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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

COORDINATION PROCEEDING) JCCP NO. 4953
SPECIAL TITLE (Rule 3.550))
)
ROUNDUP PRODUCTS CASES)
_____)
)
THIS DOCUMENT RELATES TO:)
)
ALL ACTIONS)
_____)

VIDEO DEPOSITION OF DONNA FARMER, Ph.D.
September 27, 2018
9:04 a.m.

CONFIDENTIAL

Reporter: John Arndt, CSR, CCR, RDR, CRR
CSR No. 084-004605
CCR No. 1186

1 DEPOSITION OF DONNA FARMER, Ph.D., produced,
2 sworn, and examined on September 27, 2018, at Husch
3 Blackwell, 190 Carondelet Plaza, Suite 600, in the City
4 of St. Louis, State of Missouri, before John Arndt, a
5 Certified Shorthand Reporter and Certified Court
6 Reporter.

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1 THE VIDEOGRAPHER: This is a continuation
2 of the video deposition of Dr. Donna Farmer. Today's
3 date is September 27th, 2018, and the time is 9:04 AM.

4 DONNA FARMER, Ph.D., previously sworn.

5 QUESTIONS BY MR. WISNER:

6 Q. Good morning, Doctor. How are you?

7 A. Good morning. How are you?

8 Q. I'm happy that -- I'm doing well. Thank
9 you. Between yesterday and today, did you have a
10 chance to meet with your attorneys?

11 A. Yes.

12 Q. How long did you meet with them for?

13 A. Just this morning to remind me to slow
14 down and yesterday to say go home and have a good
15 evening.

16 Q. So total time was probably less than an
17 hour?

18 A. Oh, yes. Yes.

19 Q. Okay. Great. All right. So yesterday we
20 ended off -- well, I shouldn't say yesterday because it
21 won't be played that way. All right. So Doctor, we've
22 discussed -- back to the roadmap here. We're on Farmer
23 Road.

24 We've discussed product spokesperson,

1 we've discussed orchestrating outcry about IARC. We've
2 discussed freedom to operate. We've discussed playing
3 Whack-A-Mole. And now I want to move on to the next
4 group, which is burying studies. I understand that as
5 part of Monsanto's work as a chemical company, it does
6 conduct studies; is that right?

7 A. Yes.

8 Q. And it also commissions experts to look at
9 particular safety issues or health risks associated
10 with its products?

11 A. Yes.

12 Q. I want to talk about two specific ones.
13 We could be here all day if we talk about all of the
14 studies that Monsanto has been involved in, but I want
15 to talk about two specific ones. In the early 2000s,
16 is it your understanding that Monsanto contracted with
17 a scientific laboratory or testing facility called TNO?

18 A. Yes.

19 Q. And as part of that contract, Monsanto
20 commissioned a study to study dermal penetration; is
21 that right?

22 A. Yes.

23 Q. And could you just explain to the jury
24 what that means?

1 A. It's looking at if you put a substance on
2 the surface of the skin, how will it penetrate and how
3 much will go through the skin.

4 Q. Now, typically, what is the view of the
5 dermal penetration of Roundup?

6 MR. JOHNSTON: Objection. Vague.

7 A. I think it has varied over time. If we
8 look at it today, it's less than one percent.

9 Q. (By Mr. Wisner) Earlier in product
10 history of Monsanto, was that percentage higher?

11 A. It had been at less than one percent
12 earlier. Then the Europeans used one that was around
13 three percent.

14 Q. So to the best of your knowledge, that
15 range has been between one to three percent dermal
16 penetration; is that right?

17 A. Less than one.

18 Q. Sorry. Between less than one and three
19 percent dermal penetration; is that right?

20 A. Over the decades, yes.

■ ■ ██████████ ██

■ ██

■ ██

■ ■ ██

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

9 Q. Could it also be, Doctor, that the reason
10 why -- well, let's back up for a second. This study
11 was prematurely terminated, wasn't it?

12 A. No, it wasn't prematurely. It was done --
13 it was terminated because the conduct of the study
14 again showed that there was a compromise of this study.
15 Also, this was done in rat skin. Today all dermal
16 absorption studies are done in human skin and rat skin
17 has a more -- a higher dermal penetration rate than
18 humans do, so the reason why this was terminated was
19 not because of that value; it was done because of the
20 conduct of the study because it was compromised,
21 because when you again look at the totality of how this
22 is conducted -- and we have a lot of studies where we
23 do the surfactant, we'll do the formulated product,
24 we'll do the product without glyphosate, and then we'll

1 do concentrate and dilutions of each of those, and
2 they're the same regardless of the concentration of the
3 surfactant, that we will have less with the concentrate
4 material and more with the dilute, with or without the
5 surfactant in there.

6 Q. And when you say we do, you're talking
7 about studies done at Monsanto?

8 A. Not done at Monsanto.

9 Q. Elsewhere?

10 A. We don't have a laboratory. Yes.

11 Q. So Doctor, I just want to kind of point
12 out there's a bit of a circular reason going on here
13 and that's what I'm concerned about.

14 MR. JOHNSTON: Objection. Argumentative.

15 Q. (By Mr. Wisner) And maybe I'm wrong.

16 MR. JOHNSTON: Go ahead.

17 Q. (By Mr. Wisner) So the -- here's what I'm
18 hearing. You're saying that because the dermal
19 penetration rate was just so high, which would be a
20 serious safety issue, that means the study therefore
21 must be compromised and therefore the study's no good.
22 Isn't that kind of the opposite of how we do science?
23 Aren't we supposed to come in with an open mind, see
24 what the data shows us and then respond accordingly?

1 MR. JOHNSTON: Objection. Compound.
2 Object. Attorney argument and closing statements.
3 Vague. Misstates her testimony and the record.

4 A. There was so much there that I need to
5 unpack here. If --

6 Q. (By Mr. Wisner) Well, let me break it
7 down then. I'll withdraw the question. I don't want
8 to spend too much time circling so I get to my point
9 here. Let's be clear. I'll break it down really
10 simple. This study showed a 10 percent dermal
11 penetration rate with the concentration; correct?

12 A. Yes.

13 Q. And because of that 10 percent it didn't
14 meet the program objective of wanting to be less than
15 three percent; correct?

16 A. Yes.

17 Q. And because of that 10 percent, you guys
18 deemed the study to be compromised and terminated it;
19 correct?

20 MR. JOHNSTON: Objection. Misstates the
21 record. Incomplete hypothetical.

22 A. Absolutely false. The reason why we
23 deemed the study to be -- needed to be terminated is
24 what we talked about. This is completely different

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED]

5 MR. WISNER: Mr. Johnston, I want to be
6 very clear. I already read the first part of the
7 sentence; I asked if I read that correctly. Then I
8 read the next part of the sentence. I skipped nothing.

9 MR. JOHNSTON: You skipped two bullet
10 points, Counsel.

11 MR. WISNER: I actually am curious what
12 you're talking about.

13 MR. JOHNSTON: There is no given in the
14 first bullet point. Oh, there. I see what you're
15 saying. I'm sorry.

16 MR. WISNER: Yeah, you should probably pay
17 attention to what's going on.

18 MR. JOHNSTON: Go ahead, Counsel.

19 MR. WISNER: For real.

█ [REDACTED] [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

10 Q. (By Mr. Wisner) Well, if we just looked
11 at the study on its face it would suggest otherwise,
12 wouldn't it?

13 MR. JOHNSTON: Objection.

14 A. We went through that whole study, and what
15 I know about the data today, what I know about
16 formulated products and when you take out the
17 glyphosate or take out the surfactant, it's the same
18 dermal absorption, and what I know about concentrate
19 versus dilute, that study is completely an outlier.

20 Q. (By Mr. Wisner) I'm not sure I heard you
21 correctly. Are you testifying to this jury that
22 glyphosate absorption is the same with or without a
23 surfactant involved?

24 A. In these dermal absorption studies, if you

█ [REDACTED]

█ [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED]

█ [REDACTED] [REDACTED] [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

11 Q. (By Mr. Wisner) And when it came to you
12 and when your group had a chance to look at it and
13 review it, a decision was made not to submit it to
14 regulatory authorities; correct?

15 MR. JOHNSTON: Objection. Calls for
16 speculation.

17 A. I don't know. I'm not in the -- this was
18 for European. These are our European toxicologists.
19 This was a European formulation, and so that's not my
20 area. That would have been for Richard to work on in
21 terms of what they did with that study.

22 Q. (By Mr. Wisner) Did we ever submit it to
23 the US EPA?

24 A. I don't know. Again, I'm the

1 toxicologist, not a reg affairs manager.

2 Q. So it sure looks like, Doctor, this TNO
3 study wasn't submitted to EPA or any European
4 regulatory agencies? It looks like it was buried;
5 right?

6 A. No, I don't agree with that. This is a
7 formulation that was only used in Europe and so then it
8 would be involved in Europe and not the US.

9 Q. Let's look at another European study that
10 was done. Are you familiar with Dr. James Parry?

11 A. Yes, I am.

12 Q. And who is Dr. James Parry?

13 A. Dr. Parry was a gene toxicologist in the
14 UK.

15 Q. I'm handing you a document, Exhibit 39 to
16 your deposition.

17 [Exhibit 39 marked for identification.]

18 Q. This is an e-mail exchange, the MONGLY
19 number is 06486896. The top e-mail is from you, Dr.
20 Donna Farmer. It's dated December 29th, 1998. Do you
21 see that?

22 A. Yes.

23 Q. And this document reflects various e-mail
24 exchanges. All of them appear to be involving you. Do

1 you see that?

2 A. Yes.

3 Q. And these e-mails were sent as part of the
4 regular course of Monsanto's business; right?

5 A. Yes.

6 Q. Now if we go to the bottom -- the first
7 e-mail, it starts off this chain. It's from you and it
8 appears to be dated December 27th, 1998. Do you see
9 that?

10 A. Yes.

11 Q. So it was just after Christmas, just
12 before New Year's?

13 A. Yes.

14 Q. And it looks like you are summarizing
15 notes from a conference call that happened; right?

16 MR. JOHNSTON: Objection. Calls for
17 speculation.

18 A. Below it says actions from the 12-17
19 meeting.

20 Q. (By Mr. Wisner) So it might have been
21 actually in person?

22 A. I don't remember back then.

23 Q. So and the two things that are discussed
24 are actions from the 12-17 meeting on mutagenicity and

1 two recommendations for the Lioi papers. Do you see
2 that?

3 A. Yes.

4 Q. And these papers are referring -- this is
5 referring to the ability one way or the other for
6 glyphosate or Roundup to cause genotoxic effects; is
7 that right?

8 A. Those papers did some studies on them,
9 yes.

10 Q. And by genotoxic effects, we're talking
11 about the ability of a substance to impact or harm the
12 genetic material within a cell?

13 A. That's the definition of genotoxicity,
14 yes.

15 Q. So if we read down here Bullet Point C,
16 and it reads agreed a global -- agreed an external
17 global network of genotox experts needs to be developed
18 as EU -- I'll stop right there. EU, does that refer to
19 European Union?

20 A. Yes.

21 Q. As EU has an immediate need and is a
22 critical area, now it was agreed that Mark Martins
23 would contact Dr. Parry next week to discuss with him
24 his participation and the support of glyphosate,

1 glyphosate-based formulations, and it has asterisks
2 around it, genotox issues. Do you see that?

3 A. Uh-huh. Yes.

4 Q. He goes on to say after initial contact if
5 Dr. Parry is agreeable then Larry will be included in
6 decision to outline issues/needs, et cetera. Do you
7 see that?

8 A. Yes.

9 Q. And Larry, is that referring to Dr. Kier?

10 A. Kier.

11 Q. Kier. Sorry. I misstate his name all the
12 time. Dr. Kier. Thank you.

13 A. Yes.

14 Q. Then he goes on to say for North
15 America --

16 [Interruption by the reporter.]

17 Q. For North America Gary Williams will be
18 there in early February as part of the Cantox -- I'm
19 still going fast. Larry Kier has graciously agreed to
20 join in those discussions. Do you see that?

21 A. It's as, but you read it has graciously.

22 Q. Yeah, I figured I'd fix the typo. All
23 right. So what he have with here is a decision within
24 Monsanto to reach out to Dr. Parry to help genotox

1 issues in Europe and Dr. Williams to help with those
2 same issues in North America; is that fair?

3 A. Yes.

4 Q. And then it actually goes on to say that
5 time ran out and then you guys appear to discuss some
6 various studies and stuff that are happening that
7 relate to genotoxicity. Do you see that?

8 A. Yes.

9 Q. All right. I'm handing you Exhibit 40.
10 [Exhibit 40 marked for identification.]

11 Q. This is another e-mail exchange to which
12 you are a participant. It's MONGLY01312109. Do you
13 see that, Doctor?

14 A. Yes.

15 Q. And again, you're a participant in these
16 e-mail exchanges, and were these e-mails made in the
17 regular course of Monsanto's business?

18 A. Yes.

19 MR. WISNER: All right. Move this
20 document into evidence.

21 Q. (By Mr. Wisner) I'd like to draw your
22 attention again to the last e-mail. It's from you, Dr.
23 Donna Farmer. Do you see that?

24 A. Yes.

1 Q. And it says please find the revised
2 minutes with comments incorporated from Alan, Larry,
3 and Bill. Do you see that?

4 A. Yes.

5 Q. Were you constantly being given the job to
6 take minutes during this time or something? Were you
7 the reporter for these meetings?

8 A. I probably was the one who initiated the
9 meetings and therefore I would have taken the minutes.

10 Q. Oh, okay.

11 A. That's the responsibility of the
12 organizer.

13 Q. I wasn't sure because you kept being the
14 one that has to do all the minutes and I didn't know if
15 that was just people being mean to you. All right.
16 What we've got here is a discussion of the meeting and
17 who was in attendance and the topics you guys
18 discussed; right?

19 A. Yes.

20 Q. And what was the genesis of these
21 meetings, Doctor?

22 A. Well, you know, as we discussed yesterday,
23 we had a glyphosate stewardship program where we talked
24 about doing literature searches, we would evaluate

1 these studies, we would do studies if they needed to
2 fill data gaps, and that we would engage outside
3 experts. And so when new studies would come in the
4 open literature we would take a look at that and we
5 would say, okay, take them very seriously. What do we
6 need to do about them?

7 And so again, because toxicology is a
8 broad area and we needed genotox experts, which Larry
9 Kier was our genotox expert, we bring in people who
10 have expertise in those areas, and then we discuss what
11 do those studies mean, what's going on, what do we need
12 to do about them. So that's what you're seeing here,
13 is reflected our minutes of our stewardship program.

14 Q. And in the early 2000s there had been
15 publications by Rank, Bolognesi, Peluso, and Lioi, all
16 relating to the genotox effects of glyphosate or
17 glyphosate-based formulations; right?

18 A. They reported their studies.

19 Q. Yeah. And was that sort of part of the
20 impetus of sort of looking into it internally within
21 Monsanto?

22 A. That was just -- if we look over the
23 period of years that glyphosate and Roundup have been
24 around, all the toxicologists have done that. Whenever

1 there were different studies that came out -- we talked
2 about the Valey (ph) study the other day -- those are
3 all things that we look at and discuss and talk about
4 them.

5 Q. So we turn to the last page on this
6 document, Bullet Point 6, it says external global
7 network of genotox experts. Do you see that?

8 A. Yes.

9 Q. And again we have a reference to EU, which
10 is the European Union; right?

11 A. Yes.

12 Q. And it reads, while Dr. Parry is a
13 recognized genotox expert, what is not known is how he
14 views some of the, quote, nonstandard endpoints, end
15 quote, such as -- is that sister chromad exchanges? Is
16 that right?

17 A. Sister chromatid exchanges.

18 Q. DNA, P-32 postlabeling, Comet assays, et
19 cetera, evaluated in the genotox articles evaluated by
20 Rank, Bolognesi, et cetera. Did I read that correctly?

21 A. Yes.

22 Q. And these things that -- the SCE and these
23 different tests, those are referring to sort of
24 different methods of assessing genetic damage?

1 A. This is -- these are unusual ones, are
2 assessing -- if you look at genotoxicity, it has three
3 parts. One is mutagenicity, something that's a
4 mutation inherited in the next generation. The next
5 one is a structural effect on the chromosomes, and then
6 these unusual ones are looking at DNA damage that can
7 be repaired and they in fact don't tell you whether
8 you'll have a mutation or a chromosomal structure. So
9 these were what we were talking about, is these
10 different kind of nonstandard endpoints.

11 Q. Sure. And so these are referring to tests
12 that assess genetic damage?

13 A. They're not really testing genetic -- it's
14 testing DNA damage.

15 Q. I'm sorry. I don't mean to parse words.
16 So these things are designed to test DNA damage?

17 A. And that's an important distinction
18 because DNA when it's damaged, it can either be
19 repaired or not repaired. And so that's why it's
20 important to make the distinction.

21 Q. Sure. And to be clear, something that's
22 getting damaged, then it needs to be repaired; right?

23 A. Well, there's options. It can not be
24 repaired or be repaired.

1 Q. And exactly. And so if there's a lot of
2 damage occurring and therefore a lot of repair
3 occurring, that can increase the possibility of
4 mutations; isn't that true?

5 MR. JOHNSTON: Objection. Calls for
6 speculation.

7 A. Not in the way that you put it. I'm
8 sorry. No.

9 Q. (By Mr. Wisner) Okay. Well, let's
10 continue reading. It goes, therefore, it was
11 recommended that before we talk to him -- sorry, we can
12 read that again. Therefore it was recommended that
13 before we ask him to get more deeply involved reviewing
14 all the literature, glyphosate data, represent us as a
15 consultant with regulators, et cetera, we would ask him
16 to review a subset of the articles.

17 It was proposed that Mark Martens would
18 contact Dr. Parry and ask him for a written review, the
19 articles by Rank, Bolognesi, Peluso, and Lioi. Did I
20 read that right?

21 A. Yes.

22 Q. So it looks like the initial plan was to
23 give Dr. Parry those four articles we mentioned earlier
24 and have him review them?

1 A. Yes.

2 Q. Based on his critique of the genotox
3 papers, a decision would be made as to expanding or
4 terminating his involvement. Did I read that
5 correctly?

6 A. Yes.

7 Q. So it looks like you want to make sure
8 that he's going to be sufficiently critical of the
9 papers before you escalate his involvement?

10 A. I think before you hire any consultant or
11 contractor, yes, you want to make sure that they are
12 going to do a thorough evaluation of the information
13 that you have given to them.

14 Q. And also support the company's public
15 position; right?

16 A. Absolutely not. We wanted a thorough
17 evaluation.

18 Q. Well, let's actually turn to the page
19 beforehand, Bullet Point Number 4. As part of this
20 genotox meeting that you helped organize, it looks like
21 one of the items was the development of a positive
22 press release was requested. Please comment on the
23 draft below. Do you see that?

24 A. Yes.

1 Q. And then the draft reads, several
2 genotoxicity studies have been conducted on glyphosate,
3 the surfactants in glyphosate formulations, and other
4 closely-related surfactants. Studies have also been
5 performed on Roundup herbicide and other glyphosate
6 formulations. None of these studies have shown any
7 adverse findings. I'm going to stop right there. Is
8 that even true?

9 A. Yes.

10 Q. Is it your testimony that the Rank,
11 Bolognesi, Peluso, and Lioi studies showed no adverse
12 findings?

13 A. In this case we were referring to our own
14 database, and this was in response to the Lioi papers
15 which -- we have studies in ours that show there are no
16 effects. You have those in the public literature that
17 do, and we just want to point out again that there are
18 a lot of studies that don't show these same effects.

19 Q. But Doctor, you're hiring Dr. Parry to
20 specifically assess the validity of these studies to
21 explore whether or not their findings are accurate or
22 valid or whatever, and yet in the same document you're
23 proposing to tell the world that they showed no adverse
24 effects.

1 MR. JOHNSTON: Objection. Misstates her
2 testimony and the record.

3 A. Based on the data we had on very well,
4 highly-conducted studies that had the same endpoints as
5 those other do, we had studies that showed no genotoxic
6 effects.

7 Q. (By Mr. Wisner) So I'm sensing a pattern
8 here. Like in the TNO study when you get a study that
9 doesn't comport with what you want, it's a bad study.
10 Just like here. You get some studies from independent
11 experts you don't like, and so it's a bad study. Is
12 that right?

13 MR. JOHNSTON: Objection. Object to
14 attorney argument and testimony.

15 A. No, and it's not what I would say a good
16 study or a bad study. What you're looking at is the
17 results of the study based on how the study is
18 conducted, and as we talked about with the TNO study,
19 there were many points -- there were at least four
20 points that were shown that that study was a
21 compromised study and that we have data before and
22 after to show that it's an outlier.

23 So anytime you see studies that have
24 variability in the responses you want to find out why,

1 what is causing that result that is unexpected from
2 what you had before. So it's not that it's a good
3 study or a bad study. It's about has it been conducted
4 properly and interpreted properly.

5 Q. Now, if we actually go down to Bullet
6 Point 7, it discusses the Lioi paper more specifically.
7 It says there is a concern that the papers by Lioi, et
8 al, may present an even bigger problem because the
9 studies are with glyphosate and are on a more -- on
10 standard endpoints.

11 The results of the human glyphosate tests
12 by Lioi do not agree with the toxicity and data in the
13 human lymphocyte study by Agrichem at NOTOX. Therefore
14 it was recommended that first Larry Kier will finalize
15 his rebuttal -- sorry. Kier will finalize his
16 rebuttal.

17 A. Uh-huh.

18 Q. Second, include the Lioi papers in the
19 articles to be reviewed by Dr. Parry, and third,
20 Bill/Donna will draft for Larry a letter to the editor
21 or a short publication to be submitted to the journal
22 upon receipt of Parry's evaluation. Did I read that
23 right?

24 A. Yes.

1 Q. So Dr. Parry ultimately -- he did do an
2 initial review of those four studies, didn't he?

3 A. Yes.

4 Q. I'm handing you a document that's Exhibit
5 41 to your deposition.

6 [Exhibit 41 marked for identification.]

7 Q. That is the report that he prepared;
8 correct?

9 A. Well, I'm not sure that I would call it a
10 report, but this is the summary of the studies that he
11 did.

12 Q. And this was submitted by fax to it looks
13 to be -- well it's addressed to Alan, Don, and Bill.
14 Do you see that?

15 A. Yes.

16 Q. And so this was actually specifically
17 addressed to you, wasn't it?

18 A. From?

19 Q. From Mark Martens?

20 A. Yes.

21 Q. And Mark Martens had received a report
22 from Dr. Parry if you look on the next page.

23 A. Yes.

24 Q. And this report was created in the regular

1 course of Monsanto's work; correct?

2 A. Yes.

3 MR. WISNER: I'd move this document into
4 evidence.

5 Q. (By Mr. Wisner) Now, he -- Dr. Parry
6 reviews all these studies and he comes to a conclusion,
7 doesn't he?

8 A. Well, basically yes, he did review these
9 and he did provide a conclusion.

10 Q. If you turn to page ending in 103. And
11 then it says -- the first full paragraph, it says, the
12 overall data provided by the four publications provide
13 evidence to support a model that glyphosate is capable
14 of producing genotoxicity both in vivo and in vitro by
15 a mechanism based upon the production of oxidative
16 stress. Do you see that?

17 MR. JOHNSTON: Objection. Misstates the
18 document.

19 A. You didn't read that correctly.

20 Q. (By Mr. Wisner) Oh, did I not?

21 A. No.

22 Q. Let me read it again. I apologize if I
23 missaid something. All right. It reads the overall
24 data provided by the four publications provide evidence

1 to support a model that glyphosate is capable of
2 producing genotoxicity both in vivo and in vitro by a
3 mechanism based upon the production of oxidative
4 damage. Did I read that correctly?

5 A. Yes.

6 Q. Did I say stress last time?

7 A. Yes.

8 Q. And so that was his overall conclusion;
9 right?

10 MR. JOHNSTON: Objection. Misstates the
11 record.

12 A. I think you need to completely read down
13 further. If confirmed, such a mechanism of genetic
14 damage would be expected to be produced at high
15 concentrations of the herbicide and would be relevant
16 only when the antioxidant protective mechanisms of the
17 cells are overwhelmed.

18 Q. (By Mr. Wisner) Okay. But you asked him
19 to review the four studies; right?

20 A. We did.

21 Q. And overall, based on the four
22 publications he reviewed, he concluded it supported a
23 model that glyphosate was capable of producing
24 genotoxicity based on the production of oxidative

1 damage?

2 A. But again, it isn't confirmed. This is
3 his talking about it is capable and it needs to be if
4 confirmed, and I think the other thing to point out in
5 here is that even though Professor Parry in his review
6 said although each of the papers have weakness I've
7 avoided a report which attempts to focus upon these
8 weaknesses.

9 Rather, I have attempted to pull out the
10 data which provide an aid to the understanding of the
11 potential mechanisms of genotoxicity and how you might
12 clarify. So again, he's not stating that this is
13 the -- this is supported. He's saying that maybe it's
14 capable and it has to be confirmed.

15 MR. WISNER: All right. I'm going to move
16 to strike your answer as nonresponsive.

17 Q. (By Mr. Wisner) I didn't ask you about a
18 page ten pages away, so I'm going to move to strike
19 that as nonresponsive. Now, Doctor, my question was
20 very simple. You asked him to review these four
21 studies and he gives his overall assessment of those
22 four studies in that sentence; correct?

23 MR. JOHNSTON: Objection. Misstates the
24 document.

1 A. He did, but again it has to be qualified
2 because he's saying is capable, but then he comes back
3 down and says if confirmed.

4 Q. (By Mr. Wisner) I understand. I
5 understand he says if confirmed. I understand that,
6 Doctor. But he gave you his assessment of the four
7 studies; right?

