

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
The Honorable Timothy J. Boyer

JOHN L. DURNELL, )  
 )  
Plaintiff, )  
 )  
vs. )  
 ) Cause No. 1922-CC00221  
MONSANTO COMPANY, )  
 )  
Defendant. )

TRIAL TRANSCRIPT

VOLUME 2B

Tuesday, October 3, 2023



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**OCTOBER 3, 2023**

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1 bench here, my clerk will swear you in.

2 **DONNA FARMER,**

3 having been sworn in by the circuit clerk, testified:

4 **THE COURT:** Good afternoon. How are you?

5 **THE WITNESS:** I'm good. How are you?

6 **THE COURT:** Doing well. Thank you. Can you  
7 do a favor for me here today? Keep your voice up so  
8 everybody can hear. The microphone is live. And  
9 answer with yeses and noes. Head nods and uh-huhs  
10 won't come through on the record.

11 Mr. Frazer, when you are ready.

12 **MR. FRAZER:** May it please the Court,  
13 counsel.

14 **DIRECT EXAMINATION**

15 **BY MR. FRAZER:**

16 Q. Good afternoon, Dr. Farmer.

17 A. Good afternoon.

18 Q. You are a Ph.D.?

19 A. I am.

20 Q. That's why we are calling you doctor?

21 A. Yes.

22 Q. Is that okay for me to do that?

23 A. Yes.

24 Q. Your full name is what?

25 A. Donna Roseltha Farmer.

1 Q. Okay.

2 A. R-O-S-E-L-T-H-A.

3 Q. Are you currently employed at Monsanto?

4 A. It's Bayer now, but, yes I am.

5 Q. I'm sorry?

6 A. Bayer, continuously employed, yes.

7 Q. If I use Monsanto/Bayer, I kind of mean

8 both. Is that okay?

9 A. That's okay.

10 Q. I don't mind if you correct me on that.

11 A. That's fine.

12 Q. That's fine. I get corrected all the time.

13 It is fine.

14 You've been there a long time, right?

15 A. Yes.

16 Q. How long?

17 A. Thirty-two years this past September.

18 Q. And for those 32 years, has your office been

19 out in Creve Coeur. Did I pronounce that right?

20 A. Creve Coeur.

21 Q. Creve Coeur.

22 A. It is hard to figure out.

23 I was until about five years ago when we

24 moved out to Chesterfield.

25 Q. Out to Chesterfield?

1 A. Yes.

2 Q. During the entire time you've been with the  
3 company that's the headquarters, where you have been  
4 located, been out that way?

5 A. Yes. Either in Creve Coeur or Chesterfield.

6 Q. Let's talk about your -- sort of your role  
7 with the company. Is that okay? Good place to start?

8 A. Yes.

9 Q. I know you're a toxicologist by training,  
10 right?

11 A. Yes.

12 Q. And I feel like I know you, but this is the  
13 first time we've ever met, right?

14 A. Yes.

15 Q. All right. So my understanding is that  
16 you've had many roles in the company. One has been as  
17 toxicologist, right?

18 A. That's my primary role. As a regulatory  
19 toxicologist, yes.

20 Q. But as you've progressed through the  
21 company, you've been called on by the company to do  
22 other things other than just sit in your office and  
23 look at toxicology-related stuff, right?

24 A. Yes, I have.

25 Q. You have been a spokesperson for the



1 company?

2 A. I was asked to speak about the science of  
3 glyphosate, yes.

4 Q. You were the one the company picked to do  
5 that to the public, correct?

6 A. I think at one time I was one of three  
7 people that was asked to do that.

8 Q. One of the occasions you had, you went on to  
9 a TV show to do that?

10 A. I did do that, yes.

11 Q. Okay. And I've never been on a TV show.  
12 What was that like?

13 A. I had never either. It was pretty  
14 unnerving. It is a production, so it was a very  
15 different experience. But to get to talk about  
16 glyphosate safety was a good opportunity.

