matter of bill payment.
This memo is being written to clarify for the record the difficulty and the delay that we have encountered with regards to the most recent report from the Industrial Bio Test Laboratories on Paraquat Residues in Meat Tissues and Milk. The report is not intended for distribution other than within our own company and is issued only to clarify the delays that are being encountered.

The final report as submitted for inclusion in our Paraquat Petition was found to contain a major error and several errors of omission, one of the errors of omission being an exceedingly serious one from the scientific point of view.

It was necessary to have this test run because a test performed in a previous year had not used the existing analytical method properly and, therefore, a much poorer limit of detection was encountered. The method of analysis is normally good to 0.01 ppm but, as initially employed, was only good to 0.05 ppm. This year's test, which was to correct the situation, indicated in the conclusion on the final page that the method was still good only to 0.05 ppm. This was apparently an ~~omission~~ error and could be corrected simply by retyping.

In addition, the actual residue data obtained on animal tissue and milk samples was nowhere indicated in the reported and it is requested that a separate sheet summarizing this information be submitted.

Neither of the above two mistakes were of a particularly serious nature nor would they cause any excessive delay. However, it was detected by Donald Dye that the table giving recovery studies in this newer report was absolutely identical in every respect to that submitted a year ago. A telephone call was initiated by the writer to the Bio Test Laboratories and it was ultimately learned that indeed no recovery studies had been made whatsoever with this year's test. This is an exceedingly serious omission and, in some respects, negates the value of the entire project. However, it was agreed that since the Bio Test Laboratories still had the tissues on hand, they would perform residue recovery studies at 0.02 and 0.05 ppm on all types of animal tissue and milk samples run. If these results are satisfactory, the data can be included in the Petition. If the recoveries or limits of detection are not adequate, then the entire test may become invalid. This error was detected on the 10th of February and apparently the earliest we could hope to have the recovery data for inclusion in the report would be the 21st.

JNO:sag

J. N. OSpenson
J. N. OSPENSON

ALL-STATE LEGAL
PLAINTIFF'S
EXHIBIT
175241

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DISEASE, CANCER, AND TOXIC INJURIES

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9 WEBSITE: www.toxictorts.com

10 Attorneys for Plaintiffs
11 Norman and Barbara Turner

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES - CENTRAL CIVIL WEST

14 NORMAN TURNER and BARBARA
15 TURNER,

16 Plaintiffs,

17 vs.

18 CHEVRON CORPORATION, a Delaware
19 corporation; CIBA-GEIGY
20 CORPORATION, a Delaware
21 corporation; DREXEL CHEMICAL
22 COMPANY, a foreign corporation;
23 RHONE-POULENC AGRICULTURAL
24 COMPANY, a foreign corporation;
25 ZENECA AGRICULTURAL PRODUCTS
26 COMPANY, a foreign corporation;
27 and DOES 1 through 100,
28 inclusive,

Defendants.

) CASE NO. BC 256293

) Case filed: 08/16/01

) Assigned to the Honorable
) Wendell Mortimer, Jr. - Dept. 307

) PLAINTIFF BARBARA TURNER'S
) FIRST SET OF REQUESTS FOR
) ADMISSION OF GENUINENESS AND
) ADMISSIBILITY OF DOCUMENTS TO
) DEFENDANT CHEVRON CORPORATION;
) DECLARATION OF RAPHAEL METZGER



PLAINTIFF BARBARA TURNER'S FIRST SET OF REQUESTS FOR ADMISSION OF
GENUINENESS AND ADMISSIBILITY OF DOCUMENTS TO DEFENDANT CHEVRON
CORPORATION; DECLARATION OF RAPHAEL METZGER Ex 365-1

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WE CONCENTRATE IN TOXIC
TO ENVIRONMENTAL LITIGATION
OCCUPATIONAL & ENVIRONMENTAL LUNG
DISEASE, CANCER, AND TOXIC INJURIES

1966, copies of which are attached as the last two pages of Exhibit 17623, were made on or about the dates they bear.

18. The memoranda by Barney Slocum dated February 16, 1966, copies of which are attached as the last two pages of Exhibit 17623, satisfy the BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE.

19. The memoranda by Barney Slocum dated February 16, 1966, copies of which are attached as the last two pages of Exhibit 17623, satisfy the SECONDARY EVIDENCE RULE.

20. The original of the memorandum by J. N. Ospenson dated February 21, 1966, a copy of which is attached as Exhibit 17524, is AUTHENTIC.

21. The memorandum by J. N. Ospenson dated February 21, 1966, a copy of which is attached as Exhibit 17524, was made by YOU in the regular course of YOUR business.

22. The memorandum by J. N. Ospenson dated February 21, 1966, a copy of which is attached as Exhibit 17524, was received and maintained in YOUR records by YOU in the regular course of YOUR business.

23. The memorandum by J. N. Ospenson dated February 21, 1966, a copy of which is attached as Exhibit 17524, was made on or about the date it bears.

24. The memorandum by J. N. Ospenson dated February 21, 1966, a copy of which is attached as Exhibit 17524, satisfies the BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE.