8 A. Well, this whole thing is his assessment,
9 not just that one sentence.

10 Q. Because it doesn't appear him discussing
11 those four studies afterwards. Afterwards he's
12 speculating and hypothesizing about ways which it could
13 be studied or minimized, but he's not actually talking
14 about the results of those studies, is he?

15 MR. JOHNSTON: Objection. Calls for
16 speculation.

17 A. He in here is just restating what those
18 authors said.

19 Q. (By Mr. Wisner) Exactly. And so his
20 opinion of those four studies having reviewed them and
21 assessed them is that they do support genotoxicity
22 through oxidative damage. That's what he concludes.

23 A. He said --

24 MR. JOHNSTON: Objection. Misstates the

1 record.

2 A. -- provide evidence to support the model
3 is capable. Now, what's different in this is the
4 oxidative damage is not direct genotoxicity. That's a
5 secondary. So the oxidative damage -- so it's not
6 saying it's genotoxic; it's saying that there may be
7 oxidative damage that then affects the genotoxicity and
8 then he talks about if confirmed.

9 Q. (By Mr. Wisner) You understand that
10 oxidative damage is one of the established mechanisms
11 of carcinogenicity?

12 A. It's one mechanism that talks about how
13 genetic material can be damaged, yes.

14 Q. I'm handing you Exhibit 42.

15 [Exhibit 42 marked for identification.]

16 Q. This is an e-mail exchange. Again, it
17 involves you. It's Bates-numbered 06486905. Do you
18 see that, Doctor?

19 A. Yes.

20 Q. And this is a series of e-mails to which
21 you are a participant. Was these -- were these e-mails
22 created in the regular course of Monsanto's business?

23 A. Yes.

24 MR. WISNER: Move this document into

1 evidence.

2 Q. (By Mr. Wisner) All right. I'd like to
3 turn to Page 3. This is an e-mail written by you.
4 Again, it's now the meeting minutes from February 2005.
5 Do you see that?

6 A. Yes.

7 Q. Sorry. February 25th. I believe this
8 would be 1999. Do you see that -- the date? It's --

9 A. Yeah, I'm not seeing the date. See this?

10 Q. Yeah. So it says minute meetings of
11 February 25th.

12 A. Okay. Yes. Uh-huh.

13 Q. And that would have been in 1999, right?

14 A. Yes.

15 Q. And if we turn to the next page, Bullet
16 Point 4, it discusses Dr. Parry. It says, Number 4,
17 global experts view Dr. Parry's analysis, what is our
18 next step. Dr. Parry concluded in his evaluation of
19 the four articles that glyphosate is capable of
20 producing genotoxicity both in vivo and in vitro by a
21 mechanism based upon the production of oxidative
22 damage. Did I read that correctly?

23 A. Yes.

24 Q. So when you read that report back in 1999,

1 that's how you summarized it, didn't you?

2 A. Yeah, but you need to keep reading down.

3 Q. We'll read the whole thing in a second.

4 But that's how you characterize his conclusion. Do you
5 see that?

6 A. Yes, but there's more to that than just
7 that paragraph.

8 Q. Sure. We'll read the rest in a second.
9 But the rest talks about the next steps; right? That
10 paragraph is your summary of his conclusion?

11 A. What we did is we put what Professor Parry
12 said in there, yes.

13 Q. He goes on to say, the data that Dr. Parry
14 evaluated is limited and is not consistent with other
15 better-conducted studies. In order to move Dr. Parry
16 from his position, we will need to provide him with the
17 additional information, as well as asking him to
18 critically evaluate the quality of all the data,
19 including the open literature studies. Did I read that
20 right?

21 A. Yes.

22 Q. It goes on. As a follow-up, Mark will
23 contact Dr. Parry, discuss with him the existence of
24 additional data, and ask him to evaluate the full

1 package. Mark will also explore his interest, if we
2 can turn his opinion around, in being a spokesperson
3 for us for these types of issues. Did I read that
4 correctly?

5 A. Yes.

6 Q. So it looks like even back in 1999 they're
7 considering making Dr. Parry a spokesperson; is that
8 right?

9 A. Again, if it came to a genotox question,
10 have someone to be able to speak to that from an expert
11 perspective, that would be what we were looking for,
12 yes.

13 Q. But only, only if we can turn his opinion
14 around; right?

15 A. Well, right now we didn't agree with
16 Professor Parry and that science. He had his opinion,
17 we had ours, and we didn't agree with him.

18 Q. And his opinion was that your product was
19 causing genetic damage?

20 MR. JOHNSTON: Objection. Misstates the
21 record.

22 A. Not through a genotoxic mechanism.
23 Through the oxidative stress. And he had some
24 additional work he wanted us to do.

1 Q. (By Mr. Wisner) He goes on to say Larry
2 as well as others will be available to discuss the data
3 with Parry as needed by e-mail, phone, or in person, or
4 all of the above. All right. Did I read that
5 correctly?

6 A. Yes.

7 Q. So at this point Monsanto then sends Dr.
8 Parry all the data; right?

9 A. Well, it's listed right here. He had
10 three questions on this report and so we sent him
11 additional data that responded to his questions.

12 Q. Oh, so in this document it has a list of
13 all the stuff that was sent to him; is that right?

14 A. In this phase not all that we sent, but
15 during this phase -- because we worked with Professor
16 Parry over a number of years, so this was back in
17 February, this is in April, and this went on for
18 several years. So we had a lot of iterations with
19 Professor Parry and provided additional data to him off
20 and on, and so this is one of the first set of data
21 that we provided to Professor Parry.

22 Q. So the first iteration was you gave him
23 the four studies, he gave you his report; right? Is
24 that right?

1 A. Yes.

2 Q. Then you guys meet and said hey, we got to
3 give him more information, see if we can actually
4 change his opinion, and so then you guys send him all
5 this new information; is that right?

6 MR. JOHNSTON: Objection to argument.

7 A. What we gave him was we felt we didn't
8 give him all the information ahead of time for him to
9 make a -- he had a limited dataset and we needed to
10 give him more data to have him more on the background
11 to look at a broader set of data, to get his opinion on
12 the broader set of data.

13 Q. (By Mr. Wisner) Yeah, because you wanted
14 to change his opinion?

15 A. Well, we wanted him to take into
16 perspective those four studies against the broader
17 dataset, and if it changed his opinion, great. If it
18 didn't we would have been in disagreement with his
19 conclusions.

20 Q. Well, I mean, it says right here in order
21 to move Dr. Parry from his position, we will need to
22 provide him with the additional information, as well as
23 asking him to critically evaluate the quality of all
24 the data, including the open literature studies. That

1 was what you guys wrote; right?

2 A. Right. Well, we hoped that by giving him
3 the additional data that he would view the toxicology
4 different and look at those weaknesses in those studies
5 that he initially identified.

6 Q. Yeah, because he's a very reputable
7 genotoxicologist; right?

8 MR. JOHNSTON: Objection. Vague.

9 A. That's -- in Europe that was my
10 understanding; right.

11 Q. (By Mr. Wisner) Yeah. World-renowned;
12 right?

13 A. But we had a difference of opinion. A lot
14 of experts have differences of opinion.

15 Q. I completely understand that. My experts
16 disagree with you about whether or not Roundup causes
17 cancer. I get that. We have different opinions. But
18 I'm just saying that his opinion at this point was not
19 the same as yours; right?

20 MR. JOHNSTON: Objection. Asked and
21 answered.

22 A. That's why we were doing additional work
23 with Dr. Parry, yes.

24 Q. (By Mr. Wisner) So then Dr. Parry -- he

1 reviews all that information and he produces a second
2 report; right?

3 A. Again, I would not use it as a report. I
4 think it's more of a review. But --

5 Q. He produces a second document detailing
6 his review?

7 A. Yes.

8 Q. That sounds like a report; right?

9 A. Well, it's not --

10 MR. JOHNSTON: Objection.

11 A. To me it doesn't look like a report,
12 but --

13 Q. (By Mr. Wisner) Okay. Well, I'm handing
14 you Exhibit 43.

15 [Exhibit 43 marked for identification.]

16 Q. And we can bicker about whether or not
17 it's a report or not, but this is that second
18 evaluation done by Dr. Parry; right?

19 A. Yes.

20 Q. And attached to it are a bunch of
21 documents starting at MONGLY ending in 268. I'm not
22 entirely sure why they were included with this but they
23 were, so just FYI.

24 A. It's starting with two --

1 Q. Actually it looks like it was part of his
2 report. Never mind. Never mind. This is the entirety
3 of the report. I misspoke. All right, Doctor. So
4 this is a -- does this appear to be a fair and accurate
5 copy of the second review that Dr. Parry did?

6 MR. JOHNSTON: Make -- look through the
7 whole thing and make sure.

8 A. Yeah, so I'm trying to look, because it
9 looks like there's a whole bunch of things in here.

10 Q. (By Mr. Wisner) That right there. I
11 think that's where it might stop. Is that --

12 A. But then there appears to be something
13 else in here.

14 Q. Yeah. All right. So ending on Page
15 268 -- do you see that right there? That appears to be
16 some sort of comments or e-mail or something. Do you
17 see that?

18 A. Yes.

19 Q. So that's obviously not part of his
20 report; right?

21 A. Right.

22 Q. So the document up until that page does
23 appear to be a fair and accurate copy of his report;
24 right?

1 A. Well, his summary of the studies.

2 Q. Of his review; right?

3 A. Yes.

4 Q. And this was something that you received
5 back in 1999; is that right?

6 A. I do believe that that was the date. Yes.

7 MR. WISNER: All right. Well, I move this
8 document into evidence excluding pages after Bates
9 ending 268.

10 Q. (By Mr. Wisner) I apologize for that
11 print mixup. All right, Doctor. I don't want to go
12 through this document. It's -- looks to be, what,
13 quite a few pages. But Dr. Parry did review the data
14 you sent him; right?

15 A. Yes.

16 Q. And if you turn to Page 12 of his review,
17 Bates number ending in 244. And this is sort of the
18 summary section of his report. It's after a heading
19 titled overall conclusions. It starts on Page 10 if
20 you wanted to check. It says specific evaluation of
21 the genotoxicity of glyphosate is on the basis of the
22 study of Lioi, et al, I conclude that glyphosate is a
23 potential clastinogenic in vitro. Do you see that?

24 A. Yes.

1 Q. What does clastinogenic mean -- or
2 clastogenic mean? Sorry.

3 A. It can damage the chromosomes.

4 Q. And then if you look for the -- under the
5 specific evaluation of genotoxicity of glyphosate
6 mixtures, he writes in the view of the absence of
7 adequate data, no evaluation of the clastogenic
8 potential in vitro of glyphosate mixtures is possible.
9 Do you see that?

10 A. Yes.

11 Q. And then at the bottom of that section, it
12 says the studies of Bolognesi, et al, suggest that
13 glyphosate mixtures may be capable of inducing
14 oxidative damage in vivo. Do you see that?

15 A. Yes.

16 Q. And in vivo, that means in living animals?

17 A. Yes.

18 Q. And then if you look at the end here, he
19 has a list of publications that he reviewed, and then
20 if you turn to --

21 A. Well, they're not all publications.

22 Q. Or sorry. List of --

23 A. These were these studies that we provided
24 Professor Parry.

1 Q. Yeah, that's right. They weren't
2 necessarily public; they were things that may have been
3 internal to Monsanto.

4 A. They are other studies, yes, that were
5 conducted that he was not aware of at the time.

6 Q. Sure. And they weren't published; right?
7 So they would have been sort of Monsanto studies?

8 A. They were regulatory studies. They
9 weren't all just Monsanto studies. There were some
10 others.

11 Q. Fair enough. When I say Monsanto I'm not
12 saying that Monsanto conducted them; I just mean that
13 Monsanto had them or paid for them?

14 A. Well, some of these are another registrant
15 studies.

16 Q. Okay. Okay. Great. And then we turn to
17 Bates ending 264. Dr. Parry has a section titled key
18 issues concerning the potential genotoxicity of
19 glyphosate, glyphosate formulations, and surfactants.

20 A. Let me see which page are you on.

21 Q. It's the top of Page 264. Yeah.

22 A. Oh, okay. Okay. Okay.

23 Q. Key issues concerning the potential
24 genotoxicity of glyphosate, glyphosate formulations and

1 surfactants, recommendations for future work. And he
2 lists a bunch of key questions. Do you see that?

3 A. Yes.

4 Q. And he raises questions both about
5 glyphosate and glyphosate formulations, doesn't he?

6 A. Yes.

7 Q. And he talks about -- next section he
8 talks about the deficiencies in the dataset; right?

9 A. Yes.

10 Q. And the first thing is there's no adequate
11 in vitro clastogenicity data available for glyphosate
12 formulations; right?

13 MR. JOHNSTON: Objection. Are you asking
14 her whether that's what it says or whether that's true?

15 Q. (By Mr. Wisner) That's what it says;
16 right?

17 A. That's what it says.

18 Q. And then he lists some more defects with
19 the database -- or sorry -- deficiencies with the
20 database. And then moving on to the next page, he has
21 a set of actions recommended. Do you see that?

22 A. Yes.

23 Q. And just -- we'll show the jury this, but
24 it looks like he has A, B, C, D, E, F, G, H, I. Do you

1 see that?

2 A. Yes.

3 Q. And these are a host of, it looks like,
4 additional data he'd like to have generated or studied;
5 is that right?

6 A. Yes.

7 Q. And at the end of it he goes, my overall
8 view is that if the reported toxicity of glyphosate and
9 glyphosate formulations can be shown to be the
10 production of oxidative damage, then the case could be
11 made that any genetic damage could be thresholded.
12 Such genetic damage would only --

13 A. Thresh -- go ahead. Sorry.

14 Q. I'm sorry, did I mis --

15 A. No. Just -- I'm sorry. Go ahead. No,
16 you're right.

17 Q. Such genetic damage would only be
18 biologically relevant under conditions of compromised
19 antioxidant status. If such oxidative damage mechanism
20 is proved then it may be necessary to consider the
21 possibility of susceptible groups within the human
22 population. Do you see that?

23 A. Yes.

24 Q. And then he goes on. He goes, if the

1 genotoxicity of glyphosate and its formulations is
2 confirmed, it would be advisable to determine whether
3 there are exposed individuals and groups within the
4 human population.

5 If such individuals can be identified,
6 then the extent of exposure should be determined and
7 their lymphocytes analyzed for the presence of
8 chromosome aberrations. In such populations
9 micronucleus studies would probably only be of value in
10 asplenic individuals. Did I pretty much read that
11 correctly?

12 MR. JOHNSTON: No. Objection. Misstates
13 the document.

14 Q. (By Mr. Wisner) What did I misread, Dr.
15 Farmer?

16 MR. JOHNSTON: The first sentence.

17 A. Could you go through it again, please?

18 Q. Okay.

19 MR. JOHNSTON: You said genotoxic
20 something, not genotoxic activity.

21 Q. (By Mr. Wisner) Oh, boy. Let's try that
22 again. All right. Let's read that last paragraph
23 again, Doctor. It reads if the genotoxic activity of
24 glyphosate and its formulations is confirmed, it would

1 be advisable to determine whether there are exposed
2 individuals and groups within the human population.

3 If such individuals can be identified,
4 then the extent of exposure should be determined and
5 their lymphocytes analyzed for the presence of
6 chromosome aberrations. In such populations,
7 micronucleus studies would probably only be of value in
8 asplenic individuals. Do you see that?

9 A. Yes.

10 Q. Isn't it true -- this is back in 1999.
11 This is what he's saying; right?

12 A. In 1999. This was --

13 Q. Yeah.

14 A. Again, remember he's putting here if such
15 a mechanism is proved. So he's still talking about
16 generating more data.

17 Q. Yeah, and he lists out all these different
18 letters of things he wants done; right?

19 A. Uh-huh. Yep.

20 Q. And Doctor, what does asplenic mean?

21 A. It would be a person without a spleen.

22 Q. Now, this is back in 1999; right?

23 A. Yes.

24 Q. And this is what he's saying in 1999 based

1 on the data that basically he could find and you gave
2 him; right?

3 A. Yes.

4 Q. That's, what, 18 years ago? Is that fair?

5 A. Approximately.

6 Q. And since then -- there actually have been
7 people who have gone out and actually looked at the
8 blood of people exposed to formulated product in the
9 real world; right?

10 A. That's -- there are some studies, yes.

11 Q. They were done in South America; right?

12 A. (Nodding "yes.")

13 Q. There was one by Dr. Pazinino (ph), et al.
14 Are you familiar with that one?

15 A. (Nodding "yes.")

16 Q. There was a -- is that a yes? Sorry.

17 A. I'm sorry. Yes.

18 Q. Was there another study by Bolognesi, et
19 al, as well?

20 A. I believe so.

21 Q. There was another study also by Pazinino,
22 actually -- a follow-up study.

23 A. I don't know that.

24 Q. In any event, one of the things that these

1 studies showed though -- and this was down in Columbia,
2 right, where they're spraying Roundup to eradicate
3 cocoa plants; right?

4 A. I don't know of the application where this
5 was taking place for these studies.

6 Q. Are you familiar with the Board of Ecuador
7 in Columbia -- you know it was about cocaine
8 eradication -- you don't know anything about that?

9 A. I do know there's cocaine eradication down
10 there. I just wasn't familiar with where those regions
11 were.

12 Q. And you understand that Roundup is being
13 used to accomplish that eradication; right?

14 A. I don't know that it's Roundup.

15 Q. Well, they took the blood of people who
16 were exposed to Roundup and it showed genetic damage in
17 real humans. You understand that; right?

18 A. That's what the reports say, I believe.

19 Q. Those reports came out in the late 2000s;
20 right?

21 A. I don't know when they came out. I don't
22 remember the year.

23 Q. Does 2007, 2008, 2009, seem about right to
24 you?

1 A. I really don't remember.

2 Q. We do know that one of those was by
3 Bolognesi; right?

4 A. I know the name is Bolognesi but I don't
5 know if she's the same person as the original
6 Bolognesi.

7 Q. I was going to ask you. So you don't know
8 if the Bolognesi that prompted Dr. Parry's involvement
9 is the same Bolognesi who was looking at people in the
10 real world?

11 MR. JOHNSTON: Objection. Misstates the
12 record.

13 Q. (By Mr. Wisner) So you don't know?

14 A. No, I don't know.

15 Q. It would be kind of amusing, though, if
16 the same Bolognesi is the one who does this initial
17 sort of petri dish studies and then goes out and
18 actually studies humans in the real world and -- kind
19 of exactly as Dr. Parry recommends we do here.

20 MR. JOHNSTON: Objection.

21 A. Well, Bolognesi didn't do a petri dish
22 experiment, and I don't know if they're related or not
23 related.

24 MR. JOHNSTON: Can we take a break?

1 MR. WISNER: We're almost done with Parry.
2 Just give me five minutes.

3 Q. (By Mr. Wisner) All right, Doctor. Is
4 there anything you'd like to change in your testimony?

5 A. Again, I'd like to read it. Everything
6 goes by really fast, so I'd like to look at it later.

7 MR. WISNER: Okay. Let's take a break.

8 A. Thank you.

9 MR. JOHNSTON: Thanks. Appreciate it.

10 THE VIDEOGRAPHER: We are going off the
11 record at 10:13 AM.

12 [A brief recess was taken.]

13 THE VIDEOGRAPHER: We are back on the
14 record at 10:23 AM.

15 Q. (By Mr. Wisner) Hey, Doctor, can you turn
16 back to Exhibit 40 very quickly?

17 MR. JOHNSTON: Give me the ones on top.
18 There we go.

19 Q. (By Mr. Wisner) Turn to the last page on
20 the exhibit. We just finished going briefly through
21 Dr. Parry's two different reviews, and at the bottom
22 here on the Bullet Point 7 and then the last bullet
23 point there, it reads Bill/Donna will draft for
24 letter -- Larry a letter to the editor for a short

1 publication to be submitted to the journal upon receipt
2 of Parry's evaluation. Do you see that?

3 A. I see that written.

4 Q. After you received Parry's evaluation, was
5 a letter drafted and sent to the editor?

6 A. I don't remember.

7 Q. After you received the second evaluation
8 by Dr. Parry, neither you or your colleagues were
9 particularly happy with it. Is that fair to say?

10 A. Yes. We didn't think it was a very
11 critical evaluation of all the data.

12 Q. Indeed, you felt that Dr. Parry's report
13 had put you in a genotox hole, so to speak?

14 A. Yes.

15 Q. I'm handing you Exhibit 44.

16 [Exhibit 44 marked for identification.]

17 Q. This is an e-mail exchange -- e-mail
18 exchanges. It's Bates-numbered MONGLY00878595. You
19 recognize these e-mails, Doctor?

20 A. Yes, I do.

21 Q. And these e-mails are made in the regular
22 course of Monsanto's business?

23 A. Yes.

24 MR. WISNER: I'd move this document into

1 evidence.

2 Q. (By Mr. Wisner) If you look at the very
3 first e-mail in the chain, it's titled comments on
4 Parry write-up. Do you see that?

5 MR. JOHNSTON: You mean the back e-mail,
6 first in time?

7 Q. (By Mr. Wisner) That's right. Sorry.
8 If you look at the first e-mail in the string in time
9 it's from Stephen Wratten dated August 31st, 1999. Do
10 you see that?

11 A. Yes.

12 Q. And its subject line reads comments on
13 Parry write-up; right?

14 A. Yes.

15 Q. And this is in August 1999. So this is
16 after the second Parry review; right?

17 A. Yes.

18 Q. And it reads, Mark and Donna, I was
19 somewhat disappointed in the Parry report. I'm going
20 to stop right there. Did I read that part correctly?

21 A. Yes.

22 Q. So at least according to -- who is Stephen
23 Wratten, by the way?

24 A. He was a reg affairs manager.

1 Q. So at least according to -- is he a
2 Doctor?

3 A. He's a PhD.

4 Q. Everyone's a doctor, so I always have to
5 ask before I call them Mr. or Mrs. All right. So
6 according to Dr. Wratten, at least Parry's second
7 submission actually was a report; right?

8 A. I still wouldn't characterize it as a
9 report. It still looked like a summary to me, but --

10 Q. Well, he characterized it as a report;
11 right?

12 A. That's what Steve said.

13 Q. He goes on, I was somewhat disappointed in
14 the Parry report not particularly from his conclusions
15 but just the way they're presented. The style and
16 rather casual lack of completeness and preciseness
17 would make it hard to circulate this around to anyone
18 as supporting information. I'll stop right there. Did
19 I read that correctly?

20 A. You read that correctly.

21 Q. What does he mean by supporting
22 information?

23 A. Just to share it with outside people.

24 Q. Doesn't he mean supporting that it's not

1 genotoxic?

2 A. Well, I think if you read the first one,
3 he wasn't particularly -- he said I'm not
4 particularly -- he said I'm somewhat disappointed not
5 particularly from his conclusions so that I think that
6 what he was looking at was more it was style as we
7 talked about. It didn't look like a report to us.

8 It wasn't a very critical evaluation that
9 we would have expected, rather casual, lack of
10 completeness and preciseness, so I think that's what
11 he's referring to here, not necessarily Parry's
12 conclusions, but more that it was not a very thorough
13 critical review of all of the information.

14 Q. Is that your opinion, it wasn't a
15 thorough, critical review?

16 A. Yes.

17 Q. Notwithstanding the fact that we
18 previously established that Dr. Parry was a
19 world-renowned genotoxicologist?

20 A. We were talking about the report that he
21 gave us, and that report was not a very thorough
22 critical review and we talked about that -- again, the
23 style, lack of completeness, preciseness.

24 Q. And the interesting thing about Dr.

1 Parry's report is that it was actually written by him;
2 right?

3 A. I don't know that.

4 Q. Well, it wasn't written by a Monsanto
5 employee; right?

6 A. No, it was not.

7 Q. Because if it had been written by a
8 Monsanto employee with Dr. Parry's name, that would be
9 ghostwriting; right?

10 MR. JOHNSTON: Objection.

11 A. It depends upon your definition of
12 ghostwriting.

13 Q. (By Mr. Wisner) You don't think that
14 would be ghostwriting?

15 A. If Parry had involvement in it, no, I
16 don't.

17 Q. Okay. We'll get to ghostwriting. That's
18 actually the next stop in our roadmap. The next thing
19 that Dr. Wratten writes is has he ever worked with
20 industry before on this sort of project. Do you see
21 that?

22 A. Yes, I do.

23 Q. And if we turn to the last part of this
24 e-mail. I don't want to read the whole thing; it's

1 quite long. But Bullet Point Number 4 on the last
2 page.

3 MR. JOHNSTON: Where is the bullet?

4 MR. WISNER: You see Number 4?

5 A. Number -- I think it's that.

6 MR. JOHNSTON: There's another 4 on the
7 previous page, so that's why I was --

8 A. Yeah, that's why I was too.

9 MR. WISNER: Oh, that is confusing.

10 Q. (By Mr. Wisner) All right. Well, the
11 misnumbered 4 on the last page. Do you see that?

12 MR. JOHNSTON: I think that's Page 4.

13 MR. WISNER: Is that -- oh, you know what,
14 you're right. You're right.

15 MR. JOHNSTON: I mean --

16 MR. WISNER: This is part of Bullet Point
17 Number 8.

18 MR. JOHNSTON: I just want to make sure
19 we're clear about where we're looking.

20 MR. WISNER: No, no. You're right, you're
21 right.

22 Q. (By Mr. Wisner) So Doctor, it appears
23 that this is not a bullet point at all but it's a sort
24 of summary paragraph after his eight bullet points. Do

1 you see that?

