

BEATRICE'S PRELIMINARY SUGGESTIONS FOR
SPECIAL INTERROGATORIES, PHASE I

1. Do you find by a preponderance of the evidence that Riley or Beatrice Foods in the period before 1979 either disposed of any of the complaint chemicals on the 15 acres or knew or should have known that complaint chemicals were being disposed of?

2. Do you find by a preponderance of the evidence that the complaint chemicals were disposed of during the period before May 1979 in sufficient amounts and concentrations as to contaminate the 15 acres and the ground under the 15 acres?

3. Do you find by a preponderance of the evidence that the contamination from the Riley property migrated to Wells G & H in the period before May 1979 in sufficient concentrations to contaminate the wells and injure the plaintiffs?

4. Do you find that Wells G & H pumped and delivered to the plaintiffs' homes sufficient quantities of water which were contaminated by the complaint chemicals in concentrations injurious to consumers?

5. If your answer to Question 1 is "Yes", do you find that it was reasonably foreseeable by one in Riley's position that any of the complaint chemicals would reach the groundwater on Riley's property and thereafter migrate and contaminate Wells G & H in sufficient concentrations as to injure persons exposed to the water?

6. Was it reasonably foreseeable in the 1960's and 70's to a person in Riley's position that disposal of any of the complaint chemicals would result in personal injury to the plaintiffs?

7. If your answer to Question 6 is "Yes", have the plaintiffs established by a preponderance of the evidence that Beatrice Foods owed a duty of due care to consumers of water from Wells G & H?

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