17 Q. Okay. Now, we -- during the course of this  
18 whole glyphosate/Roundup, the time you've been with  
19 the company, you've been involved in a lot of emails,  
20 right? There are tons of them, right?

21 A. Yes. Email has been in the office since the  
22 '80s, so all through these years there are a lot of  
23 emails.

24 Q. You had to respond to questions that came  
25 from all over the country worldwide, right?

1           A.    Yes.

2           Q.    And early on you were asked questions about  
3    carcin- -- I can't even pronounce the word right,  
4    carcinogenicity. Did I say that right?

5           A.    You did.

6           Q.    You were asked about that, right?

7           A.    It is one of the topics that does come up  
8    from time to time, yes.

9           Q.    And if we dive into that you will agree with  
10   me that Monsanto, talking about the company, or Bayer,  
11   does not have a chronic long-term carcinogenicity test  
12   on the formulated product Roundup?

13          A.    Yes, and I can explain that.

14          Q.    No such test exists, right?

15          A.    Correct. And I can explain.

16          Q.    In fact, when you responded to people who  
17   asked, you know, what can we say about Roundup, you  
18   said in 2009 that you cannot say that Roundup does not  
19   cause cancer. We, assuming that's Monsanto, have not  
20   done carcinogenicity studies with Roundup, right?

21          A.    Yes, that needs to be put into context.

22          Q.    That's exhibit that -- that we marked as  
23   No. 226. I'm approaching counsel opposite. Make a  
24   copy of the exhibit?

25               **THE COURT:** Mr. Frazer and Ms. Cook, you can

1 approach each other without my permission to show  
2 exhibits.

3 **MS. COOK:** Thank you, Your Honor.

4 **MR. FRAZER:** Trying to let the jury know how  
5 the whole process goes.

6 **THE COURT:** I understand.

7 Q. (By Mr. Frazer) That's an email dated  
8 September 21, 2009, from you, right?

9 A. Yes.

10 **MR. FRAZER:** Your Honor, we move 226 into  
11 evidence.

12 **THE COURT:** Is there an objection?

13 **MS. COOK:** No objection.

14 **THE COURT:** 226 is admitted.

15 **MR. FRAZER:** Ed is our tech over there by  
16 the way.

17 Can you pull that up.

18 Q. (By Mr. Frazer) In this email you are  
19 answering a question that comes to your desk from  
20 Australia, right?

21 A. It is not really -- I'm not answering a  
22 question. This is actually a question-and-answer  
23 document that was forwarded to me and we were asked to  
24 review that question-and-answer document. So I was  
25 looking at the responses to the questions that someone

1 had put in there.

2 Q. The questions coming from Australia,  
3 Monsanto down in Australia, right?

4 A. It was a question-and-answer draft document  
5 that was put forth from Australia, yes.

6 Q. We can see right here where you say right  
7 there in the middle of the page here or this, "You  
8 cannot say that Roundup does not cause cancer. We  
9 have not done the carcinogenicity studies with  
10 Roundup."

11 Right?

12 A. It needs put in context.

13 Q. Just answer my question. Yes or no?

14 A. Yes.

15 Q. We will talk about blocking and bridging  
16 here in a minute.

17 **MS. COOK:** Objection.

18 **THE COURT:** Move on, Mr. Frazer.

19 Q. (By Mr. Frazer) This is what you are  
20 writing in 2009?

21 A. Yes.

22 Q. That statement was true prior to  
23 September 21, 2009, for the entire time Roundup was on  
24 the market from 1974, correct?

25 A. Not that Roundup -- not saying that Roundup

1 causes cancer. I'm saying that we don't have that  
2 carcinogenicity study. That is true.

3 Q. You cannot say that Roundup does not cause  
4 cancer, that was true on September 20, the day before  
5 2009, right?