2 A. Yes.

3 Q. And the summary paragraph reads, overall I
4 guess we have his recommendation of studies that could
5 be used to strengthen the database on Page 4, but
6 that's about it. I do not see that he has stuck out
7 his neck on anything at all controversial, and
8 therefore, there is little value in the write-up as
9 written that could be useful.

10 Hope it didn't cost much. Perhaps this is
11 too harsh, and I don't know what your proposal to him
12 was, but I guess I would expect more than this of a
13 professor. Did I read that right?

14 A. You read that correctly.

15 Q. So then this gets forwarded -- well, you
16 forwarded this e-mail to -- it looks like to Alan
17 Wilson. Do you see that?

18 A. Yes.

19 Q. Who is Alan?

20 A. He was one of our metabolic scientists at
21 our laboratory at Monsanto.

22 Q. And I assume he's a doctor as well?

23 A. Yes, a PhD.

24 Q. So Dr. Wilson says to you, Donna, two

1 options. Work closely with Parry -- i.e., someone
2 other than Mark -- or get someone else. Did I read
3 that right?

4 A. You read that correctly.

5 Q. And then you respond to him, right, in an
6 e-mail?

7 A. Yes.

8 Q. And you say Alan, one option -- I agree we
9 need someone else to interface with Parry. Right now
10 the only person I think that can dig us out of this
11 genotox hole is the good Dr. Kier. Did I read that
12 right?

13 A. You read that correctly.

14 Q. Dr. Kier -- was he an employee with
15 Monsanto at that time?

16 A. He -- I believe he had retired.

17 Q. So he was no longer employed at Monsanto?

18 A. I believe that's the case, yes.

19 Q. But he later went on to author
20 publications discussing the genotoxicity of Roundup and
21 glyphosate; correct?

22 A. Larry has authored publications, yes.

23 Q. Other option, I'm concerned about leaving
24 Parry out there with this as his final project, his

1 final impressions. Did I read that right?

2 A. Yes.

3 Q. Why were you concerned about leaving his
4 report out there as his final project or final
5 impressions?

6 A. Because I still felt as we talked about
7 that he -- there was some data that we felt that we
8 could provide to him or additional studies that we
9 could do that could address some of his comments in his
10 write-up that he had.

11 Q. But what's wrong with his report being out
12 there or this final impressions? I mean, what's wrong
13 with that?

14 A. Well, as we talked about, we felt that it
15 was not complete, that he needed -- we wanted to leave
16 it with -- give him some other information, so we felt
17 it wasn't a complete report, and we wanted to make sure
18 we had all the information that Parry could have to
19 respond to his request and -- questions.

20 Q. All right. And sorry, Doctor. It looks
21 like I had my microphone off, so I just put it back on,
22 so --

23 THE VIDEOGRAPHER: I was able to hear you.

24 Q. (By Mr. Wisner) Okay. So if the jury is

1 wondering why I suddenly am louder, that's why. All
2 right. Well, I mean, Doctor, isn't it also true that
3 the reason you didn't want his final project and his
4 final impressions out there as written is because his
5 final impressions and conclusions suggested there was a
6 clastogenic problem with Roundup?

7 A. No, that's not what I wanted. And he
8 didn't say that. He said if. All of his were still
9 based in that particular report, based on additional
10 information. And so what we wanted to do was then to
11 be able to provide him with that additional information
12 to answer his if and all those other conditions that he
13 had put into his summary.

14 Q. Well, then Doctor, why did you
15 characterize it as a genotox hole if you weren't
16 concerned that the data being created by Dr. Parry
17 indicated that your product was genotoxic?

18 A. That was just a term that I used. I
19 wasn't concerned that our product was genotoxic. I
20 wasn't concerned that Professor Parry thought that
21 because he didn't say it was genotoxic. He thought
22 there was an oxidative mechanism involved that could
23 then lead to genotoxicity, and so what we were trying
24 to do is then to give Professor Parry additional

1 information that would address that question if that
2 mechanism existed.

3 Q. You do realize that IARC has concluded
4 based on its independent review of the genotoxicity
5 data that there is strong evidence that in fact
6 glyphosate and Roundup are genotoxic? You understand
7 that; right?

8 A. I understand IARC came to that conclusion,
9 but I disagree with that.

10 Q. I understand. But it looks like at the
11 very least Dr. Parry's conclusions are fairly
12 consistent with what IARC concluded 15 years later?

13 A. But Professor Parry didn't conclude that.
14 He said that it may be capable of doing that through
15 that mechanism. He was talking about that it could be,
16 it may be, and he wanted some additional studies to
17 address that question.

18 Q. I know. And then 15 years later a group
19 of independent scientists met at IARC, they reviewed
20 the data, and they go you know what, it's genotoxic,
21 didn't they?

22 A. IARC did do that, but I don't agree with
23 them, and a lot of other people like EPA, everyone else
24 has looked at the same dataset that IARC did and came

1 to a completely different conclusion.

2 Q. You do know that approximately 100
3 scientists have signed on and agreed with the IARC
4 classification of glyphosate; right?

5 MR. JOHNSTON: Objection. Misstates the
6 record.

7 A. So I don't know how that came about or why
8 that came about, but it doesn't matter 100 people
9 signing on to that. Still did they look at all the
10 data? Did they speak to the data? There's a lot of
11 people who looked at that data and came to completely
12 different conclusions.

13 Q. (By Mr. Wisner) Well, Doctor, it kind of
14 looks like from this document that -- you know, I'll
15 withdraw the question. So it's your testimony then to
16 this jury that you really weren't concerned about Dr.
17 Parry's conclusions, that you just wanted to explore
18 the issue more; is that fair?

19 A. Don't get me wrong. I was concerned about
20 Dr. Parry's conclusions because we felt that he didn't
21 have all the data and he still had open-answer
22 questions that we wanted to -- and remember, I talked
23 about it earlier.

24 We worked with Professor Parry over a

1 number of years, probably almost three to four years,
2 to continue to work with Professor Parry and have those
3 ongoing discussions between scientists and experts. So
4 I was concerned about making sure that we had the good
5 data, the right data to have the good discussions.

6 Q. So you wanted to get the good data; that's
7 what you're saying?

8 A. I wanted to have high-quality studies that
9 we could then discuss with Professor Parry.

10 Q. Now, Doctor, in this time in 1999, Dr.
11 William Heydens -- he was your boss; right?

12 A. He might have been. So I would report to
13 someone else who would report to Bill. I rarely
14 reported to Bill directly, so I can't remember the
15 exactly time frame when I did and didn't.

16 Q. But he was higher up on the food chain, so
17 to speak, whether it was one or two levels?

18 A. He was higher in a managerial position.

19 Q. Well, let's see what he had to say
20 following the Parry report. This is Exhibit 45.

21 [Exhibit 45 marked for identification.]

22 Q. This is an e-mail from Dr. Heydens to a
23 series of people including yourself. Do you see that?

24 A. Yes, I do.

1 Q. And also on this was actually Dr. Kier;
2 right?

3 A. Yes.

4 Q. This is Bates MONGLY03734971. These
5 e-mails were created in the regular course of
6 Monsanto's business; correct?

7 A. Yes.

8 MR. WISNER: All right. At this time I'd
9 move the document into evidence.

10 Q. (By Mr. Wisner) So Mark Martens sends the
11 Parry report on September 16th to yourself as well as
12 Dr. Kier and Dr. Heydens; right?

13 A. Yes.

14 Q. And he attaches the report. I sent you my
15 comments but didn't get a reaction. Could I get your
16 opinions and then have a discussion on the action to
17 take. That's what he wrote?

18 A. That's what's written there.

19 Q. So here's what Dr. Heydens says. Mark,
20 all, I have read the report and agree with the
21 comments. There are various things that can be done to
22 improve the report. However, let's step back and look
23 at what we're really trying to achieve here. We want
24 to find/develop someone who is comfortable with the

1 genotox profile of glyphosate Roundup and who can be
2 influential with regulators and scientific outreach
3 operations when genotox issues arise.

4 My read is that Parry is not currently
5 such a person and that it would take quite some time
6 and money/studies to get him there. We simply aren't
7 going to do the studies Parry suggests. Mark, do you
8 think Parry can become a strong advocate without doing
9 this work Parry (sic)? If not, we should seriously
10 start looking for one or more other individuals to work
11 with.

12 Even if we think we can eventually bring
13 Parry around closer to where we need him, we should be
14 currently looking for a second/backup genotox support.
15 We have not made such progress and are currently very
16 vulnerable in this area. We have time to fix that, but
17 only if we make this a high priority now, Bill. Did I
18 read that right?

19 A. Yes.

20 Q. So Dr. Heydens's response, a guy who was
21 more senior to yourself within Monsanto, was that Dr.
22 Parry was not going to be an appropriate spokesperson
23 for the company, that they did not want to do the
24 studies that he suggests, and that they're currently

1 very vulnerable in this area of genotoxicity; is that
2 right?

3 MR. JOHNSTON: Objection. Compound.

4 A. Yeah, I was -- so there are a lot of
5 things in here that Bill said, and I think what he
6 wanted to do was to continue -- he wanted to see where
7 Parry was going to go. He was very frustrated. I
8 think you're reading something that was a frustration
9 of looking at what we talked about, a lack of a
10 critical quality report, and so Bill said a lot of
11 things in there.

12 Q. (By Mr. Wisner) Well, it's frustration,
13 Doctor, but it seems that he's frustrated because Parry
14 is not going to be an advocate for the company. That's
15 what he's saying here.

16 A. I would disagree with you on that, that
17 Parry I think is the one that we wanted to work with
18 and Bill wanted to continue to work with him.

19 Q. He states right here in black and white,
20 Mark, do you think Parry can become a strong advocate
21 without doing this work Parry (sic)? If not, we should
22 seriously start working for one or more individuals to
23 work with. That's what he wrote; right?

24 A. He's asking a question there.

1 Q. Right, and he's saying I don't think
2 Parry's going to be the one that can be our advocate.
3 We need to find someone else.

4 A. He said if not, we should seriously look
5 for someone else.

6 Q. Yeah, and he says just before that, my
7 read is that Parry is not currently such a person and
8 it would take quite some time and money/studies to get
9 him there. That's what he wrote?

10 A. That's what he wrote there.

11 Q. So what he's saying is Parry's not going
12 to be the advocate. We got to find another
13 spokesperson who will tout the party line?

14 MR. JOHNSTON: Objection. Argumentative.
15 Calls for speculation and misstates the document.

16 A. He didn't say that he won't be, that he
17 has reservations about him, but he didn't say that he
18 wouldn't be.

19 Q. (By Mr. Wisner) He openly acknowledges --
20 and this is the guy who works senior to you at
21 Monsanto -- that there -- that you are very vulnerable
22 in this area, doesn't he?

23 A. I don't know what Bill meant in that
24 statement, what vulnerable meant.

1 Q. I mean, that seems pretty obvious, Doctor.
2 He's saying that Monsanto is vulnerable in the area of
3 genotoxicity because it looks like your product is
4 genotoxic.

5 A. I --

6 MR. JOHNSTON: Objection. Argument of
7 counsel. Misstates the record.

8 A. I don't know Bill was referring to in that
9 statement.

10 Q. (By Mr. Wisner) Well, is that a
11 reasonable inference based on what we see right in
12 front of us?

13 MR. JOHNSTON: Objection. Explicitly
14 calls for speculation.

15 A. I don't know what Bill was referring to in
16 that.

17 Q. (By Mr. Wisner) Well, did you respond to
18 him saying Dr. Heydens, we are not vulnerable. We are
19 strong in this area. Did you write an e-mail saying
20 that?

21 A. I don't remember.

22 Q. In fact, you didn't refute him whatsoever,
23 did you?

24 A. Again, I don't know what Bill is saying

1 here about what he means by vulnerable in this area.

2 Q. Well, we do know what happened to the
3 Parry reviews; right? They were never submitted to the
4 EPA or European regulatory authorities; isn't that
5 true?

6 A. I don't know that.

7 Q. I will tell you that Monsanto has actually
8 admitted under oath that that happened.

9 MR. JOHNSTON: She still doesn't know it.

10 Q. (By Mr. Wisner) If that's the case, does
11 that concern you?

12 A. My role in this was to make sure that I
13 worked with Professor Parry on the science. I'm not in
14 the regulatory group and so I did not know what
15 happened to those studies.

16 Q. So you don't care one way or the other
17 whether or not they went to the EPA or European
18 regulators?

19 A. Again, that's not my area. My job was to
20 make sure that I gave Professor Parry and worked with
21 him on the science side.

22 Q. Well, that's interesting, Doctor, because
23 it seems like you have a lot of jobs. You're a
24 spokesperson, you're a scientist, you're even a mother.

1 You're not willing to take a position on one way or the
2 other whether or not Dr. Parry's stuff should have been
3 given to the regulators?

4 MR. JOHNSTON: Objection. Argumentative.
5 So you really are saying to her that you want her to
6 speculate because she's a mom? Is that what you're
7 telling the jury, Counsel? It seems inappropriate to
8 me.

9 A. So as I said, my job as a toxicologist at
10 Monsanto is to work with Professor Parry on the science
11 and on the studies. And the regulatory folks are the
12 ones that deal with the regulatory agencies, and I
13 don't know what the guidance is from them on what is to
14 be submitted or not submitted.

15 Q. (By Mr. Wisner) So you don't care?

16 MR. JOHNSTON: Objection. Misstates her
17 testimony and argumentative.

18 A. I did not say. I did not say that I
19 didn't care.

20 Q. (By Mr. Wisner) So do you care one way or
21 the other whether or not the Parry report was submitted
22 to the EPA?

23 MR. JOHNSTON: Objection. No foundation.

24 A. Again, that is not my role at Monsanto.

1 My colleagues in the regulatory affairs group will do
2 and submit studies according to the regulations and my
3 work was to do the science with Dr. Parry.

4 Q. (By Mr. Wisner) I understand. But that's
5 not my question. My question to you is very simply in
6 your personal opinion as a scientist at Monsanto, as a
7 spokesperson for the defense of glyphosate, do you
8 think it would have been appropriate for Monsanto to
9 have submitted the Parry reviews to the EPA?

10 MR. JOHNSTON: Objection. Calling for
11 opinion testimony in a fact deposition. Go ahead.

12 A. Again, there are rules and regulations on
13 what should and do not -- be submitted to the
14 regulatory agencies. That is not my responsibility;
15 that is my colleague's responsibility.

16 Q. (By Mr. Wisner) Not your responsibility
17 so you don't care?

18 MR. JOHNSTON: Objection. Asked and
19 answered. She already answered that question, Counsel.
20 You're now harassing her and berating her and you're
21 argumentative.

22 A. Again, when it comes to the regulatory
23 agencies there are very specific guidelines that have
24 to be followed. There are folks in our group like

1 we've talked about regulatory affairs managers, and
2 they are the ones that deal with the regulatory
3 agencies. I'm the one that deals on the science side.

4 Q. (By Mr. Wisner) How can you be
5 responsible for product safety and have no opinion
6 about whether or not a report generated by an
7 independent expert is submitted to an EPA regulator?

8 MR. JOHNSTON: Objection. Calls for
9 speculation. Misstates the record, misstates the
10 testimony.

11 A. Again, I will tell you that there are
12 rules and regulations on what should and should not --
13 doesn't have to be submitted to the regulatory
14 agencies. I work with our reg affairs managers, I work
15 on the science side. They make the determinations on
16 what will and won't be submitted to the regulatory
17 agencies.

18 Q. (By Mr. Wisner) All right, Doctor. You
19 know I'm going to play this video at a trial.

20 MR. JOHNSTON: I doubt it.

21 Q. (By Mr. Wisner) And I'd like to give you
22 an opportunity --

23 MR. WISNER: Let me do this again without
24 you interrupting my question. You can make your

1 objections.

2 Q. (By Mr. Wisner) Doctor, I plan to be
3 playing this video to a trial -- to a jury, and I plan
4 to show them the answers to the questions you're giving
5 me right now about whether or not Parry's report should
6 have been submitted to the EPA. I'm just going to give
7 you a chance right now to tell this jury, straight
8 talk, whether or not you think it should have been
9 submitted or not?

10 MR. JOHNSTON: Objection. Argumentative.
11 Asked and answered. Berating the witness. Attorney
12 argument. Inappropriate. Go ahead.

13 A. Again, I will say the same thing to the
14 jury, that I did my job, I worked with Professor Parry,
15 I did the science, I worked with him for over a period
16 of four years and that I have colleagues who are the
17 reg affairs managers. That's their job, to know the
18 rules and regulations, and they are the ones that know
19 what should and shouldn't and do and don't have to be
20 submitted to the regulatory agency.

21 Q. What about publication? What about in an
22 academic journal? Do you think the Parry review should
23 have been published in an academic journal?

24 A. That would have been up to Professor Parry

1 to do.

2 Q. I mean, you've played an instrumental role
3 in having consultants for Monsanto get their stuff
4 published. Did you take that role here?

5 A. I don't know.

6 Q. Okay. Let's go back to the roadmap, and
7 let's move on to the final --

8 MR. JOHNSTON: If we're moving on to
9 another section, why don't we just walk around for a
10 second, if you don't mind? Just -- this is your last
11 section; right?

12 MR. WISNER: Yeah, you want to take a
13 break?

14 MR. JOHNSTON: Just a short one.

15 MR. WISNER: Oh, sure. Anything you want
16 to change in your testimony?

17 A. It looks like according to this Larry Kier
18 was still an employee of Monsanto at that time; not
19 retired.

20 Q. (By Mr. Wisner) Okay. So at this time he
21 wasn't retired yet?

22 A. That indicates that he had a Monsanto
23 e-mail address.

24 Q. Okay. And you're referring to Exhibit 45

1 in his e-mail?

2 A. Yes.

3 MR. WISNER: Okay. Great. Thank you,
4 Doctor. Take a break.

5 THE VIDEOGRAPHER: We are going off the
6 record at 10:47 AM.

7 [A brief recess was taken.]

8 THE VIDEOGRAPHER: We are back on the
9 record at 10:56 AM.

10 Q. (By Mr. Wisner) Dr. Farmer, I'd like to
11 move on to the next --

12 MR. WISNER: Oh, we probably should take
13 that off of mute.

14 Q. (By Mr. Wisner) All right, Doctor. Going
15 back to our roadmap here, we're finally -- we just left
16 the burying studies section where we talked about the
17 TNO and Parry reports or reviews. I now want to move
18 on to the last stop here, which is what I call
19 ghostwriting. Doctor, do you have a definition for
20 ghostwriting?

21 A. I do.

22 Q. And what is that?

23 A. If someone writes something and someone
24 else puts their name on it without ever contributing to

1 it or someone writes something -- kind of both sides of
2 this -- that someone had nothing to do with anything
3 and put their name on it and somebody wrote everything
4 and put their name on it, that would be ghostwriting.

5 Q. Would you also agree that a form of
6 ghostwriting is somebody else writing a portion of it
7 and not disclosing their involvement?

8 A. No.

9 Q. You don't consider that ghostwriting?

10 A. No, I gave you my definition of
11 ghostwriting.

12 Q. What would you call that? Deceptive
13 authorship?

14 A. I would call it editing.

15 Q. Editing. So if I were to prepare a paper
16 at school and somebody literally wrote paragraphs of
17 that paper and I submitted that paper under my name,
18 even though another person wrote portions of it, you'd
19 agree that's unethical; right?

20 A. I am saying that I think you have to look
21 at the contributions, so I think it's on a case-by-case
22 basis, and so I gave you my definition of ghostwriting.

23 Q. I understand that, but I asked you if what
24 I described to you is unethical. Do you agree that it

1 is?

2 A. I don't know the circumstances and what
3 the other person put in or what didn't put in, so I
4 really can't respond to that.

5 Q. You have a PhD; right?

6 A. I do.

7 Q. So you've been through a lot of school, I
8 assumed?

9 A. Uh-huh.

10 Q. You would never submit a paper with your
11 name on it when some other person had written portions
12 of it; right?

13 MR. JOHNSTON: Objection. Incomplete
14 hypothetical.

15 A. So you do understand in a lot of the
16 scientific community that publications are put together
17 by a variety of people in different areas, so in fact,
18 if someone's writing something like on
19 immunohistochemistry, which is not my area, but he's an
20 coauthor in the paper, he would have written that
21 portion of immunochemistry; right?

22 Q. (By Mr. Wisner) Sure.

23 A. And so there's a lot of contributions that
24 go on that way.

1 Q. Sure. And when a person writes a portion
2 like that, their name goes under the author line;
3 right?

4 A. If it's a highly contributed part of it,
5 yes.

6 Q. Okay. Great. All right. I'm going to
7 talk to you about some papers that have been published
8 that relate to glyphosate and Roundup over the last
9 decade or so. All right? I want to start off with a
10 paper called Williams -- a paper by Dr. Williams,
11 Kroes, and Munro from 1999. Are you familiar with that
12 article?

13 A. Yes.

14 Q. I'm handing you a copy of it, Exhibit 46
15 to your deposition.

16 [Exhibit 46 marked for identification.]

17 Q. Does that appear to be a fair and accurate
18 copy of that article?

19 A. Actually, it was published in 2000. It
20 was online in 1999.

21 Q. Sorry. It was received December 6th,
22 1999. Do you see that?

23 A. Yes.

24 Q. So this is the 2000 article. This seems

1 to be a fair and accurate copy of it; right?

2 A. Yes.

3 Q. And if you look at the front page here, it
4 lists the authors of the article, doesn't it?

5 A. Yes.

6 Q. And the authors state Gary Williams,
7 Robert Kroes, and Ian Munro; right?

8 A. Yes.

9 Q. And it states underneath their names their
10 various affiliations, both academic and I guess
11 professionally.

12 A. That's where they're employed and the
13 location of their employment.

14 Q. Yeah. And two of them work at academic
15 institutions and one of them works at a sort of
16 contract research organization; is that fair to say?

17 A. Yes.

18 Q. Nowhere on this article does it state --
19 strike that. Nowhere on this authorship line does it
20 state William Heydens?

21 A. Not on that authorship line.

22 Q. Isn't it true that Dr. Heydens
23 substantially edited and in fact wrote portions of this
24 manuscript?

1 MR. JOHNSTON: Objection. Compound.

2 A. Not to my knowledge.

3 Q. (By Mr. Wisner) I'm handing you Exhibit

4 47.

5 [Exhibit 47 marked for identification.]

6 Q. This is an e-mail dated June -- I'm just

7 going to leave that alone. June 21st, 1999. It's

8 MONGLY03751016. This is a series of e-mail exchanges.

9 Do you see that, Doctor?

10 A. Yes, I do.

11 Q. And those are e-mail exchanges that you're

12 actually involved in, at least at the end of it. Do

13 you see that?

14 A. Yes.

15 MR. WISNER: And I will note your

16 objection that there's metadata attached. We'll

17 exclude that for the purposes of this.

18 Q. (By Mr. Wisner) These e-mails were --

19 between you and Dr. Heydens, they were exchanged in the

20 regular course of your business?

21 A. Yes.

22 MR. WISNER: I would move this document

23 into evidence.

24 Q. (By Mr. Wisner) As you see here, there

1 appears to be conversations amongst the various authors
2 and Dr. Heydens in the earlier part of the e-mail
3 exchange. Do you see that?

4 A. Yes, let me go through this a little bit.

5 THE VIDEOGRAPHER: Doctor, I'm getting a
6 little rustling on your microphone.

7 A. Oh, sorry. I apologize. Okay.

8 Q. (By Mr. Wisner) All right. So in the
9 e-mail from Douglas Bryant at Cantox to Lisa Drake
10 including Bill Heydens. Do you see that?

11 A. Yes.

12 Q. And in the fourth paragraph in that
13 e-mail, it says Bill Heydens, Donna Farmer, Kathy Carr,
14 and all those at Monsanto have been helping get the
15 document through QA. Is that quality assurance?

16 A. Yes, it is.

17 Q. There appear to be plenty of small errors,
18 but as yet there don't seem to be any great problems
19 threatening completion. Bill has proposed completing
20 the QA changes, then sending the edited form of the
21 manuscript back to Cantox to incorporate final comments
22 by the reviewers and send it off. Did I read that
23 right?

24 A. Yes, you did read it.

1 Q. And then Bill or Dr. Heydens responds,
2 all, a clarification. There is one step missing. I
3 will review the final manuscript with the reviewers,
4 comments incorporated, in revision mode so I can find
5 them easily before it is sent to the publisher. Do you
6 see that?

7 A. Yes.

8 Q. And then Dr. Heydens then forwards you an
9 e-mail and he makes a comment to you; right?

10 A. Yes.

11 Q. And he goes, FYI, and Dougie thinks I
12 would actually leave the final editing to him
13 unsupervised, dot, dot, dot. That's what it says?

14 A. That's what written there.

15 Q. So apparently Dr. Heydens was ensuring
16 that he had the final say before it got submitted to
17 the publisher for publication?

18 MR. JOHNSTON: Objection. Misstates the
19 record.

20 A. That's -- I don't know what Bill meant by
21 that, but I do know that the conclusions of this
22 publication were those of the authors that are noted on
23 the manuscript.

24 Q. (By Mr. Wisner) As approved by Bill

1 Heydens; correct?

2 A. No. No.

3 Q. That's what it says right here?

4 A. No.

5 Q. I mean, it says that. It says, I will
6 review the final manuscript with the reviewers. That's
7 what he says; right?

8 MR. JOHNSTON: Objection. Compound.

9 A. Could you repeat your question? I missed
10 the --

11 Q. (By Mr. Wisner) Sure. That's what he
12 says. He says, I will review the final manuscript with
13 the reviewers' comments incorporated before it is sent
14 to the publisher. That's what he wrote; right?

15 MR. JOHNSTON: Objection. Vague and
16 compound as to "that."

17 A. So I think he's coming back again that
18 he's going to review it one more time to make sure all
19 the QA changes and all the reviewers' comments have
20 been incorporated.