25. The memorandum by J. N. Ospenson dated February 21, 1966, a copy of which is attached as Exhibit 17524, satisfies the SECONDARY EVIDENCE RULE.

26. The memorandum by J. N. Ospenson dated February 21,

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TORT ENVIRONMENTAL LITIGATION
OCCUPATIONAL & ENVIRONMENTAL LUNG
DISEASE, CANCER, AND TOXIC INJURIES

1 1966, a copy of which is attached as Exhibit 17524, was admitted in
2 evidence as Plaintiff's Exhibit 241 at trial of the case of Ferebee
3 v. Chevron Chemical Company, United States District Court for the
4 District of Columbia, Case No. 81-1129.

5 27. The originals of the documents, copies of which are
6 attached as Exhibit 17622, are AUTHENTIC.

7 28. The documents, copies of which are attached as Exhibit
8 17622, were made by YOU in the regular course of YOUR business.

9 29. The documents, copies of which are attached as Exhibit
10 17622, were received and maintained in YOUR records by YOU in the
11 regular course of YOUR business.

12 30. The documents, copies of which are attached as Exhibit
13 17622, were made on or about the dates they bear.

14 31. The documents, copies of which are attached as Exhibit
15 17622, were received by YOU no later than December 31, 1966.

16 32. The documents, copies of which are attached as Exhibit
17 17622, satisfy the BUSINESS RECORDS EXCEPTION TO THE HEARSAY RULE.

18 33. The documents, copies of which are attached as Exhibit
19 17622, satisfy the SECONDARY EVIDENCE RULE.

20 34. The original of the memorandum by F. C. Jose, Jr.
21 dated February 23, 1967, a copy of which is attached as the first two
22 pages of Exhibit 17630, is AUTHENTIC.

23 35. The memorandum by F. C. Jose, Jr. dated February 23,
24 1967, a copy of which is attached as the first two pages of Exhibit
25 17630, was made by YOU in the regular course of YOUR business.

26 36. The memorandum by F. C. Jose, Jr. dated February 23,
27 1967, a copy of which is attached as the first two pages of Exhibit
28 17630, was received and maintained in YOUR records by YOU in the

1 Lawrence P. Riff (State Bar No. 104826)
Ruth D. Kahn (State Bar No. 122067)
2 Daniel R. Blakey (State Bar No. 143748))
3 STEPTOE & JOHNSON LLP
633 West Fifth Street, Suite 700
Los Angeles, California 90071
4 Telephone: (213) 439-9400
Facsimile: (213) 439-9599

5
6 Attorney for Defendants and Cross-Defendants,
CHEVRON U.S.A. INC. and
7 MONSANTO COMPANY

RECEIVED

OCT 01 2003

LAW OFFICES OF
RAPHAEL METZGER, ESQ.

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**
11

12 NORMAN TURNER AND
BARBARA TURNER,

13 Plaintiffs,

14 vs.

15 CHEVRON CORPORATION, et al.,

16 Defendants.
17
18
19
20

CASE NO. BC 256293

[Complaint Filed: August 16, 2001]

[Assigned to the Honorable Wendell
Mortimer, Dept. 307]

CHEVRON U.S.A. INC. RESPONSES
TO BARBARA TURNER'S REQUESTS
FOR ADMISSION, SET 1 (NOS. 1-323)
AND RESPONSE TO FORM
INTERROGATORY 17.1 RELATED
THERETO

TRIAL DATE: November 10, 2003

21 AND RELATED CROSS-ACTIONS.
22

23 PROPOUNDING PARTY: Plaintiff BARBARA TURNER

24 RESPONDING PARTY: Defendant CHEVRON U.S.A. INC.

25 SET NUMBER: One
26
27
28



1
DOC. #116980.V.1
CHEVRON U.S.A. INC. RESPONSES TO BARBARA TURNER'S REQUESTS FOR ADMISSION, SET 1
(NOS. 1-323) AND RESPONSE TO FORM INTERROGATORY 17.1 RELATED THERETO

1 18. Admit.
2 19. Admit.
3 20. Admit.
4 21. Admit.
5 22. Admit.
6 23. Admit.
7 24. Admit.
8 25. Admit.
9 26. Denied on the ground that responding party lacks sufficient information or
10 knowledge to admit the matter after reasonable inquiry concerning the matter has been made and
11 the information known or readily obtainable is insufficient to enable responding party to admit
12 the matter.
13 Response to form interrogatory 17.1:
14 (a) Request 26.
15 (b) The fact asserted cannot be determined from the face of the document or
16 with a reasonable effort of Chevron's part.
17 (c) None of whom we reasonably could be aware.
18 (d) None of which we reasonably could be aware.
19 27. Admit.
20 28. Denied on the ground that responding party lacks sufficient information or
21 knowledge to admit the matter after reasonable inquiry concerning the matter has been made and
22 the information known or readily obtainable is insufficient to enable responding party to admit
23 the matter.
24 Response to form interrogatory 17.1:
25 (a) Request 28.
26 (b) The fact asserted cannot be determined from the face of the document or
27 with a reasonable effort of Chevron's part.
28 (c) None of whom we reasonably could be aware.