6 A. But that needs to be put in context with the  
7 question below.

8 Q. That was true the day before, right, ma'am?

9 A. That's what it says, but it is saying we  
10 haven't done the carcinogenicity studies. I'm not  
11 saying that Roundup causes cancer.

12 Q. But you are telling these people in  
13 Australia -- and this is not what it said, it's what  
14 you said, right?

15 A. It needs to be talking in context with No. 2  
16 question. Below there is more information in there  
17 that will address the context of that answer.

18 Q. I hear you. But this is what you said, not  
19 what it said. That was my only question. Yes or no?

20 A. Yes.

21 Q. That was true from 1974 when Roundup went on  
22 the market until this day and time September 21, 2009,  
23 correct?

24 A. That we don't have the carcinogenicity  
25 studies with Roundup, that's true.

1 Q. And it is true today in this courtroom on  
2 October 3, 2023, right?

3 A. That we don't have carcinogenicity studies  
4 with Roundup, and I can explain.

5 Q. All right. I think we are done with that  
6 document. Thank you, ma'am.

7 **THE COURT:** Mr. Frazer, you want my copies  
8 back as well?

9 **MR. FRAZER:** Unless you want to keep it.

10 **THE COURT:** No. I have enough.

11 **JUROR:** We're having a little trouble  
12 hearing you.

13 **THE WITNESS:** Is that better?

14 Q. (By Mr. Frazer) That's a lot better.  
15 That's why I was getting up close to you because I  
16 couldn't hear you. Sorry for getting too close. Is  
17 that fair?

18 A. That's fine.

19 Q. Now, you've also been the company  
20 spokesperson at a lot of conferences, right?

21 A. Well, like scientific conferences and other  
22 internal conferences, so, yes, I have been involved in  
23 a number of conferences.

24 Q. By internal conferences, you are talking  
25 when a bunch of Monsanto employees all get together

1 and you speak on something during that meeting, right?

2 A. I have, yes.

3 Q. And when you talk about conferences that are  
4 external to the company, you are doing the same except  
5 now there are a lot of other people there that don't  
6 work for Monsanto, right?

7 A. I think we have everybody has group meetings  
8 within your company and you have conferences you go to  
9 outside of your company, yes.

10 Q. Some of those conferences involve only  
11 people from the chemical industry, correct?

12 A. I'm not usually involved in the chemical  
13 industry. I'm more involved in the pesticide  
14 industry.

15 Q. Understand that. At these conferences that  
16 involve people that aren't internal, i.e., all  
17 Monsanto folks, you are meeting with other  
18 representatives from chemical companies that make  
19 pesticides, herbicides and fungicides, right?

20 A. If you could give me a specific meeting, I  
21 could be more accurate in my answer. But generically,  
22 there are a lot of meetings. We meet with a lot of  
23 people in different industries and different areas,  
24 yes.

25 Q. Like the MESH conference in May of 2007.

1 You remember that one?

2 A. So if you have a document you'd like me to  
3 look at.

4 Q. Well, I'm just asking you. Do you remember  
5 the MESH conference?

6 A. So I think MESH is Monsanto Environmental  
7 Safety and Health. That is all of our folks that are  
8 industrial hygienists, occupational physicians. It is  
9 their meeting.

10 Q. That's an internal meeting?

11 A. That would be an internal meeting.

12 Q. Whatever you presented at that meeting was  
13 only to Monsanto people?

14 A. I believe that would be the case, yes.

15 Q. Okay. I don't know the answer to this  
16 question, but I'm going to ask it.

17 You also have met with or have you met with  
18 folks that work at the Environmental Protection Agency  
19 of the United States of America?

20 A. That -- as a regulatory toxicologist, that  
21 is part of something that we do in our job.

22 Q. You met with regulatory people from the  
23 equivalent up in the country of Canada?

24 A. I don't believe I met with them personally.  
25 I have talked with them on the phone, yes.



1 Q. So you talked to them on the phone. You  
2 pick them up, they will answer your phone call, and  
3 talk to you?

4 A. I have -- that's not how I operated. We  
5 have a regulatory affairs manager. They set up the  
6 call and we have that discussion with them.