21 Q. (By Mr. Wisner) And he tells you, and
22 Dougie thinks I would actually leave the final editing
23 to him unsupervised. That's what he says to you?

24 A. That's what he says, but the final editing

1 could be anything from a number being corrected to a
2 page number being connected. It's not talking anything
3 about the conclusions of the publication.

4 Q. Well, that e-mail he sent to you -- that
5 was in June 1999; right?

6 A. Yes.

7 Q. I'm handing you another document, Exhibit
8 48 to your deposition.

9 [Exhibit 48 marked for identification.]

10 Q. This is an e-mail exchange with an
11 attached document to it. It is MONGLY01869261.

12 MR. WISNER: Counsel, I apologize. There
13 were some photocopy-editing smears on these documents.
14 I apologize for that.

15 MR. JOHNSTON: Well, so the only question
16 I would ask you is -- first of all, there's metadata,
17 but you're going to mark this. I object to using this
18 at trial, so you'll have to figure that out later,
19 because you're not going to be able to use this copy at
20 trial.

21 MR. WISNER: Sure. And what we've done
22 historically in the previous trial was we just used the
23 marked exhibits on the exhibit list that we -- the
24 admissibility issue aside --

1 MR. JOHNSTON: Well, I'm not going to
2 reach that --

3 MR. WISNER: Okay. I'm just telling you
4 what we did before.

5 MR. JOHNSTON: You can deal with that at
6 trial, counsel, at the next trial.

7 MR. WISNER: Okay.

8 MR. JOHNSTON: I'm just noting the
9 objection that this document should not be shown to the
10 jury.

11 MR. WISNER: Because it has smears on it?

12 MR. JOHNSTON: Yes.

13 MR. WISNER: Okay. Your objection is
14 noted, sir.

15 Q. (By Mr. Wisner) All right, Doctor. This
16 is an e-mail exchange. You're on it. Do you see that?

17 A. Yes.

18 Q. And it has an attachment. Do you see
19 that?

20 A. It looks like it has several attachments.

21 Q. That's right. And there's a bunch of
22 paper attached to it. You --

23 A. These are three attachments? Is that what
24 this whole thing represents?

1 Q. That's right. Do you see that, Doctor?

2 A. Yes.

3 Q. And this e-mail was created in the regular
4 course of your work at Monsanto?

5 A. Yes.

6 Q. And it says -- it's from Bill Heydens. He
7 says, Ian, finally, attached are the text, tables, and
8 references. I sprouted several new gray hairs during
9 the writing of this thing, but as best I can tell at
10 least they have stayed attached to my head. Do you see
11 that?

12 A. Yes.

13 Q. And if you turn the page, you see the
14 attachment. That's the title of the Williams article;
15 correct?

16 MR. JOHNSTON: Objection. Vague.

17 A. I'm sorry. I am -- you were just reading
18 this? I --

19 Q. (By Mr. Wisner) Yeah. So we read that
20 sentence.

21 A. Okay. Yes.

22 Q. And then we turn the page.

23 A. Okay.

24 Q. You see the first attachment?

1 A. Yes.

2 Q. That is the title of the Williams article;
3 correct?

4 A. So I'm sorry. Where was it on this page?
5 Were you referring to it on this page?

6 Q. So no. Okay. So let's walk through this
7 again.

8 A. Okay.

9 Q. Dr. Heydens writes, Ian, finally, attached
10 are the texts, tables, and references. I have sprouted
11 several new gray hairs during the writing of this
12 thing, but as best I can tell at least they have stayed
13 attached to my head. Do you see that?

14 A. I see that.

15 Q. And you see the attachment that says
16 Manuscript9.doc (sic) on the attachments line on the
17 e-mail?

18 A. That's right. Okay. There, I see it.

19 Q. You see that?

20 A. Yes.

21 Q. Okay. Great. Now, if you turn the page,
22 you see the document says Manuscript9.doc? Do you see
23 that?

24 A. Oh, okay. There you go. Okay. I was

1 missing that.

2 Q. You see that?

3 A. Uh-huh.

4 Q. And then do you see the title of that
5 study right there?

6 A. Yes.

7 Q. That's the same title of the Williams
8 article that was ultimately published?

9 A. I believe so.

10 Q. All right. I'm going to hand you another
11 document, and just for what it's worth, Doctor, it
12 appears based on this e-mail that Dr. Heydens has
13 sprouted -- saying that he sprouted several gray hairs
14 during the writing of this thing, doesn't he?

15 MR. JOHNSTON: Objection. Are you asking
16 her if that's what it says? Vague.

17 A. That's what he said.

18 Q. (By Mr. Wisner) Yeah. Because Dr.
19 Heydens helped write the thing, didn't he?

20 A. Well, Dr. Heydens is acknowledged -- he
21 didn't write this thing; he helped edit this thing,
22 which is a distinction. And he is acknowledged back
23 here in the acknowledgments.

24 Q. (By Mr. Wisner) Okay. Let's look at

1 Exhibit 49.

2 [Exhibit 49 marked for identification.]

3 Q. This is another e-mail. This is another
4 e-mail. It's from Dr. Heydens. It's actually to you.
5 Do you see that?

6 A. Yes.

7 Q. And it's MONGLY00905085. Do you see that?

8 MR. JOHNSTON: Again, for the record, this
9 appears to have the same smudging issue, so we would
10 object to the using of this particular copy of this
11 document as an exhibit at trial.

12 MR. WISNER: Okay.

13 Q. (By Mr. Wisner) Doctor, do you see that?

14 A. Yes, I do.

15 Q. And these e-mails were exchanged in the
16 regular course of your business; correct?

17 A. Yes.

18 Q. And it says right here -- you have the
19 first e-mails with Douglas Bryant. I believe that's
20 who Dr. Heydens called Dougie in that previous e-mail.
21 Do you recall that?

22 A. That was from Bill Heydens's e-mail.

23 Q. Yeah. All right. And this is an e-mail
24 to Bill, and it says, attached is the revised draft

1 that is being sent to Dr. Gary Williams and Dr. Robert
2 Kroes and Dr. Ian Munro today. This draft includes all
3 the changes that were discussed today during calls last
4 week. Please check it over to make sure I have been
5 thorough. Do you see that?

6 A. Yes.

7 Q. And then you see Dr. Heydens forwards you
8 this e-mail and he writes, FYI, in case you want to see
9 how it ended up -- hopefully, that's it. I'll strangle
10 Kroes or Williams if they ask for any rewrites. Do you
11 see that?

12 MR. JOHNSTON: Objection. You read it
13 wrong.

14 MR. WISNER: Oh. You're right. Let me
15 read that again.

16 Q. (By Mr. Wisner) FYI, in case you want see
17 how it ended up -- hopefully, that's it. I'll strangle
18 Kroes or Williams if they ask for any rewrites.

19 MR. JOHNSTON: Objection. You read it
20 wrong. That is exclamation point, not "that's it."

21 MR. WISNER: Oh. Thank you. All right.
22 Let's try this one more time. I appreciate your
23 literacy, sir.

24 Q. (By Mr. Wisner) He writes -- Dr. Heydens

1 writes to you and others, FYI, in case you want to see
2 how it ended up -- hopefully, that is. I'll strangle
3 Kroes or Williams if they ask for any rewrites. Bill.
4 Do you see that?

5 A. I see it written there, yes.

6 Q. So this is -- again, this is in September
7 of 1999. Do you see that?

8 A. Yes.

9 Q. And as we know from the Williams article,
10 it wasn't submitted for publication until December of
11 1999? We saw that earlier on the publication?

12 A. Yes.

13 Q. So this is before it's even submitted to
14 the journal and Bill Heydens is saying that he's
15 willing to strangle Kroes or Williams if they want to
16 rewrite it any further?

17 MR. JOHNSTON: Objection. Calls for
18 speculation.

19 A. That's what written there.

20 Q. (By Mr. Wisner) Yeah. Because Dr.
21 Heydens -- he was the one overseeing this whole thing
22 and he had the final say on what was going to be
23 published and what was not?

24 MR. JOHNSTON: Objection. Misstates the

1 record. Calls for speculation.

2 A. You have no question.

3 Q. (By Mr. Wisner) Isn't it true that Dr.
4 Heydens had the final say of what would be published
5 and what would not?

6 A. Absol --

7 MR. JOHNSTON: Objection. Asked and
8 answered. Misstates the record and misstates her
9 testimony.

10 A. Absolutely not.

11 Q. (By Mr. Wisner) So this e-mail where he
12 says he'll strangle the authors if they want to
13 rewrite, the previous e-mail where he says they
14 actually think they can do this unsupervised or that
15 the final review of the manuscript will be done by
16 him -- all these statements by Bill Heydens -- they're
17 all just wrong?

18 MR. JOHNSTON: Objection. Compound.

19 A. Yeah, first of all, he was talking about
20 Douglas on the first one, not the authors, and if you
21 knew Dr. Kroes and Dr. Williams and Dr. Munro, they had
22 the final say on this, and it's very clearly stated
23 here that they were going over and over it again, and
24 they would not have signed their name as those authors

1 if they had not had the final say.

2 Q. (By Mr. Wisner) I mean, that's what you
3 say, but let's look at what the documents say, Doctor.
4 Because you're telling me about what Williams and Munro
5 and Kroes would or would not do, but let's actually
6 look at what the papers say; okay?

7 A. So I was in the room with these doctors
8 when they were all discussing this data, when this
9 original draft was drafted by Douglas Bryant, and
10 that's the one that's been circulated, and I know that
11 what those doctors discussed in that room as their
12 conclusions, interpretations of the data in that room
13 has always been consistent for every draft including
14 the final one, and we were acknowledged as Monsanto in
15 the very end of their document.

16 Q. Nowhere in the Williams article does it
17 say that Bill Heydens, a senior official at Monsanto,
18 had the final say on what would be said in that
19 manuscript, does it?

20 MR. JOHNSTON: Objection. Misstates her
21 testimony, counsel. You are -- it is an argumentative
22 question and you know that she didn't say that.

23 A. In the back, Bill and the rest of us are
24 acknowledged for our contributions.

1 Q. (By Mr. Wisner) Nowhere does it say that
2 you guys had the final say of what would come out of
3 these authors' mouth in the final publication?

4 MR. JOHNSTON: Objection.

5 Q. (By Mr. Wisner) Nowhere does it say that?

6 MR. JOHNSTON: Intentionally
7 misrepresenting her testimony. She denied that.

8 A. Yeah, because that's not how that
9 happened. This would have been, again, Dr. Munro, Dr.
10 Kroes, and Dr. Williams. They were the ones that had
11 the final say, their interpretations from the day we
12 were in that room to the very end, and they would not
13 have signed their name on that final paper, and they
14 would have completely disagreed with Bill if there was
15 something that they wanted in there. This was their
16 final document.

17 Q. (By Mr. Wisner) Well, the documents say
18 what the documents say. Let me show you what Bill
19 Heydens said 15 years later. I'm handing you Exhibit
20 50.

21 [Exhibit 50 marked for identification.]

22 Q. This is an e-mail exchange, MONGLY Number
23 02078597.

24 A. Let's see.

1 Q. Yes, I understand there's smears and I
2 apologize for that.

3 MR. JOHNSTON: And I'll make the same
4 objection --

5 MR. WISNER: Sure.

6 MR. JOHNSTON: -- that this particular
7 version cannot be used as an exhibit due to the smears.

8 MR. WISNER: That's fine.

9 Q. (By Mr. Wisner) Doctor, you've seen this
10 e-mail before; right?

11 MR. JOHNSTON: And also the metadata
12 that's attached.

13 A. I don't remember seeing this one.

14 Q. (By Mr. Wisner) Well, you were involved
15 in the e-mail exchanges, at least for the -- not the
16 last one, but at least the ones starting from Saltmiras
17 down? Do you see that?

18 A. I'm trying to go back. All right.

19 Q. All right. So there's an e-mail exchange,
20 and these e-mail exchanges were done in the regular
21 course of Monsanto's business; correct?

22 A. Yes.

23 MR. WISNER: All right. I'd move this
24 document into evidence.

1 Q. (By Mr. Wisner) I'd like to draw your
2 attention to, at the bottom of the first page, an
3 e-mail from William Heydens to yourself dated February
4 19th, 2015. Do you see that?

5 A. Yes.

6 Q. And this is an e-mail, Doctor, that's 15
7 years after the Williams article had been published;
8 right?

9 A. Yes.

10 Q. And if we go to -- e-mail -- it's
11 addressed to you. It says Donna, and it discusses a
12 phone conversation you had with John the other day. Do
13 you see that?

14 A. Yes.

15 Q. And this is actually in the context of
16 IARC planning; right?

17 A. That's what the heading says.

18 Q. And this is in anticipation of the IARC
19 monograph meeting which will be happening the next
20 month; right?

21 A. IARC took place a month later, yes.

22 Q. Now, I want to look at the paragraph
23 starting with, for the overall plausibility paper. Do
24 you see that?

1 A. Yes.

2 Q. So Dr. Heydens writes, for the overall
3 plausibility paper that we discussed with John, where
4 he gave the butadiene example?

5 A. "Butadyeen."

6 Q. "Butadyeen" example. Thank you. I'm
7 still having a little trouble wrapping my mind around
8 that. If we went full-bore involving experts from all
9 the major areas, epi, tox, genotox, MOA, exposure --
10 not sure who we'd get -- we could be pushing \$250,000
11 or maybe even more.

12 A less expensive, more palatable option
13 might be to involve experts only for the area of
14 contention, epidemiology, and possibly MOA, depending
15 on what comes out of the IARC meeting, and we
16 ghostwrite the exposure tox and genotox sections. Did
17 I read that correctly?

18 A. You had two errors, but --

19 Q. Was I generally correct?

20 A. Generally --

21 MR. JOHNSTON: Objection.

22 Q. (By Mr. Wisner) He goes on, an option
23 would be to add Greim and Kier or Kirkland to have
24 their names on the publication, but we would be keeping

1 the cost down by us doing the writing, and they would
2 just edit and sign their names, so to speak. Did I
3 write that -- read that right?

4 A. Yes.

5 Q. So this is the part that I think is
6 particularly relevant to what we were just discussing
7 now. He writes, recall, that is how we handled
8 Williams, Kroes, and Munro, 2000. Do you see that?

9 A. I see that written there.

10 Q. So the documents at the time it was
11 published suggest that Bill Heydens believed he had the
12 final say of what would be in the published version.
13 We have Bill Heydens saying 15 years later that
14 Monsanto actually ghostwrote that article, and are you
15 asking the jury to just think all of this is untrue?

16 MR. JOHNSTON: Objection. Compound.
17 Misstates the record. Misstates the document.
18 Argumentative.

19 A. Could you -- I kind of got lost in
20 everything that you did. Could you repeat that for me?

21 MR. WISNER: Please repeat the question.

22 [The requested portion of the transcript
23 was read by the reporter.]

24 MR. JOHNSTON: Same objections.

1 A. So let me start with the first one. So
2 Bill Heydens, as we said, did not have final say on
3 that Williams and Kroes -- that Williams, et al, in
4 2000. That was definitely -- those authors had the
5 final say on that. The second one is I don't believe
6 that this sentence up here is directly stating this.
7 This is talking about a future activity and it's not
8 connected with the final sentence.

9 And we know, as we talked about here, that
10 Bill Heydens did not ghostwrite the Williams, et al,
11 paper and we know that there were no future
12 publications that were ghostwritten, so I'm not sure
13 that these are connected.

14 Q. (By Mr. Wisner) Hold on a second, Doctor.
15 I am not an expert in the English language, but let's
16 read this paragraph again and just see what it says.

17 MR. JOHNSTON: You already read it.

18 MR. WISNER: It says --

19 MR. JOHNSTON: You're harassing the
20 witness. You already read it and she agrees with the
21 way you wrote it -- read it.

22 MR. WISNER: Sir --

23 MR. JOHNSTON: You're harassing the
24 witness, counsel.

1 MR. WISNER: Sir, you can make your
2 objections. You do not interrupt my question. That is
3 sacrosanct. I do not interrupt you when you make your
4 ridiculous objections. You cannot interrupt me when I
5 make my --

6 MR. JOHNSTON: When you make your
7 ridiculous questions?

8 MR. WISNER: -- quote, ridiculous
9 questions. So please let me ask my question --

10 MR. JOHNSTON: My, quote/unquote,
11 ridiculous objections?

12 MR. WISNER: -- and then you can make
13 your objections at the appropriate time, sir. Please
14 follow the rules. Just be somewhat polite. Somewhat
15 polite.

16 MR. JOHNSTON: I don't know why if you're
17 not following the rules you expect me to follow the
18 rules, but I am following the rules.

19 MR. WISNER: Sorry. Is it your position
20 that you have the opportunity to interrupt a question
21 midstream during a deposition? Is that your position,
22 sir?

23 MR. JOHNSTON: My position is I have the
24 ability to --

1 MR. WISNER: Sir, then stop it. Cut it
2 out.

3 MR. JOHNSTON: Are you interrupting me?
4 You asked me a question.

5 MR. WISNER: I am, sir, because you are
6 being out of line. Do not interrupt my questions.
7 That's all I ask. Make your frivolous coaching
8 objections, the record speaks for itself, but do not
9 interrupt my questions; all right? It's unacceptable,
10 and you know it. You know it -- you're better than
11 that. You're a better lawyer than that and you should
12 know better.

13 MR. JOHNSTON: Counsel, come on.

14 MR. WISNER: You know it.

15 MR. JOHNSTON: Stop the patronizing stuff.

16 MR. WISNER: Stop being outrageous.

17 Q. (By Mr. Wisner) So Doctor --

18 MR. JOHNSTON: So if you will ask -- I'm
19 going to speak now because I'm going to respond to your
20 objection.

21 MR. WISNER: Okay. Sorry. Please make
22 your point.

23 MR. JOHNSTON: I am going to object when
24 you are acting inappropriately and not in accordance

1 with the rules.

2 MR. WISNER: Okay. Thank you.

3 Q. (By Mr. Wisner) Doctor, I am not an
4 expert in the English language, but to me this is
5 pretty black and white. It reads, a less
6 expensive/more palatable approach might be to involve
7 experts only for the areas of contention, and it
8 describes those areas. And we ghostwrite the exposure
9 tox and genotox sections.

10 An option would be to add Greim and Kier
11 or Kirkland to have their names on this publication,
12 but we would be keeping the costs down by us doing the
13 writing, and they would just edit and sign their names,
14 so to speak. Recall, that is how we handled Williams,
15 Kroes, and Munro, 2000. That's what he wrote?

16 MR. JOHNSTON: Objection. Asked and
17 answered. Argumentative. Harassing the witness.

18 A. That's what was written there, but that's
19 not how I interpret what is written there.

20 Q. (By Mr. Wisner) I understand, and I get
21 that you're saying that didn't happen, but that's what
22 he wrote; right?

23 MR. JOHNSTON: Objection. Misstates her
24 testimony.

1 A. Again, I think you're linking things, and
2 I was there. I was in the room, as we talked about
3 before in the Williams, et al, paper, and then up here,
4 we ghostwrite -- I'm not sure that that's -- he says
5 recall how we handled. Well, I'm not sure in that
6 sense he's referring to that up there or what he is
7 referring to, but I know that there was no ghostwriting
8 going forward and there was no ghostwriting going back
9 in time either.

10 Q. (By Mr. Wisner) He says, we would be
11 keeping the costs down by us doing the writing, and
12 they would just sign and edit their name, so to speak?

13 A. Edit.

14 Q. That is what he's saying happened with
15 Williams?

16 A. Edit. No, that's not what he's saying
17 happened with Williams. You don't know that. He's
18 talking about that in a completely different context in
19 time.

20 Q. You expect this jury to believe that he's
21 not saying that they ghostwrote the Williams article?

22 A. But he's not saying ghostwriting. They
23 would be involved in the editing. As we talked about
24 before, if someone ghostwriting is not having them

1 involved in the editing process at all, and that is
2 saying that he would have people involved in it.

3 Q. He said --

4 A. But as we know, that's not what happened
5 going forward.

6 Q. He -- the costs down by us, meaning
7 Monsanto, doing the writing, and they, the authors,
8 would just edit and sign their names, so to speak.
9 That is ghostwriting, Doctor.

10 A. No.

11 MR. JOHNSTON: Objection.

12 A. Not in my opinion. I mean, it --

13 Q. (By Mr. Wisner) That's totally okay
14 conduct?

15 A. So if you remember, Doug Williams did the
16 original draft of the Cantox paper, and Doug Williams's
17 name is nowhere on that as an author, and so what it's
18 saying is somebody would start off with a draft, and
19 then they would have the opportunity and they would
20 take it over and they would edit and sign their names.

21 Q. Is Doug Williams mentioned in the Williams
22 paper?

23 A. He's back in the contributions, yes.

24 Q. Does it say he wrote the first draft?

1 A. I was there. I know who wrote the first
2 draft.

3 Q. Does it say it in the paper, the one that
4 actually people see, not behind the closed doors at
5 Monsanto? Does it say it in the paper that people are
6 looking at that Doug Williams wrote the first draft?

7 MR. JOHNSTON: Objection. I think you
8 guys are using the wrong name. I don't think it's Doug
9 Williams.

10 A. Oh, Doug Bryant. Douglas Bryant.

11 Q. (By Mr. Wisner) Okay. Does it say
12 anywhere that Douglas Bryant wrote the first draft in
13 the publication that people actually saw?

14 A. They thanked him in the very end for all
15 of his contributions, and again, I'm telling you I was
16 there, I know how this started, because again, all of
17 those experts were sitting in a room talking about the
18 data, talking about their conclusions, and Douglas
19 Bryant was taking notes, and he is the one who did the
20 first draft.

21 Q. Hold on a second. I'm going back to
22 this -- I'm going back to the article now. I don't
23 know what you're talking about. Where does it even say
24 Douglas Bryant anywhere in here?

1 A. Do you have my publication --

2 MR. JOHNSTON: What's the document number?

3 A. It's the Williams.

4 MR. WISNER: It's the Williams article. I
5 don't know what the exhibit number is.

6 A. It's that one.

7 MR. JOHNSTON: I know, but I'm just
8 looking for the exhibit.

9 A. Oh, sorry. That one? Oh, there it is.

10 Q. (By Mr. Wisner) What exhibit number is
11 it?

12 MR. JOHNSTON: 46.

13 Q. (By Mr. Wisner) All right. Exhibit 46,
14 Doctor. I'm looking at the acknowledgments section.

15 A. We also acknowledge the participation and
16 assistance of Douglas Bryant -- Douglas W. Bryant and
17 Cantox Sciences International for the scientific and
18 logistical support in the preparation of the final
19 manuscript.

20 Q. Scientific and logistical support is the
21 same as the first draft?

22 A. Well, what I'm telling you is I was there.

23 Q. I know --

24 A. I didn't write this.

1 Q. -- and I know I'm telling you what I'm
2 seeing in black and white. It doesn't say that.

3 A. Well, I was there, and I didn't write that
4 acknowledgment, but I was in the room, I know who the
5 first draft came from, and that was my experience.

6 Q. So you agree with me then that this
7 acknowledgment is incorrect?

8 MR. JOHNSTON: Objection.

9 A. I didn't write it.

10 Q. (By Mr. Wisner) So that's a yeah, it's
11 incorrect?

12 MR. JOHNSTON: Objection.

13 A. I didn't write it. I'm just saying what I
14 know is that Douglas Bryant did the first draft.

15 Q. (By Mr. Wisner) And according to the
16 e-mail we were looking at just before we jumped back to
17 the acknowledgments, Bill Heydens says that they --
18 that Monsanto wrote the first draft and that the others
19 just edited and signed their names, so to speak?
20 That's what he says?

21 MR. JOHNSTON: Objection. Argumentative.
22 Asked and answered. I know you want that answer, but
23 you can't just keep asking her. It's improper.

24 A. I don't -- and you've combined the two

1 sentences.

2 Q. (By Mr. Wisner) So that -- my reading of
3 these two sentences is not correct? What in God's
4 green earth did Bill Heydens mean when he wrote,
5 recall, that is how we handled Williams, Kroes, and
6 Munro? Tell the jury what he actually meant then.

7 MR. JOHNSTON: Objection. Calls for
8 speculation.

9 A. So again, I don't know. There are a lot
10 of things it can talk about, but you're combining
11 sentences.

12 Q. (By Mr. Wisner) Yeah, because they're one
13 after the other and you usually put sentences in
14 context; right, Doctor?

15 MR. JOHNSTON: Objection. Argumentative.

16 A. They don't always link one thing to
17 another, but again, if you want to re-read it, it will
18 stand for what he wrote there.

19 Q. (By Mr. Wisner) Tell me, Doctor, when he
20 wrote, recall, that is how we handled Williams, Kroes,
21 and Munro, what else could he possibly be talking
22 about?

23 MR. JOHNSTON: Objection. Calls for
24 speculation.

1 A. Since I know --

2 MR. JOHNSTON: And -- hold on one second.

3 Calls for speculation, asked and answered,

4 argumentative, harassing the witness.

5 A. Again, I don't know what he's referring to

6 there.

7 Q. (By Mr. Wisner) So I think you and I

8 agree we'll let the jury read this and figure out if

9 they can understand the English language; okay?

10 MR. JOHNSTON: Objection. Asked and

11 answered -- I'm sorry, argumentative.

12 A. I do understand the English language.

13 It's just that you and I look at this differently.

14 Q. (By Mr. Wisner) Yeah. Another

15 difference, by the way, between when Bill Heydens wrote

16 this e-mail and your testimony today is now there's

17 lawsuits actually accusing Monsanto of hiding a cancer

18 risk for Roundup?

19 MR. JOHNSTON: Is that a question or a

20 statement?