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VERIFICATION


I, FRANK G. SOLER declare and state:

I am a ASSISTANT SECRETARY at Chevron U.S.A. Inc. ("Chevron"), a defendant in *Norman and Barbara Turner v. Chevron Corporation, et al.*, Case No. 256293, filed in the Superior Court of California, for the County of Los Angeles.

I am authorized to sign this verification on behalf of Chevron U.S.A. Inc. as to:

CHEVRON U.S.A. INC.'S RESPONSES TO BARBARA TURNER'S REQUESTS FOR ADMISSION, SET 1 (NOs. 1-323) AND RESPONSE TO FORM INTERROGATORY RELATED THERETO. Not all matters set forth herein are within my personal knowledge, and I am informed and believe that there is no single person at Chevron who has knowledge of all such matters. The information contained within these responses is drawn from Chevron's business records and from inquiries to individuals who Chevron rationally believes would have reason to know and, based thereon, I am informed and believe that all of the information contained in these responses is true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Verification is executed this 30 day of September, 2003 at San Ramon, California.


ASSISTANT SECRETARY

EX367-4'

DOC. #117092-V.1

Kusar

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

NORMAN TURNER and BARBARA
TURNER,

Plaintiffs,

vs.

No. BC 256293

CHEVRON CORPORATION, a Delaware
corporation, et al.,

Defendants.

DEPOSITION OF JON E. FORD, Ph.D.

Thursday, October 23, 2003

Long Beach, California

REPORTED BY: Lyn Corrin Aaker, CSR No. 6228

Kusar Court Reporters & Legal Services, Inc.

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Tel: 562.437.8485 Toll Free: 800.282.3376 Fax: 562.437.8073 E-mail: depo@kusar.com Web: www.kusar.com

1 A. Yes.

2 Q. And isn't it true that Chevron knew that
3 Industrial Biotest had been fabricating the data for the
4 Paraquat studies long before the Industrial Biotest
5 scandal broke?

6 MS. KAHN: Objection; argumentative and calls for
7 speculation on the part of the witness.

8 THE WITNESS: I'm not aware of that.

9 BY MR. METZGER:

10 Q. You're not?

11 A. No.

12 Q. Well, hold on just a minute. The video operator
13 advises that we need to change the tape, so we'll do that
14 right now while I find this document.

15 VIDEOGRAPHER: Off record 11:26 a.m. This
16 concludes Tape 1.

17 (A recess was taken.)

18 VIDEOGRAPHER: Returning to record 11:30 a.m.
19 This begins Tape 2.

20 (A copy of the aforementioned document was
21 marked by the court reporter as Plaintiffs'
22 Exhibit+ 17524 for identification; attached
23 hereto.)

24 BY MR. METZGER:

25 Q. Mr. Ford, I'm showing you Plaintiffs' Exhibit

1 17524. I will provide a copy to your counsel. First I
2 would like to ask you if you recognize the letterhead on
3 this document as Chevron Chemical Company letterhead.

4 A. It is.

5 Q. And it says "Ortho Division" after "Chevron
6 Chemical Company," and that's the division that dealt with
7 Paraquat. Correct?

8 A. Correct.

9 Q. And if you look at the bottom of this page, this

10 document appears to be authored by a J.N. Ospenson. Do
11 you see that?

12 A. Right.

13 Q. Is that the gentleman you mentioned earlier?

14 A. Yes.

15 Q. What's his name again?

16 A. J N Ospenson.

17 Q. Do you know the first name?

18 MS. KAHN: I think you described him as Nils.

19 THE WITNESS: We called him Nils. I don't know
20 what the J is. He went by his middle name.

21 BY MR. METZGER:

22 Q. Which is Nils, N-i-l-s?

23 A. Yes. But it may be an expanded version of some
24 other name that was a nickname.

25 Q. And that signature there is Mr. Ospenson's

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

NORMAN TURNER AND BARBARA)
TURNER,)
)
Plaintiffs,)
)
vs.)
)
CHEVRON CORPORATION, a)
Delaware corporation, et al,)
)
Defendants.)

No. BC256293

DEPOSITION OF:
Richard Cavalli
Taken in behalf of the Plaintiff
October 29, 2003

00036

1 BY MR. METZGER:

2 Q. At the time of Ferebee or before?

3 A. Well, since I don't know exactly when we got
4 this, I would have to say it was discussed when we got
5 it. I don't know when we got it.

6 Q. Fair enough.

7 A. 18002. Probably saw this in relation to
8 Ferebee. Pretty sure I did not see it before that time.
9 17524. Saw this document in Ferebee. Did
10 not see it before then.

11 Q. Is that the document regarding the IBT
12 situation?

13 A. It involves IBT, yes.

14 Q. Okay. Let me ask you this question. When
15 was the first time that you became aware that IBT was
16 fabricating data?

17 MS. KAHN: Objection, lacks foundation,
18 argumentative, vague and ambiguous.

19 THE WITNESS: Bear with me a moment. I'm
20 trying to go back over this.

21 There were -- there was information that I
22 came by probably in the press that IBT -- that there was
23 some difficulty with some studies IBT had done for a
24 pharmaceutical company.

25 Nils Ospenson and I and some others