21 Q. (By Mr. Wisner) Correct?

22 MR. JOHNSTON: Objection. Argumentative.

23 A. So Bill Heydens did not -- he wrote an

24 e-mail in this time frame, the Williams and Kroes came

1 out in that time frame, and we have lawsuits today, and
2 they are not all linked.

3 Q. (By Mr. Wisner) Well, you were commended
4 by the CEO of Monsanto for your work in getting the
5 Williams article published; correct?

6 A. I don't remember that.

7 Q. I'm handing you Exhibit 51.

8 [Exhibit 51 marked for identification.]

9 Q. This is an e-mail exchange,
10 MONGLY02624347. Doctor, do you -- you see this e-mail?

11 A. I see this e-mail.

12 Q. And you actually are a recipient on this
13 e-mail? If you look down on the CC line, you'll see
14 Bill Heydens and yourself?

15 A. Yes.

16 Q. And this e-mail was sent from Hugh Grant.
17 Do you see that?

18 A. Yes.

19 Q. At the time this e-mail was sent, he was
20 the CEO of Monsanto?

21 A. I believe so.

22 Q. And if you look at the -- this e-mail was
23 sent as part of Monsanto's regular course of business;
24 correct?

1 A. Yes.

2 MR. WISNER: I'd move this document into
3 evidence.

4 Q. (By Mr. Wisner) And as you see, the first
5 e-mail says --

6 MR. JOHNSTON: First in time or first in
7 order?

8 Q. (By Mr. Wisner) The first e-mail in time.
9 It's the last -- on the last page. It's dated May
10 11th, 2000. The subject is, Cantox mammalian article
11 posted on the internet. Do you see that?

12 A. I'm sorry. Where are we?

13 Q. It's on the last page, first e-mail on the
14 bottom.

15 A. Okay. Uh-huh.

16 Q. Do you see that, Doctor?

17 A. Uh-huh.

18 Q. And it says, the abstract for -- and it
19 says the title of the article -- Williams, Kroes, and
20 Munro, is now posted on the internet at the following
21 link. Do you see that?

22 A. Yes.

23 Q. So this is distributing the final
24 publication of the Williams article; right?

1 A. Let me -- I want to take a second just to
2 kind of look at this back in the time frame.

3 Q. Sure.

4 A. Okay.

5 Q. All right. So you see that this was an
6 e-mail distributing the Williams article that had just
7 been published? Do you see that?

8 A. Yes.

9 Q. And then in response to this e-mail,
10 there's an e-mail from Lisa Drake. Do you see that?

11 A. Yes.

12 Q. Then she changes the title of the e-mail
13 subject line to, kudos on publication of Roundup tox
14 paper, now posted on the internet. Do you see that?

15 A. Yes.

16 Q. So she's giving you and Bill Heydens and
17 others kudos?

18 A. That's what her title says.

19 Q. Yeah. That's what she's doing. And she
20 acknowledges both -- you for hard work over three years
21 of data collection, writing, review, and relationship
22 building with the paper's authors; correct?

23 A. Yes.

24 Q. And then she goes on to explain how it's

1 going to be used by the company; right?

2 A. Well, I think another point I'd like to
3 point out in the next sentence is this is the
4 stewardship result. And remember we talked about that
5 we had this stewardship program, and one of the ones
6 was to do publications, to work with outside experts,
7 to do data, and so this is another one of our
8 stewardship initiatives that she's talking about in
9 here.

10 MR. WISNER: I'm going to move to strike
11 your answer as nonresponsive.

12 A. Okay.

13 Q. (By Mr. Wisner) I appreciate your
14 comment, but there was no question pending on that
15 issue. So can you please answer my question? She
16 later on discusses how the Williams, Munro -- Williams,
17 Kroes, and Munro article is going to be used; right?

18 A. She does.

19 Q. She writes --

20 A. But again, that's an important part of our
21 stewardship program.

22 Q. Okay. Well, here's what she writes, and
23 she says both documents -- do you see that paragraph?

24 A. Yes.

1 Q. And she's talking about another article
2 that was being published as well around that time by
3 Giesy; right?

4 A. Yes.

5 Q. She goes, both documents meant to be
6 utilized by the next tier of third-party scientists for
7 continued Roundup FTO were written by internationally
8 acclaimed experts in their respective fields of
9 science. FTO -- that's freedom to operate; right?

10 A. That's what FTO stands for, yes.

11 Q. So this document was going to be used to
12 facilitate continued Roundup freedom to operate?

13 A. Well, as we talked about yesterday, what
14 we talked about is freedom to operate is getting all
15 the information out there so people can have it at
16 their hand to make their decisions on how do you --
17 they want to buy our product or not, so this is another
18 one of those publications that we talked about in our
19 stewardship program to be used and to getting
20 information out about the safety of our products.

21 MR. WISNER: Okay. So I'm going to move
22 to strike your answer as nonresponsive because my
23 question didn't ask any of that.

24 Q. (By Mr. Wisner) My question is, it says

1 right here that the purpose -- this would be used to
2 support the continued Roundup freedom to operate;
3 correct?

4 A. Yes.

5 Q. The next paragraph is pretty interesting
6 as well. It says -- the next paragraph reads, now the
7 hard work by public affairs begins in utilizing these
8 references. Okay. Let me say that again. It reads,
9 now the hard work by public affairs begins in utilizing
10 these reference documents to the fullest. This is
11 where the public affairs strategy begins to kick in
12 globally.

13 I will leave it to the cap -- leave it in
14 the capable hands of Lori Fisher to communicate those
15 next steps as -- and the rest of the group work to
16 accomplish their major -- next major result. Did I
17 primarily read that correctly?

18 MR. JOHNSTON: Objection. That's vague.
19 Primarily is vague. You either read it correctly or
20 you didn't.

21 MR. WISNER: Okay. Let's read it again.

22 Q. (By Mr. Wisner) It reads, now the hard
23 work by public affairs begins in utilizing these
24 reference documents to the fullest. This is where the

1 public affairs strategy begins to kick in globally. I
2 will leave it in the capable hands of Lori Fisher to
3 communicate those next steps as she and the rest of the
4 group work to accomplish their next major result. Did
5 I read that correctly?

6 A. Yes.

7 Q. Then she says, I am so proud to have been
8 part of this team. What a significant accomplishment.
9 Congratulations to all. Do you see that?

10 A. I see that written there.

11 Q. And then she finally concludes, please
12 pass this note on to others in the ag organization who
13 can utilize these references in defending or building
14 Roundup sales. Do you see that?

15 A. I see that written there.

16 Q. That's what FTO is really about, isn't it,
17 Doctor -- defending and building Roundup sales?

18 MR. JOHNSTON: Objection. Asked and
19 answered. Misstates her prior testimony about FTO.

20 A. Again, I told you what my definition of
21 FTO is, and I don't see that that's defined over here
22 as FTO. So I told you my FTO was about getting the
23 information out, and we got the science out for people
24 to see for themselves.

1 Q. (By Mr. Wisner) And clearly Monsanto
2 intends to use this Williams article to defend or build
3 Roundup sales?

4 A. Well, again --

5 MR. JOHNSTON: Objection.

6 A. -- what we talked about and used the word
7 yesterday, defend, is when there are other reports out
8 there, we want all the balanced science out there, and
9 this was the -- all of the database on Monsanto's
10 glyphosate and Roundup, both from the two publications
11 for people to use to have discussions with the public.

12 Q. (By Mr. Wisner) Hold on, Doctor. It
13 says, in defending or building Roundup sales. It's not
14 talking about science. It's talking about making
15 money; right, Doctor?

16 A. On that side -- I mean, Lisa Drake wrote
17 that, but my role in all of this, again, is to make
18 sure that we got the science and got the science out
19 there.

20 Q. And Williams's article -- this science
21 that Dr. Heydens apparently thinks he ghostwrote --
22 that was being used to defend and build Roundup sales;
23 correct?

24 MR. JOHNSTON: Objection. Argumentative.

1 Compound.

2 A. First of all, Bill Heydens didn't
3 ghostwrite it. Secondly, is -- we talked about it --
4 is being used for -- having information out there about
5 glyphosate, and that way if people can then choose to
6 buy our product and not buy our product, then that's
7 their choice.

8 Q. (By Mr. Wisner) So Mr. Grant, the CEO of
9 Monsanto -- he responds to all of you in this glowing
10 commendation from Ms. Drake, and he states, this is
11 very good work. Well done to the team. Please keep me
12 in the loop as you build the PR info to go with it.
13 Thanks again. Hugh. Read that right?

14 A. Yes.

15 Q. So the CEO of Monsanto doesn't seem to be
16 interested in the science or the safety or any of those
17 things. He wants to know how he can help with the PR;
18 right?

19 MR. JOHNSTON: Objection. Argumentative.
20 Calls for speculation.

21 A. I don't know. That was Hugh's words.

22 Q. (By Mr. Wisner) All right, Doctor. Let's
23 move on to another document. I'm handing you Exhibit
24 52 to your deposition.

1 [Exhibit 52 marked for identification.]

2 Q. Have you seen this document before?

3 MR. JOHNSTON: You gave me two, I think.

4 MR. WISNER: Oh. That's why.

5 MR. JOHNSTON: Is there one that's yours
6 that we need to make sure I don't have?

7 MR. WISNER: No.

8 Q. (By Mr. Wisner) Have you seen this
9 document before, Doctor?

10 A. Yes, I have.

11 Q. This is an article that deals with
12 glyphosate; correct?

13 A. Not just glyphosate.

14 Q. Not just glyphosate?

15 A. No.

16 Q. The title of it says, developmental and
17 reproductive outcomes in humans and animals after
18 glyphosate exposure, a critical analysis.

19 A. I know. But there are other -- they talk
20 about formulated products and surfactants and other
21 things in here.

22 Q. Oh, I'm sorry. So it's glyphosate or
23 glyphosate-based formulations?

24 A. Well, it's their title, so --

1 Q. Did you have any role in this document?

2 A. I was involved in working originally to
3 get this document done. Yes, I was.

4 Q. And what role did you have?

5 A. Contacting Dr. Williams and Dr. DeSesso to
6 talk about doing a review on this, and at one point I
7 was actually going to be an author on it, but time ran
8 out on me, and so Dr. Williams and Dr. DeSesso went
9 ahead and continued. I provided -- if they needed some
10 reports, we got the reports to them -- things like
11 that.

12 Q. Did you write any of it?

13 A. I did some minor editing, yes.

14 Q. Minor editing? Did you red-line it?

15 A. I don't know -- well, I think it was
16 more -- I don't know. If you can find me -- I know I
17 did some minor things, but if you have a draft of it,
18 I'd be happy to show you what I contributed.

19 Q. Well, let's look at what it does say about
20 your contribution to this article, if any. If you look
21 at the bottom of Page 39 in small font on the bottom.
22 It says, the authors acknowledge the Monsanto Company
23 for funding and for providing its unpublished
24 glyphosate and surfactant toxicity study reports. Do

1 you see that?

2 A. That's what I said, yes.

3 Q. Doesn't say anything about you making
4 edits, red-lining. It doesn't even state your name at
5 all, does it?

6 A. Again, what I contributed to this actually
7 was very minor. It didn't rise to the level of being
8 considered an author, and they were minor
9 contributions. Just some edits along the way to
10 provide more information for them.

11 Q. But your name is not on there; right?

12 A. Clearly it says that Monsanto Company
13 helped them, and I did very minor contributions to
14 this, not that would rise to the level of an author.

15 Q. It actually says you provide -- that
16 Monsanto provided funding and unpublished study
17 reports. It doesn't say anything about Monsanto
18 writing any of it; right?

19 MR. JOHNSTON: Objection. Misstates the
20 record.

21 A. What I said is I did provide some edits,
22 and if you would get a copy of the draft version, we
23 could go over each of the edits that I did. I'd be
24 happy to do that with you.

1 Q. (By Mr. Wisner) I'm handing you Exhibit
2 53.

3 [Exhibit 53 marked for identification.]

4 Q. Do you see this is a document, MONGLY --
5 Bates-numbered MONGLY00919381? Do you see that?

6 A. Yes.

7 Q. And this is an e-mail from you to John
8 "DeSeyo." Do you see that?

9 A. DeSesso.

10 Q. DeSesso. I'm sorry. Do you see that?

11 A. Yes.

12 Q. And it's first draft?

13 A. Yes --

14 Q. First half -- sorry. First half. That's
15 what it says; right?

16 A. Yes.

17 Q. And this is an e-mail you sent; right?

18 A. Yes.

19 Q. And this is a document you sent as part of
20 your work at Monsanto?

21 A. Yes.

22 Q. So if we turn the page, we actually see on
23 the -- turn the page.

24 A. Uh-huh.

1 Q. We actually see that there's a list of
2 authors. Right?

3 A. Yes. Uh-huh.

4 Q. And we have Williams, Watson, and DeSesso;
5 right?

6 A. Yes.

7 Q. Did Watson ever make it onto the
8 publication? She did; right?

9 A. Yes, I believe.

10 MR. WISNER: All right. At this time I'd
11 like to move this document into evidence.

12 Q. (By Mr. Wisner) And as you can see on
13 this page, Doctor, ending in Bates Number 440, your
14 name and your affiliation with Monsanto are actually
15 red-lined out of it as an author on the paper; right?

16 A. Just as I had said, yes.

17 Q. And if we go through here, we see comments
18 that you've made and additions you've actually written
19 into the paper, don't we?

20 A. Yes.

21 MR. JOHNSTON: Objection. Vague.

22 Q. (By Mr. Wisner) And in fact, if we turn
23 to the page ending in 401, there's a sentence in there.
24 There is no single-study product on the market today.

1 Do you see that?

2 A. Yes.

3 Q. That's your addition; right?

4 A. Well, and I think, again, if you look at
5 this, this is not talking about any of the results or
6 the conclusion. This is just helping them understand
7 that there is no such thing as a -- one single Roundup
8 formulation anymore.

9 Q. I don't really want to get into the
10 substance. I just want to validate that you wrote
11 these things. You wrote that paragraph under the
12 introduction, glyphosate acid is typically -- you see
13 that?

14 A. Again, I think it's important that we do
15 take the context, because Dr. Williams and Dr. DeSesso
16 are not familiar with the constituents of the product,
17 so the minor edits that I did was to help give a little
18 bit of context to the formulated products.

19 Q. So you wrote that paragraph; correct?

20 A. It's inserted about the commercial
21 products, what they consist of in terms of salts,
22 surfactant systems, and water.

23 Q. Why don't we turn the page? You write
24 some more sentences; correct?

1 A. No, I put, need a reference.

2 Q. What about that sentence, while
3 classified? Do you see that? That's red-lined.
4 That's your writing; correct?

5 A. I don't know if that's linked to that one
6 or not, but I'm talking about we need to add a
7 reference in there.

8 Q. No, I know, but you've written in the
9 sentence here?

10 MR. JOHNSTON: Objection. Assumes facts
11 not in evidence.

12 A. Yeah, I don't know. I can't tell you
13 whether I wrote that one or not.

14 Q. (By Mr. Wisner) You know how red-lining
15 works; right?

16 A. I do, but I'm not sure that that's mine.

17 Q. And then we go to the next page and we
18 have a draft, and there's a whole paragraph written by
19 you. Do you see that?

20 MR. JOHNSTON: Objection. Calls for --
21 calls for speculation. Assumes facts not in evidence.

22 A. It says formatted, so I think what I was
23 doing is I was putting in italics so that -- sometimes
24 when you do that it kind of blows everything up.

1 Q. (By Mr. Wisner) Later on you removed
2 references in the paper, don't you?

3 A. Here I ask, is this the correct reference?
4 See comments before. Reference is needed here. Do we
5 need a reference?

6 Q. And as we go --

7 A. Where are the tables?

8 Q. As we go through this, it looks like
9 you've made -- let's go to the very end. How many --
10 what's the number get up to? It gets up to a total
11 of -- if you go to page ending in 441, it's up to 25
12 different comments you've made; right?

13 A. But again, some of the comments are like
14 Tables 3 through 8 not presented, probably need to be
15 consistent, glyphosate or glyphosate acid or
16 glyphosate-type material, kind of just -- those are
17 really just minor edits. Table 3 --

18 Q. Well, I mean, you've literally red-lined a
19 publication and you've made over 25 publications. This
20 is just the first half, and you don't think that you
21 played a substantial role in the drafting of this
22 article?

23 MR. JOHNSTON: Objection. Vague and
24 misstates the record.

1 A. No. No.

2 Q. (By Mr. Wisner) Your name is red-lined
3 out of a named author. You don't think it would have
4 been appropriate to have disclosed that in the
5 publication?

6 MR. JOHNSTON: Objection. Vague.

7 A. As I point out before as we talked, I was
8 going to be an author, but time -- I didn't -- was not
9 able to contribute the time to be an author on this,
10 and I took out my name because I did not -- the effort
11 that I put in, like reminding them -- say, where's this
12 table, are you going to use the word systemic, you need
13 a reference here -- does not rise to the level of any
14 of these things as an author.

15 Q. In this version where you red-lined out
16 your name for the study in this e-mail that we're
17 looking at that this is attached to, where do you say,
18 I didn't do enough work on this, so I'm taking myself
19 out?

20 A. Not everything that happens between
21 everybody happens in e-mails. Dr. DeSesso and Dr.
22 Williams and I had that conversation.

23 Q. Yeah, but it's the only thing that we can
24 prove after the fact; right?

1 MR. JOHNSTON: Objection. Argumentative.

2 A. That's how it happened.

3 MR. JOHNSTON: Testimony is also proof.

4 Q. (By Mr. Wisner) So I'm going to hand you
5 another document, Exhibit 54 to your deposition.

6 [Exhibit 54 marked for identification.]

7 Q. It's another e-mail from you. It's to Dr.
8 Williams. Do you see that, Doctor?

9 A. Uh-huh.

10 Q. And this is the second half of your edits;
11 right?

12 A. Uh-huh. Uh-huh.

13 Q. And this is MONGLY02406325. Do you see
14 that?

15 A. Yes.

16 Q. And --

17 A. Can I go through it a minute -- just see
18 what all is back here?

19 Q. Sure. Oh, it looks like there might have
20 been something stapled on the back of this. I
21 apologize for that. Let's take it off. Oh, no. These
22 were attached. Never mind. We're good. They're
23 articles that were attached to the e-mail.

24 A. So this is -- so this was attached to the

1 e-mail?

2 Q. That's right.

3 MR. JOHNSTON: Take your time and go
4 through it --

5 A. Yeah, I'm trying to figure out --

6 MR. JOHNSTON: -- particularly now that
7 there's multiple things attached.

8 MR. WISNER: I'll actually want to remove
9 them, so let's --

10 A. Let me go back and see what's going on.

11 Q. (By Mr. Wisner) Doctor, if you could just
12 take -- I'm going to remove anything from the exhibit
13 starting at 368. I will not ask you any questions
14 about that. They're a bunch of publications.

15 A. 365.

16 MR. JOHNSTON: So you want her to take it
17 out of the exhibit?

18 MR. WISNER: Yeah, we'll take it out
19 later, but for the record, let's just take it out.

20 MR. JOHNSTON: All right.

21 MR. WISNER: Because it's kind of stapled
22 in nicely.

23 A. This?

24 Q. (By Mr. Wisner) Here, I'll --

1 A. You want to do that?

2 Q. Yeah, we'll just do it later.

3 A. Oh, okay.

4 MR. JOHNSTON: Switch to a substitute
5 exhibit. So for the record, counsel is representing
6 that they're going to provide a substitute Exhibit 54
7 that begins on MONGLY02406325 and would end on
8 MONGLY02406367. Agree?

9 MR. WISNER: That's correct. All right.

10 Q. (By Mr. Wisner) All right, Doctor. That
11 all said, this is -- this e-mail and the single
12 attachment includes your edits and reviews of the
13 second half of the manuscript; right?

14 A. Let me take a look and see. Because I
15 think this is the same thing. I think it's the whole
16 manuscript, not just the second half.

17 MR. JOHNSTON: Well, why don't you look at
18 it and --

19 A. Yeah --

20 Q. (By Mr. Wisner) Take a look at it. If
21 you want to compare it to the previous one, you're
22 welcome to.

23 A. Yeah, that's what I --

24 Q. Because this one starts at endocrine

1 disruption, so --

2 A. Yeah, let me see where this goes.

3 MR. JOHNSTON: Can we go off the record
4 for a second while she's reading it?

5 MR. WISNER: Yeah, sure.

6 MR. JOHNSTON: I just have a question.

7 THE VIDEOGRAPHER: We are going off the
8 record at 11:50 AM.

9 [Discussion off the record.]

10 THE VIDEOGRAPHER: We are back on the
11 record at 11:52 AM.

12 Q. (By Mr. Wisner) All right, Doctor. I've
13 handed you the next exhibit to your deposition, and
14 this appears to be an e-mail sent from you to Dr.
15 Williams; correct?

16 A. The last e-mail.

17 Q. And this includes an attachment that
18 has -- appears to be the second half of the manuscript
19 with your edits?

20 A. Right. And I -- do you mind if I go see
21 the e-mails? I was looking at the publication. I
22 didn't look at the e-mails.

23 Q. Sure.

24 A. I apologize.

1 MR. JOHNSTON: You know, can we try to
2 refer to this as Williams 2012 so we don't get
3 confusion with Williams 2000, since they're two
4 different people?

5 MR. WISNER: Sure.

6 MR. JOHNSTON: Thank you.

7 MR. WISNER: It's actually been a source
8 of confusion in various aspects of the litigation.

9 MR. JOHNSTON: Yeah. Or at least say Amy
10 Williams or something so that we can be clear.

11 MR. WISNER: Yeah. Sure.

12 A. Okay.

13 Q. (By Mr. Wisner) All right. You ready to
14 answer questions?

15 A. Uh-huh.

16 Q. Okay, great. So let's try this again. So
17 Doctor, I've handed you an exhibit that contains a
18 series of e-mails with an attachment; is that right?

19 A. Yes.

20 Q. And these e-mails were sent between you
21 and various authors of the Amy Williams article from
22 2012?

23 A. Yes.

24 Q. And this -- and you sent these e-mail as

1 part of your work at Monsanto; correct?

2 A. Yes.

3 MR. WISNER: All right. I'd move this
4 document into evidence.

5 Q. (By Mr. Wisner) Now Doctor, in these
6 e-mail exchanges you and the authors are discussing
7 various edits and changes to the manuscript; right?

8 A. Yes.

9 Q. And after you had sent the original edits
10 to the first 46 pages there was some discussion with
11 the authors; right?

12 A. Yes.

13 Q. Now, Doctor, I want to check with you on
14 something. Is it your testimony that in these original
15 46 pages of edits you didn't make any substantial edits
16 or contributions?

17 A. That was my recollection.

18 Q. Well, I'd like to turn your attention to
19 the Bates ending 331. Do you see that?

20 A. Yes.

21 Q. And this is an e-mail from Dr. Amy
22 Williams to yourself dated November 19th, 2010;
23 correct?

24 A. Yes.

1 Q. And it's regarding the first half, second
2 reply; right?

3 A. Yes.

4 Q. And what she says to you is Donna, you
5 have added significant text to the document with regard
6 to the following references. Do you see that?

7 A. Yes.

8 Q. And then she lists all these references of
9 stuff you added to the study, to the paper; right?

10 A. Yes.

11 Q. And then she goes on to say, unless
12 someone from Monsanto plans to be listed as an author,
13 we need to see these references in order to verify that
14 we are in agreement with the newly added text. Do you
15 see that?

16 A. Yes.

17 Q. As such, could you please -- could you
18 forward these -- sorry. As such, could you forward
19 these papers to us. Do you see that?

20 A. Yes.

21 Q. So at least according to the lead author
22 on the paper, Dr. Amy Williams, she felt that your
23 contributions were considerable; right?

24 MR. JOHNSTON: Objection.

1 A. She didn't say considerable.

2 Q. (By Mr. Wisner) Significant?

3 A. She said significant.

4 Q. And in fact, they were so significant that
5 she was concerned about letting them go without you
6 being an author on the paper?

7 A. No.

8 MR. JOHNSTON: Objection. Misstates the
9 record.

10 A. No. She said that if I'm not going to be
11 an author on this paper that she wanted then -- because
12 again, I didn't feel -- because I had not done -- this
13 had been going on for several years. I had not
14 contributed a lot, and it appears that I did more, but
15 I didn't think it rose to the level.

16 And so she said that she wanted these to
17 document, and so I sent them to her, and above it says
18 Amy, attached are the external publications listed
19 below. The Romano one was reviewed by Bill Kelce. You
20 should already have that copy and an extensive review
21 of the publication, and David sent you the map.

22 So we sent them all of these because they
23 wanted to make sure that it was consistent -- their
24 interpretation of the edits that I had made were

1 consistent with what they put in the publication.

2 Q. (By Mr. Wisner) And again, nowhere in the
3 published article does it say that you made significant
4 text contributions to the article?

5 A. Well, it appears that I did make some
6 contributions, but as you see, they very clearly went
7 back and asked for every single one of these references
8 to make sure it was consistent with their
9 interpretation of the studies, and again, I didn't feel
10 that I rose to the level of being an author, and you
11 can see they did very thorough work in checking out the
12 details.

13 Q. Well, I actually don't know what they did,
14 but I do know, Doctor, based on what they say here that
15 she felt that you gave significant text edits; right?

16 MR. JOHNSTON: Objection. Misstates the
17 record.

18 A. So again, I did not feel that it rose to
19 that level, and they may or may not have agreed with
20 me, so when I pulled out they said that's fine, but
21 attached -- took the lead over here. She says, unless
22 someone from Monsanto plans to be listed as an author,
23 we need to see these references in order to
24 verify --

1 MR. WISNER: Slow down.

2 MR. JOHNSTON: Slow down.

3 A. Remember that pause. Unless someone from
4 Monsanto plans to be listed as an author, we need to
5 see these references in order to verify that we are in
6 agreement with the newly added text. As such, could
7 you forward these papers to us, thanks so much.

8 Q. (By Mr. Wisner) And my question, Doctor,
9 is pretty straightforward, and I think isn't
10 particularly complicated. Nowhere in the published
11 report does it ever say that you added significant text
12 contributions?

13 A. And I would say to you in the end I didn't
14 because they verified whatever was put in there by
15 their own review of the studies.

16 Q. Wait, so if someone else writes something
17 so long as you agree with it it's okay?

18 A. Again, I don't believe that what I put in
19 there rose to the level of significance to be an
20 author. They went back and looked at everything that
21 was put in there and therefore then verified what was
22 said is what they would have put in there as well.

23 Q. So when you were in school and you had to
24 write a report for a professor, would you just copy and

1 paste things written by other people into your report
2 and say well, it's okay because I agree with them?

3 MR. JOHNSTON: Objection. Argumentative.
4 Incomplete hypothetical.

5 A. No, and that's not what happened here.

6 MR. WISNER: Okay. We can take a break
7 now.

8 THE VIDEOGRAPHER: We are going off the
9 record at 11:58 AM.

10 [A recess was taken.]

11 THE VIDEOGRAPHER: We are back on the
12 record at 12:45 PM.

13 Q. (By Mr. Wisner) Doctor, did you have a
14 good lunch?

15 A. I did.

16 Q. Okay. Good. All right. We're going to
17 move onto another document. We just finished
18 discussing -- I believe we finished discussing the
19 DeSeo article. Do you recall that? We just finished
20 discussing the DeSeo and Williams -- Amy --

21 MR. BAUM: DeSesso.

22 MR. WISNER: DeSesso.

23 MR. JOHNSTON: Amy Williams article?

24 MR. WISNER: Yeah.

1 Q. (By Mr. Wisner) All right. Let's move
2 onto the next article, Doctor. All right.

3 MR. WISNER: Before we do that, though,
4 I'd like the court reporter to read back a piece of
5 testimony that you gave yesterday, and I want to make
6 sure we get it clear. So could you please read back
7 that portion?

8 THE REPORTER: Sure.

9 MR. JOHNSTON: Is he going to include the
10 question also?

11 MR. WISNER: Yes.

12 THE REPORTER: This is from the rough
13 draft of yesterday's testimony, starting on Page 80,
14 Line 12.

15 "Question: Do you know what that's
16 referring to? What is that referring to? I'm just --

17 Answer: Dr. Mink did do epidemiological
18 reviews. One was on noncancer health outcomes and one
19 was on cancer, and they seemed to put the wrong review
20 in this.

21 Question: I got you. You did help Dr.
22 Mink with that review?

23 Answer: I provided studies if she needed
24 some, but I wasn't involved in -- and we did help

1 support and pay for it.

2 Question: Did you write any of it?

3 Answer: No."

4 And that's the end of it on Line 24.

5 MR. WISNER: Thank you.

6 Q. (By Mr. Wisner) So Doctor, yesterday you
7 testified that you did not write any of the Mink
8 glyphosate epi review; correct?

9 A. I didn't write the epi review, no.

10 Q. Didn't write any of it is actually what I
11 asked you?

12 A. I didn't write the epi review.

13 Q. Did you write any portion of it
14 whatsoever?

15 MR. JOHNSTON: Objection. Asked and
16 answered. Argumentative. Harassing.

17 A. I may have done an edit, but I didn't
18 write it.

19 Q. (By Mr. Wisner) I'm handing you Exhibit
20 55 to your deposition.

21 [Exhibit 55 marked for identification.]

22 Q. As you can see, this is an e-mail
23 exchange. The top one is from Dr. Goldstein to
24 yourself. Do you see that?

1 A. Yes.

2 Q. This is Bates-numbered MONGLY01185825.

3 A. Yes.

4 Q. And as you can see here, Doctor, these are
5 a series of e-mails that you are a participant on?

6 A. Yes.

7 Q. And I -- these e-mails were conducted in
8 the regular course of your work?

9 A. Yeah, let me check. Yes.

10 Q. And as you can see, attached to this is a
11 draft with edits made to the article conducted by and
12 ultimately published as an article by Mink. Do you see
13 that?

14 A. Yes.

15 Q. And as you can see in the attachment there
16 is a whole host of line edits that are made to the
17 document?

18 MR. JOHNSTON: Objection to the
19 characterization. Vague.

20 A. I see that there are edits.

21 Q. (By Mr. Wisner) For example, if you look
22 on page ending in 829, there is a sentence added.
23 Quote, glyphosate is widely considered by regulatory
24 authorities and scientific bodies to have no

1 carcinogenic potential. Do you see that?

2 A. Yes.

3 Q. So from what we can see here, if we go
4 back to the e-mails to which this draft document is
5 attached -- you see at the bottom e-mail from you dated
6 May 13th, 2008, it states, I have put in some suggested
7 edits to the Mandel/Mink glyphosate epi critical review
8 study, mostly in the intro section. If you have time,
9 I would appreciate your review. Do you see that?

10 A. Yes, I do.

11 Q. So it would be fair to say then that you
12 actually personally did author at least some sentences
13 and portions of that review?

14 MR. JOHNSTON: Objection. Vague as to
15 author.

16 A. No, I would not say that I authored, and
17 it was only to the front part, kind of like what we
18 talked about the other one where people don't know the
19 different formulated products or didn't know different
20 things adding that, but I never contributed to any of
21 the epidemiological part of the Pam Mink publication.

22 Q. (By Mr. Wisner) Okay, Doctor. Nowhere in
23 the publication -- the Mink publication does it state
24 you had any role in that publication?

1 A. These were only some edits to the intro on
2 non-epidemiological things but more based on what --
3 how the glyphosate works in plants and things like
4 that.

5 Q. I mean, there's a sentence in here that we
6 just read to the jury that you put into the article
7 saying that scientific bodies have found no
8 carcinogenic potential. That's a pretty strong
9 statement, wouldn't you agree?

10 MR. JOHNSTON: Objection. Argumentative.

11 A. It was put in there, but you notice that I
12 was stating the findings of the US EPA in 1993, the
13 European Union in 2002, the WHO, and FAO in 2004.

14 Q. (By Mr. Wisner) I understand that, but
15 you're putting in a strong statement that suggests the
16 product is not carcinogenic, and that's a statement
17 being put into the mouths of other people?

18 MR. JOHNSTON: Objection. Argumentative.

19 A. I would disagree, because, again, I think
20 you have to read down here as you read before, I have
21 put it in some suggested edits, and that's what those
22 were. There were suggested edits that Dr. Mandel and
23 Dr. Mink could include or not include.

24 Q. (By Mr. Wisner) But you wrote them;

1 right?

2 A. I offered them as some suggested edits for
3 them to include or not include.

4 Q. And since you wrote them, you wrote
5 material, factual statements in the journal article,
6 your name should be attached as one of the authors of
7 the article; correct?

8 MR. JOHNSTON: Objection. Assumes facts
9 not in evidence, argumentative, and vague.

10 A. Again, I did write those. They are
11 referencing what happened in the different articles and
12 they were suggested edits for Pam Mink, Dr. Mink, and
13 Dr. Mandel, and they were just edits for suggestions.

14 Q. (By Mr. Wisner) You're saying they're
15 just edits. I mean, just edits, Doctor -- you wrote a
16 portion of it, you wrote a sentence or two of that
17 article, didn't you?

18 A. I suggested some sentences for that
19 article and Dr. Mink and Dr. Mandel made the final
20 decision as to what they would include in that -- this
21 -- suggested edits don't rise to the level of
22 authorship when you're only having suggested edits in
23 only the small intro part of the publication.

24 Q. Do you have a different definition between

1 to write a sentence or to author a sentence? Do those
2 have the same meaning to you?

3 MR. JOHNSTON: Objection. Argumentative.

4 A. In here I put in -- I typed in some
5 suggested edits for them to consider.

6 Q. (By Mr. Wisner) Okay. So you didn't
7 author it, you didn't write it? You typed it; is that
8 it?

9 MR. JOHNSTON: Objection. Argumentative.

10 A. They're in there. I put them in there.

11 Q. (By Mr. Wisner) Right. But your name
12 isn't in the final publication, is it?

13 MR. JOHNSTON: Objection. Lacks evidence.
14 We haven't seen the final publication.

15 A. So again, these were suggested edits.
16 Again, it's for Pam and Dr. Mandel and Dr. Mink to
17 consider and that was up to them to incorporate them or
18 not.

19 Q. (By Mr. Wisner) Have you ever taught
20 students before?

21 A. Yes.

22 Q. And as a teacher, if a student submitted
23 an article to you to be graded that had sentences
24 written by someone else and they didn't tell you about

1 it, what grade would you give that student?

2 MR. JOHNSTON: Objection. Incomplete
3 hypothetical. Calls for speculation. Argumentative.

4 A. That's not what we're talking about here.
5 We're talking about suggested edits that they could
6 choose or not to choose, and that's in this document
7 for them to make that decision.

8 Q. (By Mr. Wisner) That's from your media
9 training; right -- blocking and bridging?

10 MR. JOHNSTON: Objection. Argumentative.

11 Q. (By Mr. Wisner) Don't answer the question
12 asked to you; answer the question you want to answer?
13 Doctor, I'm going to ask you the question again because
14 you didn't answer it. The question is really
15 straightforward. As a teacher, if you have a student,
16 and another student writes sentences in that paper, and
17 doesn't tell you about it, what grade do you give that
18 student?

19 MR. JOHNSTON: Objection. Incomplete
20 hypothetical. Asked and answered. Argumentative.
21 Badgering the witness.

22 A. It depends on the circumstances.

23 Q. (By Mr. Wisner) You give them an F
24 because they cheated; right, Doctor?

1 MR. JOHNSTON: Objection. Absolutely
2 argumentative. Harassing the witness. Badgering the
3 witness.

4 A. I don't know the circumstances of this, so
5 again, it would have to depend.

6 Q. (By Mr. Wisner) So do you tolerate
7 plagiarism in your classrooms, Doctor?

8 MR. JOHNSTON: Objection. Argumentative.
9 Badgering the witness.

10 A. This -- I still have to know the
11 circumstances. That hasn't been supported.

12 Q. (By Mr. Wisner) All right. I'm handing
13 you another document. This is Exhibit 56 to your
14 deposition.

15 [Exhibit 56 marked for identification.]

16 Q. This is another e-mail exchange. This is
17 from Dr. Goldstein. It's directed to Katherine Carr as
18 well as yourself. Do you see that?

19 A. So it's from -- yes. Uh-huh.

20 Q. And it's Bates-numbered MONGLY01185784.

21 These e-mail exchanges -- were they done in the regular
22 course of Monsanto's business, Doctor?

23 A. Yes.

24 MR. WISNER: I'd move this document into

1 evidence.

2 Q. (By Mr. Wisner) Dr. Goldstein writes to
3 you and others, really nice paper. My comments are
4 included. There are a couple places where I read the
5 sentences several times and I just can't gather what
6 the underlying message is. See comments.

7 A. I'm sorry. Where are you?

8 Q. I'm reading the e-mail on the first page.
9 Did I hand you the wrong document?

10 MR. JOHNSTON: Looks like it.

11 Q. (By Mr. Wisner) Oh. Sorry. What did I
12 give you?

13 MR. JOHNSTON: Actually on -- yeah, what
14 did you mark that one? Oh, is this 56?

15 MR. WISNER: Yeah.

16 MR. BAUM: So --

17 MR. WISNER: You have the right one.

18 MR. JOHNSTON: I have the right one?

19 MR. WISNER: She has the wrong one. Let
20 me give her --

21 MR. BAUM: You want to take mine?

22 MR. WISNER: No, I have it right here.

23 Q. (By Mr. Wisner) Sorry, Doctor. I gave
24 you the wrong document. So I did read the right Bates

1 number into the record, Doctor. But let's do this
2 again. So I've handed you a document. It's an e-mail
3 from Dr. Goldstein to yourself and others. Do you see
4 that?

5 A. To Kathy Carr.

6 Q. Yeah. Kathy Carr as well as yourself;
7 right?

8 A. Yes.

9 Q. And this is dated May 22nd, 2008; right?

10 A. Yes.

11 Q. And this -- these e-mails were exchanged
12 in the regular course of your business; right?

13 A. Yes.

14 MR. WISNER: All right. I now move this
15 document into evidence.

16 Q. (By Mr. Wisner) Dr. Goldstein writes to
17 you, really nice paper. My comments are included.
18 There are a couple of places where I read the sentences
19 several times and I just can't gather what the
20 underlying message is. See comments. I suspect the
21 sentences are okay, save for a possible math error, but
22 the implications need to be expounded on a bit for the
23 non-epidemiologist. Do you see that?

24 A. Yes.

1 Q. And if you look to the attachment, there's
2 again a document with a lot of different line edits to
3 the document. Do you see that?

4 A. It's the same intro as before.

5 Q. And if you look, for example, on Bates
6 number ending on 798. And to give an example, we have
7 a comment from Dr. Goldstein; right? Comment 2? Do
8 you see that?

9 A. 798.

10 Q. There you go. Do you see that?

11 A. Yes.

12 Q. And it -- if you look through there he
13 makes various comments throughout the manuscript draft.
14 Do you see that?

15 A. There are several, yes.

16 Q. Again, Dr. Goldstein's participation in
17 the drafting and/or editing and/or commentary about
18 this manuscript is not disclosed in the final report,
19 is it?

20 MR. JOHNSTON: Objection. No foundation.
21 No final report's been marked in this case -- in this
22 deposition. If you know, you can answer.

23 A. I do not know.

24 Q. (By Mr. Wisner) You don't recall if

1 Monsanto's participation was disclosed in the Mink
2 article?

3 A. I don't remember.

4 Q. So earlier in the deposition, when you
5 testified that you didn't write any portion of the Mink
6 article, you'd agree that that's incorrect? You
7 actually did write at least a sentence or two of the
8 article?

9 MR. JOHNSTON: Objection. Asked and
10 answered. Argumentative.

11 A. I still would disagree that I wrote that,
12 because I don't know if it was included in it. We did
13 talk about that we paid for these, but these are
14 suggested edits, and Dan's were only suggested edits.
15 They were really minor and they were not substantive in
16 any way in the epidemiological conclusions of Dr. Mink
17 and her colleagues.

18 Q. (By Mr. Wisner) All right, Doctor. Let's
19 move on to the -- let me get this out of here. All
20 right, Doctor. I'd like to talk about the last group
21 of articles at this stop in our roadmap of
22 ghostwriting, and I want to talk about some articles
23 that were published and helped put together through a
24 company called Intertek. Are you familiar with that

1 company?

2 A. Yes, I am.

3 Q. What is Intertek?

4 A. It's a consulting firm in Canada.

5 Q. I'm going to do this pretty quickly. I'm
6 marking the first document Exhibit 57.

7 [Exhibit 57 marked for identification.]

8 Q. I'm marking the next one Exhibit fifty --
9 sorry, was that 58 or 57?

10 A. This is 57.

11 MR. JOHNSTON: That's 57. You should be
12 at 58 now.

13 Q. (By Mr. Wisner) Okay. So I'm giving you
14 Exhibit 58.

15 [Exhibit 58 marked for identification.]

16 Q. All right. I'm giving you another one.
17 It's Exhibit --

18 MR. JOHNSTON: You'll go back later and
19 identify these for the record; right?

20 MR. WISNER: Yeah. 59.

21 [Exhibit 59 marked for identification.]

22 MR. JOHNSTON: Thank you.

23 MR. WISNER: Can you -- are you writing
24 them? Good.

1 Q. (By Mr. Wisner) All right. And the next
2 one is Exhibit 60.

3 [Exhibit 60 marked for identification.]

4 Q. I might have given you two. Sorry.

5 A. Yeah, you did.

6 Q. All right, Doctor. Do you recognize
7 Exhibits 57, 58, 59, and 60?

8 MR. JOHNSTON: Compound -- technically.

9 A. I haven't seen them separated like this.
10 I've only seen them in the one journal.

11 Q. (By Mr. Wisner) Okay. These are various
12 articles that were published in the Critical Reviews in
13 Toxicology; correct?

14 A. Yes.

15 Q. Exhibit 59 is --

16 MR. JOHNSTON: Start with 57? The first
17 one. Just --

18 MR. WISNER: Sorry. 57. Sorry.

19 Q. (By Mr. Wisner) The first one is
20 glyphosate epidemiology expert panel review. Do you
21 see that?

22 A. That's what it says.

23 Q. And that's by John Acquavella, David
24 Garabrant, Gary Marsh, Tom Sorahan, and Douglas Weed;

1 right?

2 A. Yes.

3 Q. And the next one is genotoxicity expert
4 panel review. Do you see that?

5 A. Yes.

6 Q. And it has a longer title but I'm just
7 keeping it short because I don't want to read the long
8 title; okay, Doctor? And then it has -- that one's
9 authored by David Brusick, Marilyn Aardema, Larry Kier,
10 David Kirkland, and Gary Williams; right?

11 A. Yes.

12 Q. And those are the ones -- at least Dr.
13 Kier, Kirkland, and Williams -- we've seen them before
14 in this deposition; right?

15 A. Yes.

16 MR. JOHNSTON: You said the next one. Why
17 don't you give her that exhibit number?

18 Q. (By Mr. Wisner) That was Exhibit 58.
19 Exhibit 59 is the glyphosate rodent carcinogenicity
20 bioassay expert panel review; correct?

21 A. Yes.

22 Q. And that's by Dr. Gary Williams, Colin
23 Barry, Michele Burns, Joao Lauro Viana de Camargo, and
24 Helmut Greim; is that right?

1 A. Yes, that's what it says.

2 Q. I apologize if I butchered those names.
3 That was Exhibit 59.

4 MR. JOHNSTON: Spanish isn't as good as
5 French, I assume.

6 MR. WISNER: No, I don't speak Spanish
7 that well. We get along.

8 Q. (By Mr. Wisner) And then Exhibit 60 the
9 glyphosate in the general population and in
10 applicators. Do you see that?

11 A. Yes.

12 Q. That was by Keith Solomon; right?

13 A. Yes.

14 Q. All right, Doctor. I want to ask you
15 point-blank. Did Monsanto ghostwrite these articles?

16 A. Not to my knowledge.

17 Q. I want to look at the disclosure statement
18 for the first one. Start with 57. Turn to the last
19 page on 57. Last page. Oh. On Exhibit 57.

20 MR. BAUM: Second-last page in the
21 exhibit.

22 Q. (By Mr. Wisner) Oh, I'm sorry. If you
23 turn to Page 41 on Exhibit 57, declaration of interest.
24 Do you see that, Doctor?

1 A. Oh. Yes.

2 Q. And there's a paragraph there written
3 talking about the various affiliations of the authors
4 on this document; correct?

5 A. Yes.

6 Q. It reads, the employment affiliation of
7 the authors is as shown on the cover page. However, it
8 should be recognized that each individual participated
9 in the review process and preparation of this paper as
10 an independent professional and not as a representative
11 of their employer. This expert panel evaluation was
12 organized and conducted by Intertek Scientific and
13 Regulatory Consultancy.

14 Funding for this evaluation was provided
15 by Monsanto, which is a primary producer of glyphosate
16 and products containing this active ingredient. The
17 authors had sole responsibility for the content of the
18 paper, and the interpretations and opinions expressed
19 in the paper are those of the authors. Do you see
20 that?

21 A. Yes.

22 Q. Now if we go down to the bottom paragraph,
23 it goes through the various working relationships with
24 glyphosate manufacturers. But if we go to the bottom

1 paragraph it reads, this article is part of a
2 supplement sponsored and supported by Intertek
3 Scientific and Regulatory Consultancy.

4 Funding for the sponsorship of this
5 supplement was provided to Intertek by the Monsanto
6 Company, which is a primary producer of glyphosate and
7 products containing it's active ingredient. Do you see
8 that?

9 A. This active ingredient.

10 Q. Oh, sorry. This active ingredient. Did I
11 read that correctly, with that amendment?

12 A. Yes.

13 Q. It also says up here in acknowledgements
14 that the authors gratefully acknowledge the very useful
15 comments provided by seven reviewers who were selected
16 by the editor and anonymous to the authors. These
17 comments helped improve the manuscript. Do you see
18 that?

19 A. Yes.

20 Q. Let's go to the next declaration of
21 interest on Page 58.

22 MR. BAUM: Exhibit 58.

23 Q. (By Mr. Wisner) Sorry. Exhibit 58. That
24 is on Page 71 of the document. All right. This is a

1 very similar disclosure statement, but I want look at
2 the third paragraph in it.

3 It says, funding for this evaluation was
4 provided by the Monsanto Company, which is a primary
5 producer of glyphosate and products containing this
6 active ingredient. Neither any Monsanto Company
7 employees nor any attorney reviewed any of the expert
8 panel's manuscripts prior to submission to the journal.
9 Do you see that?

10 A. Yes.

11 Q. That's not a true statement; right?

12 A. I don't know.

13 Q. I'm sorry. It's your testimony you don't
14 know if this manuscript, the genotoxicity manuscript,
15 was reviewed by Monsanto before it was submitted for
16 publication?

17 A. I wasn't -- I don't know. I wasn't
18 involved in this.

19 Q. Didn't you review it before it got
20 submitted for publication, Dr. Farmer?

21 A. No, I did not.

22 Q. Okay. Let's go to the next one. That's
23 the genotoxicity paper; right?

24 A. Yes.

1 Q. Let's go to the rodent carcinogenicity
2 bioassay expert panel review, Exhibit 59. This also
3 has a declaration of interest. It's on Page 53. Do
4 you see that, Doctor?

5 A. Yes.

6 Q. All right. So we read the second
7 paragraph in this declaration of interest. The expert
8 panel members' recruitment and evaluation of data was
9 organized and conducted by Intertek Scientific and
10 Regulatory Consultancy. Do you see that?

11 A. I'm sorry. Where are you?

12 Q. Second paragraph.

13 A. Okay.

14 Q. The expert panel members' recruitment and
15 evaluation of the data was organized and conducted by
16 Intertek Scientific and Regulatory Consultancy,
17 Intertek. Do you see that?

18 A. Yes.

19 Q. That's a false statement; correct?

20 A. No. Intertek did do the recruitment and
21 the evaluation was organized by Intertek.

22 Q. Isn't it true that you actually helped
23 them locate and identify the various people to be on
24 this expert panel?

1 A. Well, I think recruitment and initial
2 contact are two different things. So I did contact a
3 number of people telling them these panels might be put
4 together, and if they were interested that someone from
5 Intertek would be contacting them, and that's what it
6 says here, that they were then recruited by Intertek.

7 Q. Calling somebody and asking them if they'd
8 like to participate in something -- that's recruitment,
9 Dr. Farmer, isn't it?

10 MR. JOHNSTON: Objection. Calls for
11 speculation.

12 A. What I did is I sent them a note and I
13 said there's going to be a panel being formed. If you
14 are interested in participating, Intertek will be back
15 in contact with you. To me it was just letting them
16 know that there was a panel, if they wanted to
17 participate in they could and they would be contacted
18 by somebody else.

19 Q. (By Mr. Wisner) Well, if that's what
20 happened, then the next sentence is surely completely
21 false? It says, the expert panelists were engaged by
22 and acted as consultants to Intertek and were not
23 directly contacted by the Monsanto Company. So that
24 must be false then?

1 A. Well --

2 Q. Right?

3 A. Again, it relates to the first one, but
4 again, Intertek then did the -- engaged them as to
5 participating in this panel, and I was just, again,
6 making initial contact.

7 Q. Were not directly contacted by the
8 Monsanto Company. You, at the Monsanto Company,
9 directly contacted them, didn't you?

10 A. Yes, but again, just as an initial
11 contact. But to me I interpreted this to mean back up
12 to their initial -- their formal recruitment into the
13 panel process.

14 Q. It goes on to say that funding for this
15 evaluation was provided to Intertek by the Monsanto
16 Company, which is a primary producer of glyphosate and
17 products containing this active ingredient. Neither
18 any Monsanto Company employees nor any attorneys
19 reviewed any of the expert panel's manuscripts prior to
20 submission to the journal. Did I read that right?

21 A. You read that correctly.

22 Q. That's also false; right?

23 A. I can't speak to that. I don't know.

24 Q. Didn't you get a copy of this before it

1 went to submission?

2 A. There were a lot of -- I would get copies,
3 but I didn't review them and comment on them.

4 Q. Well, they were sent to you and you were
5 asked for your comments and reviews; right?

6 A. They were sent to me but I don't remember
7 being asked to provide comment, so what I would do is,
8 if there wasn't anything on there for me to
9 particularly do, I did not review and I did not
10 comment.

11 Q. So it's your testimony under oath that you
12 made no comments to the bioassay expert panel review?

13 A. I do not remember making any comments or
14 reviews at that -- at all.

15 Q. All right. Let's go to the last one.
16 Exhibit 60. And this is the last article I've handed
17 you. It's glyphosate in the general population and
18 applicators. Do you see this?

19 A. Yes.

20 Q. We call this the exposure study. Do you
21 understand it if I call it that?

22 A. Yes.

23 Q. And here we have a declaration of interest
24 as well. Do you see that?

1 A. Yes.

2 Q. And we have the declaration. It's kind of
3 the same as before. It mentions that Dr. Solomon
4 previously served as an independent consultant for the
5 Monsanto Company. Do you see that?

6 A. Yes.

7 Q. And then it goes on to say -- at the very
8 bottom of the second paragraph it says, neither any
9 Monsanto Company employees nor any attorney reviewed
10 any of the expert panel's manuscript prior to
11 submission to the journal. Do you see that?

12 A. Yes.

13 Q. Is that false?

14 A. Again, I don't know of any -- I didn't
15 participate in any of the reviews. I don't know. I
16 don't know.

17 Q. I'll get there eventually. Give me one
18 second. Okay. Just leave that there for now. Doctor,
19 I'm handing you what I'm going to mark as Exhibit -- we
20 were just talking about the exposure study; right?

21 A. Yes.

22 Q. I'm handing you what I'm marking as
23 Exhibit 61.

24 [Exhibit 61 marked for identification.]

1 Q. There you go, Doctor. This is an e-mail
2 exchange between yourself, William Heydens. Do you see
3 that, Doctor, at the top?

4 A. Yes.

5 Q. And this is Bates-numbered MONGLY02133654.
6 This e-mail that you received and exchanged with Dr.
7 Heydens -- this was part of your work at Monsanto;
8 right?

9 A. Yes.

10 Q. So this is Keith Solomon, who has sent a
11 draft version of his exposure paper, which is what we
12 were just discussing, on October 22nd, 2015. Do you
13 see that?

14 A. Yes.

15 Q. By the way, I move this document into
16 evidence. He sends it to Ashley Roberts at Intertek;
17 right?

18 A. Yes.

19 Q. And then he also sends it directly to you,
20 doesn't he?

21 A. Yes.

22 Q. And then he specifically asks for your
23 opinions, comments, and edits, and track changes?

24 A. He asked for.

1 Q. That's what he asked for; right?

2 A. That's what it says, yes.

3 Q. And then you forward this on to Bill
4 Heydens, correct, and say FYI?

5 A. Yes.

6 Q. So it does in fact look like this author
7 was trying to get your edits and comments about this
8 manuscript?

9 MR. JOHNSTON: Objection. Calls for
10 speculation.

11 A. This is what he said on here, but that's
12 not what I did.

13 Q. (By Mr. Wisner) So what it says here that
14 neither Monsanto Company employees nor any attorney
15 reviewed any of the expert panel's manuscripts prior to
16 submission to the journal. That's not accurate?
17 You've actually got a copy of this exposure manuscript
18 before it was even sent to the journal?

19 MR. JOHNSTON: Objection. Vague.
20 Misstates the record.

21 A. I had a copy. It doesn't mean I reviewed
22 it.

23 Q. (By Mr. Wisner) So you received a journal
24 article related to the product that you've been elected

1 as a spokesperson to defend, and you didn't read it?

2 A. No.

3 Q. Why not?

4 A. I was busy with a lot of other things. It
5 was an independent panel, and I had other -- I had
6 other things I had to do.

7 Q. So I want to be clear.

8 A. Uh-huh.

9 Q. It's your testimony that you received a
10 copy of this manuscript and didn't review it to see
11 what it said?

12 MR. JOHNSTON: Objection. Asked and
13 answered exactly the same question.

14 A. I -- no. It was Keith Solomon's paper.

15 Q. (By Mr. Wisner) Did you call him up and
16 tell him what you thought about it?

17 A. No.

18 Q. No? No communications whatsoever?

19 A. I did have communications with Keith in
20 helping him supply -- I would get requests for
21 publications or studies or things, so I would have
22 interaction with him on that, but not on his
23 publication.

24 Q. Well, let's look at some more documents.

1 Oh, I sound like Mike Miller now.

2 MR. JOHNSTON: Uh-huh.

3 Q. (By Mr. Wisner) All right. Well, let's
4 look at the -- I'm actually -- we'll move onto another
5 document. All right, Doctor. I'm handing you another
6 document. I'm marking it as Exhibit 62 to your
7 deposition.

8 [Exhibit 62 marked for identification.]

9 Q. And this is another e-mail exchange. It's
10 MONGLY01023968. Do you -- and you're on this e-mail
11 exchange. Do you see that, Doctor?

12 MR. JOHNSTON: Again, I object to the
13 metadata, and I assume you'll agree that it would come
14 off in whatever was submitted to the jury in this case.

15 MR. WISNER: Yeah, we stipulate to that.

16 Q. (By Mr. Wisner) You're on it; right,
17 Doctor?

18 A. Yes.

19 Q. And this was in May of 2015; right?

20 A. Yes.

21 Q. And you sent these e-mails to each other
22 as part of your work at Monsanto; right?

23 A. Yeah, these were to and from Bill.

24 MR. WISNER: Okay, great. So I move these

1 documents into evidence.

2 Q. (By Mr. Wisner) In the bottom e-mail on
3 the first page from Bill Heydens on May 11th. And it's
4 to several people, including yourself. Do you see
5 that, Dr. Farmer?

6 A. Yes.

7 Q. And it's post-IARC activities to support
8 glyphosate. That's the subject line?

9 A. Yes.

10 Q. All, here is what I think I heard and one
11 question in our meeting today. Please send any
12 corrections or additions. Do you see that?

13 A. Yes.

14 Q. And it goes through a bunch of
15 different -- what appears to be plans or -- you know
16 what, Doctor? This is Exhibit 61, actually. I'd like
17 to come back --

18 MR. JOHNSTON: This is 62.

19 MR. WISNER: 62? Sorry. I'm going to
20 come back to this document, and I'm going to actually
21 show you 63 first. By shuffling these things I put
22 them out of order. I realized it just now. So we'll
23 come right back to it in a second.

24 MR. JOHNSTON: Just I think -- can she

1 stack these up or are you going to come back to them?

2 MR. WISNER: You can leave them handy.

3 MR. JOHNSTON: Kind of a mess now.

4 MR. WISNER: Just those journal articles.

5 Leave them handy. Yeah.

6 Q. (By Mr. Wisner) All right, Doctor. I'm
7 handing you Exhibit 63.

8 [Exhibit 63 marked for identification.]

9 Q. All right. So this is Exhibit 63. This
10 is MONGLY01228576. And this --

11 MR. JOHNSTON: Again, I object about the
12 smudging. I'm assuming you'll swap those out if you
13 ever have to give them to the jury.

14 MR. WISNER: Yeah, that's right.

15 Q. (By Mr. Wisner) Okay, Doctor. This is a
16 group of e-mails. You are on it. It's from Bill
17 Heydens and it's sent to you and others. Do you see
18 that?

19 A. Yes.

20 Q. And this is in May 11th, 2015; right?

21 A. Yes.

22 Q. And this is at about 12:45 in the
23 afternoon?

24 A. Yes.

1 Q. And the subject is post-IARC activities to
2 support glyphosate. Do you see that?

3 A. Yes.

4 Q. And then there's an attachment, post-IARC
5 meeting science proposals PowerPoint. Do you see that?

6 A. Yes.

7 Q. And these e-mails were sent and these
8 documents were created in the regular course of
9 Monsanto's business; right?

10 A. Yes.

11 MR. WISNER: I'd move this document into
12 evidence.

13 MR. JOHNSTON: And also, again, without
14 the metadata that's attached to the --

15 MR. WISNER: Yes, that's fine.

16 Q. (By Mr. Wisner) Bill Heydens writes, all,
17 see attached which reflects the results of
18 conversations Donna and I had with various
19 stakeholders, law, CE, RPSA. This will be the basis of
20 our discussion today. Thanks. Do you see that?

21 A. Yes.

22 Q. And if you look at the previous e-mail it
23 looked like later in that afternoon you were planning
24 to have a meeting with several people. Is that right?

1 A. I think Mike was planning on having a
2 meeting with several people.

3 Q. That's right. And so this was something
4 that will be the basis of a discussion you were going
5 to participate in a meeting later today; right?

6 A. Yes, that appears to be the case.

7 Q. Now, if you look at the document that's
8 attached, the title of it is, proposal for post-IARC
9 meeting scientific projects. Do you see that?

10 A. Yes.

11 Q. And this is a draft and it's actually
12 postdated April 29th, 2015 -- I'm sorry. I'm sorry.
13 It's not postdated. It's dated April 29th, 2015;
14 right?

15 A. Yes.

16 Q. And on Page 2 of the attachment, it starts
17 off with, why do more? Do you see that?

18 A. Yeah, but can I go -- I would like to go
19 through the whole document first to refresh --

20 Q. Sure. Let me know when you're ready to
21 talk about it.

22 A. Okay. Okay.

23 Q. So it says, why do more? Do you see that,
24 Doctor?

1 A. Yes.

2 Q. And the first bullet point is the severe
3 stigma associated with a Group 2A classification. Do
4 you see that?

5 A. That's written here, yes.

6 Q. And so this is after IARC has announced
7 its Class 2A classification of glyphosate; right?

8 A. Yes.

9 Q. And if you go down here it lists a bunch
10 of other things. The last four are the one I want to
11 focus on. The first is provide additional support,
12 quote, air cover, for future regulatory reviews. Do
13 you see that?

14 A. Yes. That's written there, yes.

15 Q. What does it mean to provide air cover to
16 regulatory reviews?

17 A. I don't know. I didn't write that.

18 Q. Isn't air cover like a military term?

19 MR. JOHNSTON: Objection. Calls for
20 speculation.

21 A. I didn't write it. I don't know what it
22 means.

23 Q. (By Mr. Wisner) For that matter, isn't
24 freedom to operate also a military term?

1 MR. JOHNSTON: Objection. Calls for
2 speculation.

3 A. I don't know.

4 Q. (By Mr. Wisner) The next thing was the
5 ASTDR. Let me do that -- ASTDR evaluation. Do you see
6 that?

7 A. Yes.

8 Q. And you understood that that was an agency
9 that's part of the Centers for Disease Control that was
10 going to be assessing glyphosate; correct?

11 A. I'm not sure they're part of the Centers
12 for Disease Control but I knew they were considering an
13 evaluation.

14 Q. You understand that Dr. Christopher
15 Portier was once director of the ASTDR; right?

16 A. I did not know that.

17 Q. Another reason for doing more is
18 Proposition 65. Do you see that?

19 A. I see it there, yes.

20 Q. That's specifically with regards to
21 California; right?

22 A. Prop 65 is in California.

23 Q. Yeah, it's about the fact that IARC's
24 classification could lead the State of California to

1 determine that glyphosate is a human carcinogen?

2 MR. JOHNSTON: Objection. Calls for
3 speculation.

4 A. This was all just talking about Prop 65 in
5 general at this time.

6 Q. (By Mr. Wisner) Yeah. And you want to do
7 more because you want to help avoid the consequences of
8 a Prop 65 listing; right?

9 MR. JOHNSTON: Objection. No foundation.
10 Calls for speculation.

11 A. Prop 65 was just listed here. I don't
12 know what the plans were.

13 Q. (By Mr. Wisner) Litigation support. Do
14 you see that?

15 A. I see that there, yes.

16 Q. So one of the reasons for doing more was
17 to support litigation?

18 A. It's one of the things that was listed
19 there, but I don't know what they were going to do.

20 Q. Do you know if any lawsuits have been
21 filed as of April 2015 against Monsanto?

22 A. Yes.

23 Q. Had there been?

24 A. Oh. 2015?

1 Q. Yeah.

2 A. There had been lawsuits before.

3 Q. Yeah, but had there been any lawsuits
4 alleging non-Hodgkin's lymphoma with Monsanto as of
5 this date?

6 A. Not that I'm aware of.

7 Q. So you guys are actually anticipating
8 getting sued and that's why you needed to do more;
9 right?

10 MR. JOHNSTON: Objection. Calls for a
11 legal conclusion.

12 A. This comes back to that stewardship
13 program that we talked about. Whenever some article
14 would come through or some big event would come
15 through, groups would get together. They would
16 brainstorm, talk about it, and these were all of the
17 possibilities that people were looking at to talk
18 about, again, regarding stewardship.

19 Q. (By Mr. Wisner) It doesn't say
20 stewardship, Doctor. It says litigation support;
21 right?

22 A. Well, it says litigation --

23 MR. JOHNSTON: Objection. Argumentative.

24 A. -- support here, but what I'm saying is

1 that this whole process that we're looking at is a part
2 of the stewardship program about reviewing what comes
3 in and looking what we need to do.

4 Q. (By Mr. Wisner) So part of the
5 stewardship program then is to support litigation?

6 A. Part of the stewardship program is to
7 evaluate what's going on, to meet together to talk, and
8 to make proposals.

9 Q. So we turn to the next page. It says,
10 counter IARC's selective use of data and flawed
11 analysis/conclusions on epidemiology, animal bioassays,
12 and genotoxicity mode of action. Prevent future
13 adverse outcomes. Do you see that?

14 A. I see that.

15 Q. And by prevent future adverse outcomes,
16 you're talking about any future adverse determinations
17 about glyphosate safety; right?

18 A. I don't know what that means.

19 Q. You don't know what that means, Doctor?

20 A. No, I didn't write it. I don't know what
21 that means.

22 Q. Possibilities to accomplish this goal here
23 were to conduct and publish a new meta-analysis. Do
24 you see that?

1 A. Yes.

2 Q. And actually, Monsanto actually did do
3 that, didn't it?

4 A. Well, we didn't conduct it, but we
5 contracted someone to do a meta-analysis, yes.

6 Q. The Chang and Delzell analysis; right?

7 A. Yes.

8 Q. And then publication on animal data cited
9 by IARC. That's the Greim article; right?

10 A. I don't know.

11 Q. Publish updated AHS study. That
12 ultimately ended up happening, didn't it?

13 A. Yes, it did.

14 Q. Publish a weight of evidence/plausibility
15 paper. Do you see that?

16 A. Yes.

17 Q. And that's what these genotox -- that's
18 what these critical reviews and toxicology articles
19 were about; right?

20 A. I don't know specifically. It's just
21 talking about a weight of evidence plausibility paper,
22 and it's not giving specifics.

23 Q. Let's go to that specific slide. It's
24 actually on Page 7. And it says overall weight of

1 evidence/plausibility publication possibly via expert
2 panel concept. Do you see that?

3 A. I see that.

4 Q. And it says -- has the product description
5 and even names possible panelists and authors, doesn't
6 it?

7 A. Yes.

8 Q. And all of them, with the exception of
9 Jerry Rice, were on the expert panel for critical
10 reviews and toxicology; right?

11 A. Yes.

12 Q. And it talks about the costs of doing this
13 between \$200,000 and \$250,000, depending on who -- how
14 many scientists we include. Do you see that?

15 A. Yes.

16 Q. It also says how much writing can be done
17 by Monsanto scientists to help keep costs down. Do you
18 see that?

19 A. I see that.

20 Q. So in fact, in the initial sort of
21 brainstorming of this project, you guys were
22 considering actually doing some of the writing
23 yourself?

24 A. He was asking, as it says here, how much

1 writing can be done by Monsanto scientists to help keep
2 costs down.

3 Q. Before we move off this document, I just
4 want to touch on one other part of the
5 document briefly, and then we can move on. We're
6 getting close to the end of this deposition, Doctor, so
7 I know -- I appreciate your patience with me so far.
8 If you turn to Page 6. It talks about an AHS
9 collaboration. Do you see that?

10 A. Yes.

11 Q. And that was -- the idea there was to see
12 if you could get -- would see if you could get a
13 republication of the AHS data; right?

14 A. It was to submit a proposal to the Ag
15 Health Study to collaborate on a project to add the
16 last several 10 years of data and publish.

17 Q. And if you turn to the last page, Page
18 9 -- sorry, not the last -- yeah, it is the last page,
19 Page 9. Under feedback, under the published updated
20 AHS study data, it says legal, most appealing, MON
21 somewhat distanced and AHS involved. Do you see that?

22 A. I see that written there.

23 Q. And so it looks like from a legal
24 perspective, Monsanto thought having an updated AHS

1 publication would be most beneficial; correct?

2 MR. JOHNSTON: I'm going to instruct you
3 not to answer that question on the grounds that it
4 seeks input of legal counsel, and we're probably going
5 to end up pulling this document back, at least as to
6 these pages, on the grounds of its legal information.

7 Q. (By Mr. Wisner) Are you not going to
8 answer my question by advice of your counsel?

9 A. Yes.

10 MR. WISNER: Okay. Just to let you know,
11 this document is actually out from under seal, so
12 it's --

13 MR. JOHNSTON: It doesn't mean it's not
14 privileged. I don't know if we've addressed the
15 privileged part of it or not.

16 MR. WISNER: What I mean is it's in the
17 universe, so I don't think the privilege anymore
18 attaches.

19 MR. JOHNSTON: Right. Maybe it does and
20 maybe it doesn't. That's not up to you or me. It's up
21 to a judge.

22 MR. WISNER: Okay. That's fine. Indeed,
23 this actually has been shown to the jury in the Johnson
24 trial. I just wanted to let you know.

1 MR. JOHNSTON: Okay.

2 MR. WISNER: So it's already been
3 litigated. Anyway, that's fine.

4 MR. JOHNSTON: Have you litigated the
5 privilege on this, or have you litigated the
6 confidentiality?

7 MR. WISNER: Well, it doesn't matter at
8 this point; it's waived. But it's fine. We can
9 litigate it later. It's fine. We won't fight about it
10 now.

11 Q. (By Mr. Wisner) All right. Well, Doctor,
12 while I understand you can't answer the question I just
13 asked you because that would implicate privilege, and I
14 don't want to violate the privilege, this document does
15 specifically state that one of the purposes of doing
16 more was litigation support; right?

17 MR. JOHNSTON: Asked and answered. To the
18 extent that he wants something beyond what you said
19 before, I'm going to instruct you not to answer on the
20 grounds that it invades the attorney-client privilege,
21 which attaches at the anticipation of litigation.

22 Q. (By Mr. Wisner) Could you please answer
23 my question? I asked you what the document said, so
24 there's nothing privileged about that.

1 A. I'm not going to answer based on --

2 MR. JOHNSTON: No, you can answer what the
3 document says --

4 A. Oh.

5 MR. JOHNSTON: -- but don't go any
6 further than what the document --

7 A. Okay. So what the document said is a list
8 of what more to do, and one of them listed was
9 litigation support.

10 Q. (By Mr. Wisner) Okay. Great. Now can we
11 go back to the previous exhibit that I did out of
12 order, Exhibit 62? Do you have that in front of you,
13 Doctor?

14 A. Yes.

15 Q. And again, we've already gone over this,
16 but this document was made in the regular course of
17 your business; right?

18 A. Yes.

19 MR. WISNER: And I've previously moved
20 this into evidence and I will do so again for the
21 record.

22 Q. (By Mr. Wisner) So starting on the bottom
23 e-mail here, it's dated Monday, May 11th, 2015. Do you
24 see that?

1 A. Yes.

2 Q. And if you see the timing on here -- it's
3 5:36 PM -- the same day that that meeting that we saw
4 the PowerPoint for; right?

5 A. Yes.

6 Q. And so this is an e-mail after the
7 meeting; right?

8 MR. JOHNSTON: Objection. Calls for
9 speculation.

10 A. That's what the timings say.

11 Q. (By Mr. Wisner) I mean, he says it. All,
12 here is what I think I heard, and one question in our
13 meeting today. That's what he says; right?

14 A. That's what he says.

15 Q. And he says, please send any corrections
16 or additions. Do you see that?

17 A. Yes.

18 Q. And he goes through section by section the
19 various things we could do more about that we discussed
20 in the previous PowerPoint; right?

21 A. Yes.

22 Q. And on publication on animal data cited by
23 IARC, it reads, it was noted that this is only other
24 idea that could be done prior to IARC publication. Do

1 you see that?

2 A. Yes.

3 Q. And by publication, you mean the monograph
4 publication -- the actual formal document that was
5 submitted after the classification in March; right?

6 A. That's what it says there.

7 Q. And then it next says, manuscript to be
8 initiated by MON as ghostwriters. Do you see that?

9 A. I see that.

10 Q. That was the decision that was made at
11 that meeting; isn't that true, Dr. Farmer?

12 A. I don't know.

13 Q. Well --

14 A. I mean, I don't remember there being a
15 decision about anything being ghostwritten.

16 Q. This is -- Doctor, do you think
17 ghostwriting is unethical?

18 A. As we talked about before -- ghostwriting,
19 as we talked about, is somebody -- like we talked about
20 earlier, that somebody would write it and someone's
21 name wouldn't be on it, or someone would then have
22 their name on it and not have done a lot to do with
23 that, but this is manuscript to be initiated, but that
24 doesn't mean that that ever happened, and I didn't

1 write those words.

2 MR. WISNER: All right, Doctor, I'm going
3 to move to strike your answer as nonresponsive.

4 Q. (By Mr. Wisner) My question to you was,
5 is ghostwriting in your opinion unethical?

6 A. The way that I define it as, again, this
7 would not have been about that.

8 Q. All right. Doctor, that's not my
9 question. Do you in your personal opinion think that
10 ghostwriting is unethical?

11 MR. JOHNSTON: Objection. Asked and
12 answered. We had a whole day of deposition testimony
13 yesterday and you asked this question over and over
14 again. You're harassing and badgering the witness.

15 A. I think it depends.

16 Q. (By Mr. Wisner) So sometimes it's okay
17 and sometimes it's not; is that fair?

18 A. Well --

19 MR. JOHNSTON: Objection.

20 A. Depends.

21 MR. JOHNSTON: Vague.

22 Q. (By Mr. Wisner) That's what depends
23 means; right? Sometimes it is and sometimes it's not;
24 right?

1 A. Well, that's your definition, and I think
2 depends means I'd have to look at everything, all the
3 evidence and all the circumstances to --

4 Q. If we go back to the prior publi -- the
5 prior exhibit, 63, if you turn to Page 5 of it on the
6 PowerPoint. You look at the bottom of it, it says --
7 under costs. Do you see that?

8 A. Yes.

9 Q. And it says, majority of writing can be
10 done by Monsanto. Keep -- is that costs down? Is that
11 what that says?

12 A. I don't know what that means.

13 Q. All right. Keep OS, money sign, down. Do
14 you see that?

15 A. Yes.

16 Q. So Doctor, we have these two documents
17 contemporaneous with the decision to initiate this
18 expert panel, and both the documents talk about
19 Monsanto quite literally being a ghostwriter. Do you
20 see that?

21 MR. JOHNSTON: Objection. Assumes facts
22 not in evidence. Misstates the record.

23 A. This does not talk anything about
24 ghostwriting, and this says to be initiated, and I

1 don't know who wrote that, but there's nothing really
2 in here about a definitive document being ghostwritten.

3 Q. (By Mr. Wisner) Well, Doctor, we actually
4 do know who wrote that, because if we look at the first
5 e-mail, it's from Michael Koch. You see that?

6 A. Yes.

7 Q. Who's Michael Koch at Monsanto?

8 A. He's head of the product safety center.

9 Q. So he's like the top dog? He's your boss?

10 A. He's my boss, yes.

11 Q. Yeah. Okay. So your boss -- he writes,
12 Bill, I agree with everything you've written and have a
13 couple of suggested additions. Please see green text
14 below. Do you see that?

15 A. Yes, I do.

16 Q. And then you can see, manuscript to be
17 initiated by MON as ghostwriter -- that's in a
18 different color text. Do you see that?

19 MR. JOHNSTON: Objection. Calls for
20 speculation. It's a black and white document.

21 A. Yeah, green text.

22 Q. (By Mr. Wisner) Doctor, we're looking at
23 the same document here, right, and clearly that was a
24 different color than the rest of the text next to it;

1 right?

2 MR. JOHNSTON: Objection. Assumes facts.

3 A. It's not a different color. It's a
4 different shade.

5 Q. (By Mr. Wisner) Yeah, because this is a
6 black and white document, suggesting that that was a
7 different color than the one that has a different shade
8 that it's next to; right?

9 MR. JOHNSTON: Objection. Calls for
10 speculation.

11 A. I see that written there.

12 Q. (By Mr. Wisner) So that sentence,
13 manuscript to be initiated by MON as ghostwriters, that
14 was actually written by Michael Koch, your boss, isn't
15 it?

16 MR. JOHNSTON: Objection. Calls for
17 speculation.

18 A. There's something that was put in here,
19 and that's what it says.

20 Q. (By Mr. Wisner) Yeah, that's what he
21 said. He says, my suggested edits are in text below in
22 green, and then the one color that's shaded differently
23 is him stating, manuscript to be initiated by MON as
24 ghostwriters; right?

1 MR. JOHNSTON: Objection. Misstates the
2 record. Calls for speculation.

3 A. Those are Mike's words.

4 Q. (By Mr. Wisner) So your boss, his words
5 are that we are going to engage in ghostwriting.
6 Doctor, is that ethical?

7 A. I don't believe that this is -- it says to
8 be initiated by Monsanto ghostwriters, but I don't
9 think that's what he meant by ghostwriters.

10 Q. Have you talked to him about it?

11 A. No.

12 Q. Have you asked him, hey, why did you tell
13 us that Monsanto should be the ghostwriters for this
14 manuscript?

15 MR. JOHNSTON: Objection. Assumes facts
16 not in evidence.

17 Q. (By Mr. Wisner) Did you ask him that,
18 Doctor?

19 A. No, I did not.

20 Q. Did you go, hey, boss, I think
21 ghostwriting is unethical. We probably shouldn't do
22 that. Did you do that, Doctor?

23 A. No, I did not.

24 Q. Instead the game went according to plan

1 and these articles were published and they were
2 authored and edited and managed and controlled by
3 Monsanto, weren't they?

4 A. No.

5 Q. Have you had a chance to check your e-mail
6 today?

7 A. No, I have not.

8 Q. I'm not sure if you realize this, but the
9 journal on critical reviews in toxicology actually
10 issued an expression of concern specifically about the
11 disclosure statements in those journal articles. Did
12 you know that?

13 A. No, I did not.

14 MR. WISNER: All right. Let's take a
15 quick break.

16 THE VIDEOGRAPHER: We are going off the
17 record at 1:40 PM.

18 [A brief recess was taken.]

19 THE VIDEOGRAPHER: We are back on the
20 record at 1:48 PM.

21 Q. (By Mr. Wisner) All right, Doctor. I
22 just want to quickly lay some foundation for one other
23 document. I'm handing you Exhibit 65.

24 [Exhibit 65 marked for identification.]

1 Q. This is a series of e-mails. It's
2 Bates-stamped MONGLY01030799. Do you see that, Doctor?

3 A. Yes.

4 Q. And this is a series of e-mails between
5 John Acquavella, yourself, and Bill Heydens and others.
6 Do you see that?

7 A. It really just seems between John and Bill
8 and I.

9 Q. Okay. Sorry. Just between you three;
10 right?

11 A. Yes.

12 Q. And you've seen this e-mail before; right?

13 A. I don't remember seeing this one.

14 Q. But these e-mails were sent in the regular
15 course of Monsanto's business; right?

16 A. Yes.

17 MR. WISNER: I'd move this document into
18 evidence.

19 Q. (By Mr. Wisner) And I just want to point
20 out two things that -- I believe you've been asked
21 questions about this in a previous deposition.

22 THE VIDEOGRAPHER: Mic fell off.

23 [Discussion off the record.]

24 Q. (By Mr. Wisner) All right, Doctor. So in

1 these e-mail exchanges there was a mix-up with Dr.
2 Acquavella; right?

3 A. That was my understanding.

4 Q. Yeah. And there was going to be a
5 presentation -- initial poster presentation from this
6 expert panel that we've been discussing, and the
7 original poster didn't have Dr. Acquavella as a
8 participant on the list; right?

9 A. That's my understanding.

10 Q. And he was uncomfortable with that? He
11 said that -- well, let's actually look at exactly what
12 he said. He said -- one second. Let me find it. All
13 right. So if you look on page ending 800, it's from
14 John Acquavella on November 3rd, 2005.

15 He says -- this is after Dr. Heydens tells
16 John that they didn't intend to have him on the list.
17 And he says, I didn't realize that, Bill. Also, I
18 don't think that will be okay with my panelists. We
19 call that ghostwriting and it is unethical. Do you see
20 that?

21 A. I see that.

22 Q. And then you and Bill appear to sort of
23 say, let's give him a call and talk about this; right?

24 A. Yes.

1 Q. And in anticipation of that call, John --
2 Dr. Acquavella sends you another e-mail, and that's on
3 the front page. Do you see that?

4 A. Yes.

5 Q. And he actually copies and pastes some
6 ethical guidelines from the ICJME. Do you see that?

7 MR. JOHNSTON: Objection as to the
8 characterization. Facts not in evidence.

9 A. I see that John did paste something in
10 here, yes.

11 Q. (By Mr. Wisner) Yeah. And he says,
12 please note the ICJME guidelines. Do you see that?

13 A. Yes.

14 Q. And then the I -- that stands for the
15 International Committee of Medical Journal Editors;
16 right?

17 A. That's what it says.

18 Q. And he writes, hi, Bill, Donna. He talks
19 about the time for the call is fine, and he says, you
20 guys know me. I can't be part of deceptive authorship
21 on a presentation or publication. Please note the
22 ICJME guidelines below that everyone goes by to
23 determine what is honest/ethical regarding authorship.
24 Do you see that?

1 A. Yes.

2 Q. And actually, in response to this, you
3 ultimately did actually put him as an author and made
4 sure he was included in the publication; right?

5 MR. JOHNSTON: Objection. Vague.

6 A. There was a conversation with John, and I
7 think if you come back out and understand that -- we
8 didn't know how much work that he had been putting into
9 this. We thought his role was a facilitator, and we
10 did not know that it had gone from being just a
11 facilitator to an actual contributor, and that was the
12 misunderstanding.

13 So once we understood that his role and
14 the work that he had done changed, and we had the
15 conversation and were able to work out, as you said,
16 that misunderstanding.

17 Q. (By Mr. Wisner) What I don't un -- and I
18 appreciate that and I think I understand that. What I
19 don't understand, though, is -- I thought Intertek was
20 supposed to be running these guys. Why is Monsanto
21 making the decision about this?

22 A. I don't know.

23 Q. Well, then so I asked you just before the
24 quick break if you had checked your e-mail. Are you

1 aware that the journal on Critical Reviews in
2 Toxicology has recently published as of today a
3 expression of concern?

4 MR. JOHNSTON: Other than the one you
5 mentioned earlier?

6 MR. WISNER: I'm re-laying the foundation.
7 Let's try that again.

8 Q. (By Mr. Wisner) Doctor, are you aware
9 that the Critical Reviews in Toxicology today issued an
10 expression of concern related to these publications
11 we've been discussing?

12 A. You mentioned to me earlier about if I had
13 received an e-mail and the answer was no.

14 Q. So are you aware of this expression of
15 concern?

16 A. No, I'm not.

17 Q. I'm going to stamp this. I believe we
18 skipped Exhibit 64 --

19 MR. JOHNSTON: Yeah, we did.

20 Q. (By Mr. Wisner) -- so I'm going to label
21 this expression of concern as Exhibit 64.

22 [Exhibit 64 marked for identification.]

23 Q. Here you go, Doctor.

24 MR. WISNER: I incorrectly marked the last

1 exhibit as 65.

2 Q. (By Mr. Wisner) All right, Doctor. You
3 see this is the document from the Critical Reviews in
4 Toxicology? Do you see that?

5 MR. JOHNSTON: Give her a chance to look
6 at it. She's never seen it before.

7 A. Yeah.

8 Q. (By Mr. Wisner) Sure. Take a second to
9 look through it. It's not too long.

10 A. Thank you.

11 Q. Did you get a chance to review it, Doctor?

12 A. Yes, I did.

13 Q. This appears to be something published by
14 the editor-in-chief of the Critical Review in
15 Toxicology journal; correct?

16 MR. JOHNSTON: Calls for speculation.
17 Objection.

18 A. It just says, we, the editor-in-chief and
19 publisher of the journal.

20 Q. (By Mr. Wisner) So this is something
21 published by the journal; right?

22 A. This was published by the journal.

23 Q. And it reads, we, the editor-in-chief and
24 publisher of the journal, have been informed of

1 concerns over the completeness of acknowledged
2 contributions to the above supplement and in the
3 declarations of interest provided by the named
4 contributors for the following articles. Do you see
5 that?

6 A. Yes.

7 Q. And then it goes on to list the various
8 articles, in fact, that we've been discussing for the
9 last little bit?

10 A. Yes.

11 Q. These are the very articles that your boss
12 actually said Monsanto would initiate as ghostwriters
13 in that previous document, isn't it?

14 MR. JOHNSTON: Objection. Misstates the
15 evidence.

16 A. That I don't know.

17 Q. (By Mr. Wisner) The expression of
18 concern -- the final paragraph after listing the
19 articles -- it says, we have crested -- sorry -- we
20 have requested corrigenda -- I'll stop right there. Do
21 you know what a corrigenda is?

22 A. No, I don't.

23 Q. Yeah, okay.

24 THE VIDEOGRAPHER: Excuse me, Doctor. Can

1 you move your hands away from the mic?

2 A. Oh, I'm so sorry. Sorry.

3 Q. (By Mr. Wisner) All right. Sorry. Let's
4 do that again. Doctor, do you know what a corrigenda
5 is?

6 A. No, I do not.

7 Q. It goes on -- it says, we have requested
8 corrigenda from the authors to provide additional
9 disclosure as to the contributions to the articles. To
10 date we have only received corrigenda for three of the
11 five articles that have been agreed by all the authors.
12 We have not received an adequate explanation as to why
13 the necessary level of transparency was not met in the
14 first -- on the first submission.

15 We thank those who brought this matter to
16 our attention. When reading the articles, we recommend
17 that readers take this context into account. We will
18 continue to work to update these articles and ensure
19 full disclosure of all contributors -- contributions to
20 them. Did I read that correctly?

21 A. Yes.

22 Q. All right, Doctor. So according to the
23 journal, having -- have you -- did you have any part in
24 this process?

1 MR. JOHNSTON: What process? Objection.
2 Vague.

3 A. In putting out this letter of concern?

4 Q. (By Mr. Wisner) Yeah. Did you reach out
5 to the journal on behalf of Monsanto to discuss the
6 disclosure statements in those articles?

7 A. No.

8 Q. And it says here very clearly that they
9 don't know why -- we have not received an adequate
10 explanation as to why the necessary level of
11 transparency was not met on the first submission. Do
12 you agree with the editor-in-chief and publisher of
13 these articles that the level of transparency required
14 was not met?

15 MR. JOHNSTON: Objection. Calls for
16 speculation.

17 A. No, I don't. I don't know what this is
18 about. I don't know what they're talking about.

19 Q. (By Mr. Wisner) So you disagree with the
20 editor-in-chief? You think that the level of
21 disclosure was appropriately transparent?

22 A. No, I'm just saying I don't know the
23 details behind this.

24 Q. Well, we've just looked at a lot of those

1 details in these documents, Doctor. Clearly the
2 editor-in-chief had seen these documents and they don't
3 think that the disclosures was transparent, and my
4 question is, do you agree?

5 MR. JOHNSTON: You want her to take your
6 testimony as truth, I guess, counsel. Objection.
7 You're argumentative and you're testifying.

8 A. It's what he said here. It's what the
9 author said.

10 Q. (By Mr. Wisner) So I have a few of these
11 corrigendums. I actually have two of them. I don't
12 have all four, but we'll look at both of them very
13 quickly. Attaching as Exhibit 66.

14 [Exhibit 66 marked for identification.]

15 Q. This is a corrigendum that was filed or
16 published with the expression of concern, and as you
17 can see, Doctor, this is the corrigendum that relates
18 to the Solomon exposure paper; correct?

19 A. Yes.

20 Q. That's the exposure paper that you
21 received a copy of but never read; right?

22 A. Correct.

23 Q. And then this is another corrigendum.
24 Labeling it Exhibit 67.

1 MR. JOHNSTON: What was the first one?

2 MR. WISNER: The first one was Solomon and
3 it was 66.

4 MR. JOHNSTON: 66.

5 Q. (By Mr. Wisner) This is 67.

6 [Exhibit 67 marked for identification.]

7 Q. And this is the corrigendum related to the
8 Acquavella epidemiological panel review. Do you see
9 that?

10 A. Yes.

11 MR. JOHNSTON: Object to both of these
12 exhibits on the lack of foundation because we're not
13 aware that these are publicly available.

14 MR. WISNER: Okay.

15 Q. (By Mr. Wisner) I would just draw your
16 attention --

17 MR. BAUM: They're online.

18 MR. JOHNSTON: We haven't seen them online
19 yet, so --

20 Q. (By Mr. Wisner) Doctor, I would just draw
21 your attention to -- on the front of both of these is a
22 URL that says, link to this article. Do you see that?

23 A. Yes.

24 Q. It also says published online, 26

1 September 2018. Do you see that?

2 A. Where does it say published online?

3 Q. Right there on the front page.

4 MR. BAUM: Looks like a little calendar.

5 A. Oh, here. Right there. Okay. Thank you.

6 Q. (By Mr. Wisner) So that was actually --

7 looks like it was published yesterday, wasn't it?

8 Today's the 27th?

9 A. Yes.

10 MR. JOHNSTON: I don't know. There's no

11 foundation for any of this, so --

12 MR. WISNER: All right.

13 MR. JOHNSTON: The document speaks for

14 itself.

15 MR. WISNER: All right.

16 Q. (By Mr. Wisner) Now, we turn -- look at

17 Exhibit 68 -- 67, I'm sorry -- which is the Acquavella

18 corrigendum. It has a new acknowledgments section and

19 declaration of interest. Do you see that?

20 A. Yes.

21 Q. And you can see it's actually

22 significantly longer than the one that was published in

23 the original manuscript, isn't it?

24 MR. JOHNSTON: Objection. Calls for

1 speculation. It's printed on different paper.

2 A. It's what's written here. I'd have to
3 have the other one --

4 Q. (By Mr. Wisner) Well, let's pull it up.
5 It's right here. It would be Exhibit 57?

6 MR. JOHNSTON: The formatting of the paper
7 is still wrong. I object to the question.

8 Q. (By Mr. Wisner) Look at the declaration
9 of interest section and the article. I believe it's on
10 41. Wow, actually knew that in my head.

11 MR. JOHNSTON: Do you really need her to
12 measure and get in an argument about font size and all
13 that? I mean, how is that important to you?

14 Q. (By Mr. Wisner) Are you comparing them?

15 A. The declaration of interest looks pretty
16 much the same size.

17 Q. Well, the declaration of interest in the
18 article doesn't mention Bayer, it doesn't mention a
19 whole bunch of companies. Do you see that?

20 MR. JOHNSTON: Where --

21 Q. (By Mr. Wisner) That are mentioned in the
22 new one?

23 A. I see that.

24 Q. When we're at trial, we can put up these

1 two declarations of interest on the screen and we can
2 look at them ourselves, but it's your testimony you
3 think that these are the same length?

4 A. Again, I don't know the word count. They
5 could have been changed one way or the other. I can't
6 say anything.

7 MR. JOHNSTON: I'm going to obje -- just
8 for the record, I'm going to object to both of these
9 exhibits because we're not able to find these online.
10 Go ahead and ask questions, but I don't know that
11 there's a proper foundation for these documents.

12 MR. WISNER: Okay. If you actually go to
13 the journal article, Mr. Hollingsworth, and you just --
14 the journal -- go to the journal website and you just
15 look at recent articles, it's the first three up. Just
16 FYI.

17 Q. (By Mr. Wisner) All right. One of the
18 important differences as well between the declarations
19 of interest in the corrigendum in the published article
20 is -- if you look at the bottom of the corrigendum,
21 what's the last sentence that the authors state?

22 MR. JOHNSTON: Objection. Argumentative
23 as to counsel's assertion of importance.

24 THE VIDEOGRAPHER: Excuse me, Doctor.

1 Could you not block the mic?

2 [Discussion off the record.]

3 Q. (By Mr. Wisner) What's the last sentence
4 in the corrigendum in this renewed declaration of
5 interest that has Dr. Acquavella as the lead author?

6 A. Do you want me to read it?

7 Q. Yeah. Please read it out loud.

8 A. The authors apologize for these errors.

9 Q. Doctor, do you on behalf of Monsanto also
10 apologize for these errors?

11 MR. JOHNSTON: Objection. Argumentative
12 and no foundation. She has no idea what this is about.

13 A. I was not involved in any of this.

14 Q. (By Mr. Wisner) Well, we've looked at
15 some of these documents. Well, if you look at the
16 acknowledgments section, right, in this corrigendum,
17 there's a sentence that starts off, William Heydens?
18 Do you see that?

19 A. Yes.

20 Q. It says, William Heydens of Monsanto
21 reviewed the initial draft or manuscript and commented
22 that the section on analytic selection bias was unclear
23 to him and that we might define the term gray
24 literature. He also pointed out some typographical

1 errors.

2 Based on his feedback, the authors decided
3 to clarify the section on analytic selection bias,
4 define gray literature in a footnote, and correct the
5 typos. Did I read that correctly?

6 A. Yes.

7 Q. So that is a very different disclosure
8 than Monsanto did not review any drafts prior to
9 publication; correct?

10 MR. JOHNSTON: Objection. Argumentative.

11 A. I did not know.

12 Q. (By Mr. Wisner) That's different, though,
13 isn't it?

14 A. I did not know.

15 Q. I know, but that's -- what it's saying
16 here is different than what you testified under oath
17 just a minute ago?

18 MR. JOHNSTON: Objection.

19 A. I did not know that Bill was involved in
20 this.

21 Q. (By Mr. Wisner) Now that you do --

22 MR. JOHNSTON: Listen to his question.

23 Sorry.

24 A. Oh, I'm sorry. Okay.

1 Q. (By Mr. Wisner) Now that you know,
2 Doctor -- now that you know the authors are saying Bill
3 Heydens did review it and the documents suggested as
4 much, but now we have it in black and white, will you
5 apologize for Monsanto for the errors of this
6 disclosure being inaccurate?

7 MR. JOHNSTON: Objection. Argumentative.
8 Harassing the witness.

9 A. I did not write the previous disclosure.
10 I was not involved in writing this previous disclosure.
11 The disclosure stands as it is.

12 Q. (By Mr. Wisner) Doctor, you are the
13 spokesperson for product safety. I'm giving you a
14 chance to speak for the company. This is the chance
15 right now. Monsanto is caught with its hand in the
16 cookie jar. Own up to it and say we're sorry. This is
17 your chance.

18 MR. JOHNSTON: Are you done? Objection.
19 Argumentative. Objection. Testimony of counsel.
20 Objection. Harassing the witness.

21 A. Again, I was not involved in writing
22 either of these declarations of interest nor the
23 acknowledgments.

24 Q. (By Mr. Wisner) So you refuse to

1 apologize?

2 MR. JOHNSTON: Objection. Misstates the
3 record. Argumentative. I don't think that's a
4 question.

5 Q. (By Mr. Wisner) You refuse to apologize;
6 correct, Doctor?

7 MR. JOHNSTON: Objection. Same objection.
8 It's a fact deposition, counsel.

9 A. Again, I wasn't involved in writing the
10 declarations of interest or acknowledgments in either
11 of these.

12 MR. WISNER: I move to strike the answer
13 as nonresponsive.

14 Q. (By Mr. Wisner) My question to you is a
15 simple one. Plain English, Doctor. Do you right now
16 refuse to apologize?

17 A. Again --

18 MR. JOHNSTON: Hold on. I object. You're
19 harassing the witness. You're argumentative. You're
20 testifying. You're not asking for fact testimony.
21 It's completely improper. Now you can answer his
22 question.

23 A. I was not involved in writing these -- not
24 this one or the other one.

1 Q. (By Mr. Wisner) So that's a no?

2 MR. JOHNSTON: Objection. Misstates the
3 witness's testimony. Harassing, argumentative.

4 A. I did --

5 MR. JOHNSTON: Let's move on, counsel.

6 A. I did not say no. I just said that I was
7 not involved in writing these.

8 Q. (By Mr. Wisner) Okay. All right. If we
9 look at the cor --

10 MR. BAUM: Can you pull your copy off of
11 mine so I can show them?

12 MR. WISNER: Michael, you're messing with
13 my mojo.

14 MR. BAUM: I don't think you have mojo.

15 MR. JOHNSTON: That's two days in a row
16 messing with his mojo.

17 MR. WISNER: That's all Michael does, man.
18 You should see at trial. Putting notes at me all the
19 time. They're usually pretty helpful, though.

20 Q. (By Mr. Wisner) All right, Doctor. Let's
21 go back to the corrigendum.

22 MR. JOHNSTON: Which one is that?

23 MR. WISNER: We're still on the same one.

24 MR. JOHNSTON: 67?

1 MR. WISNER: 67. This is the one with Dr.
2 Acquavella.

3 Q. (By Mr. Wisner) And Dr. Acquavella is a
4 friend of yours; right?

5 A. He is a colleague of mine and -- a
6 friendly colleague.

7 Q. He's a personal friend. You mentioned
8 about that yesterday.

9 A. Yes. Uh-huh.

10 Q. Did he tell you this was coming out?

11 A. No.

12 Q. Now, if you look at the paragraph that
13 just precedes the acknowledgments section, it says,
14 when this article was originally published on September
15 28th, 2016, the contributions' contractual status and
16 potential competing interests of all authors and
17 nonauthor contributors were not fully disclosed. Do
18 you agree to that, Doctor?

19 MR. JOHNSTON: Objection. Calls for
20 speculation.

21 A. I do not know. I don't know.

22 Q. (By Mr. Wisner) He goes on to state, in
23 fact, specifically the acknowledgments and declarations
24 of interest were not complete. See that?

1 A. I see that.

2 Q. Assuming that Dr. Acquavella and these
3 other authors are not lying here, they're telling the
4 truth, do you agree that if these were not complete
5 disclosures, they should have been complete?

6 MR. JOHNSTON: Objection. Compound.
7 Calls for speculation. Argumentative.

8 A. I don't know. I didn't write them and I'm
9 not aware of the standards which guide this kind of
10 writing for this journal.

11 MR. WISNER: All right. Take a very short
12 break, three minutes, and then I think we'll wrap up.

13 MR. JOHNSTON: What does --

14 THE VIDEOGRAPHER: We are going off the
15 record at 2:08 PM.

16 [A brief recess was taken.]

17 THE VIDEOGRAPHER: We are back on the
18 record at 2:14 PM.

19 MR. WISNER: All right, Doctor. Thank you
20 so much for your patience. It's been a long deposition
21 and I really appreciate your tenacity to get through
22 this. I want to just -- very quickly, there was the
23 another corrigendum -- let me say that again -- there
24 was another corrigendum that we looked at, and that was

1 the one that Dr. Solomon -- I believe it was Exhibit
2 66.

3 MR. JOHNSTON: 67, I think, wasn't it?

4 MR. WISNER: Oh, is it 67? Yes.

5 MR. JOHNSTON: One was 66 and one was 67.

6 MR. WISNER: Yeah. 67.

7 Q. (By Mr. Wisner) Do you have that, Doctor?

8 A. Oh. I do.

9 MR. JOHNSTON: It's right here.

10 A. Here it is.

11 MR. JOHNSTON: No.

12 A. Okay. 67?

13 Q. (By Mr. Wisner) Does it say Solomon?

14 A. No, it says Acquavella.

15 Q. So then it would be 66.

16 MR. JOHNSTON: 66.

17 A. Yeah.

18 Q. (By Mr. Wisner) And this was the exposure
19 paper we were discussing earlier; right?

20 A. Yes.

21 Q. And again it has the same sort of
22 paragraph about -- that we read earlier with Dr.
23 Acquavella's corrigendum. Do you see that?

24 A. Yes.

1 Q. And then at the very bottom again, Dr.
2 Solomon -- he states, the author apologizes for these
3 errors; right?

4 A. I see that.

5 Q. So now that we've basically gone through
6 this journey here, Doctor -- I'm going back to the
7 roadmap. And during the course of this -- oh, yeah.
8 Great. Okay. There we go. All right, Doctor. This
9 is back to the roadmap here. And it's been a long road
10 on Farmer Road, and I appreciate your tenacity on all
11 this.

12 We've gone through these different stops
13 and we've covered your work as a product spokesperson,
14 your work with regard to IARC, Monsanto's freedom to
15 operate, the playing Whack-A-Mole e-mail, the studies
16 that were never sent to regulatory agencies, and we
17 talked a considerable amount about ghostwriting.
18 Having gone through all that, Doctor, sitting here
19 today, do you have any regrets?

20 MR. JOHNSTON: Objection. Argumentative.

21 A. About what?

22 Q. (By Mr. Wisner) About what you've been
23 doing at Monsanto for 30 years.

24 MR. JOHNSTON: Objection. Argumentative.

1 A. Again, it's very broad and vague. I'm not
2 sure what you want me to answer to.

3 Q. (By Mr. Wisner) Do you have any regrets
4 about the 8,000 people who are suffering or who have
5 died from non-Hodgkin's lymphoma because of their
6 exposure to Roundup, Doctor?

7 MR. JOHNSTON: Objection. Assumes facts
8 not in evidence. Argumentative. Badgering the
9 witness. Improper. Go ahead.

10 THE WITNESS: Again, you asked about my
11 time at Monsanto, my work at Monsanto, and I have no
12 regrets.

13 MR. WISNER: Thank you for your time,
14 Doctor, and I do truly hope to see you in California.
15 No further questions. I pass the witness.

16 MR. JOHNSTON: She, I'm sure, does not
17 want to see you in California.

18 MR. WISNER: Oh, for stipulation, we've
19 agreed to suspend the deposition to allow for redirect
20 at a later date that we will negotiate.

21 MR. JOHNSTON: We'll agree to mutually.

22 MR. WISNER: Exactly. It will have to be
23 in October or in November, early November.

24 MS. MILLER: Direct?

1 MR. JOHNSTON: Direct, redirect.

2 Whatever. Examination by Monsanto's counsel.

3 MR. WISNER: Yes, that's correct.

4 MR. JOHNSTON: Let's put it that way.

5 MR. WISNER: So that's good. Can we agree
6 to relieve the court reporter for now of his custodial
7 duties and let the new court reporter take over?

8 MR. JOHNSTON: Yes.

9 MR. WISNER: It will not end the
10 deposition, but it will relieve the court reporter so
11 in case he can't be here for the next one, it's okay.

12 MR. JOHNSTON: Yes. Yes, we'll stipulate
13 to that as long as you take care of -- custody of these
14 exhibits --

15 MR. WISNER: Yes.

16 MR. JOHNSTON: -- that's fine with us,
17 and we'll talk and find a date --

18 MR. WISNER: Great.

19 MR. JOHNSTON: -- that we can mutually
20 agree upon to continue.

21 MR. WISNER: Thank you very much for your
22 time.

23 MR. JOHNSTON: Thank you. Suspend the
24 deposition.

1 THE VIDEOGRAPHER: We are going off the
2 record at 2:18 PM.

3 [2:18 p.m.]

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C E R T I F I C A T E

I, JOHN ARNDT, a Certified Shorthand Reporter and Certified Court Reporter, do hereby certify that prior to the commencement of the examination, DONNA FARMER, PhD, was sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

JOHN ARNDT, CSR, CCR, RDR, CRR

CSR No. 084-004605

CCR No. 1186

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I, DONNA FARMER, PhD, the witness herein,
having read the foregoing testimony of the pages of
this deposition, do hereby certify it to be a true and
correct transcript, subject to the corrections, if any,
shown on the attached page.

DONNA FARMER, PhD

Sworn and subscribed to before me,
This _____ day of _____, 201_.

Notary Public

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DEPOSITION ERRATA SHEET

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DONNA FARMER, PhD