7 Q. I'm sorry. So somebody else in this whole  
8 big company will set up a call with you with some  
9 Canadian regulatory person and that's how the call  
10 will happen?

11 A. That's how we interact with the regulatory  
12 agencies.

13 Q. Would the same answer be true for Australia  
14 and New Zealand?

15 A. We have regulatory managers around the  
16 world, and they're the ones that work directly with  
17 the regulatory agencies. If they have a question they  
18 want someone like myself as a technical expert to talk  
19 to, they will arrange for that call.

20 Q. And you have been in those calls with  
21 regulatory authorities in New Zealand and Australia?

22 A. I don't remember if I had. Maybe once a  
23 long time ago.

24 Q. Now, would it be fair to say that no  
25 regulatory authority you ever met with, talked to, has

1 ever seen Exhibit 226 that we just admitted into  
2 evidence?

3 A. I think that is correct, yes.

4 Q. Okay. So all these regulatory agencies all  
5 over, nobody at the US EPA has ever seen Plaintiff's  
6 Exhibit 226?

7 A. No.

8 Q. Nobody at the Canada EPA, I don't know what  
9 they call it up there, but nobody up there has ever  
10 seen 226?

11 A. No. And there is no reason that they would  
12 have.

13 Q. I hear you there. We can agree on that.

14 What about the New Zealand and Australia  
15 regulatory authorities? Have they ever seen 226?

16 A. Again, no reason they would have. No.

17 Q. Have you ever shown Dr. Christian Tomasetti  
18 Exhibit 226?

19 A. No. And I don't really know Dr. Tomasetti.

20 Q. How about a doctor named Madisar [ph]. You  
21 ever shown him 226?

22 A. I don't even know who that is.

23 Q. Now, there is one group however that you've  
24 never spoken to, correct?

25 A. I'm sorry. I have no idea who you are

1 talking about.

2 Q. I think you were asked if you had ever gone  
3 to or spoken to anybody on the board of directors of  
4 the Monsanto Company and you said you had never done  
5 that?

6 A. I don't remember speaking to the board of  
7 directors, being invited to speak to them, no.

8 Q. So none of the executives at Monsanto have  
9 ever heard from you personally to your knowledge?

10 A. No. Not to my knowledge.

11 Q. Have you given any of the executives at the  
12 Monsanto Company out there at corporate headquarters  
13 Plaintiff's Exhibit 226?

14 A. Is that the one we were just looking at?

15 Q. Yes, ma'am.

16 A. No. And there is no reason to have done  
17 that.

18 Q. Now, you have had media training, right?

19 A. Yes, I have.

20 Q. On more than one occasion or just one time?

21 A. One of the big ones was with -- before IARC  
22 was the major one.

23 Q. Before IARC. We talked about in our  
24 openings, but openings aren't evidence as the good  
25 Judge has instructed the jury. They're only what the

1 lawyers expect the evidence to show. You weren't  
2 here. You don't have the benefit of those two opening  
3 statements.

4 IARC is International Agency for Research on  
5 Cancer, right?

6 A. Yes. That's what it stands for.

7 Q. IARC?

8 A. Correct.

9 Q. They are the -- they are the official agency  
10 of the World Health Organization to study cancer in  
11 the whole world, right?

12 A. That's my understanding.

13 Q. And they study all kinds of stuff, right?

14 A. They do.

15 Q. If there is something even suspected of  
16 being a human carcinogen, the call of IARC is to go  
17 out and see if it is or isn't, right?

18 A. Yes.

19 Q. That's all they do, right?

20 A. They research cancer as well, yes.

21 Q. And it is not some governmental regulatory  
22 authority, it is a group of scientists who are  
23 independent scientists who get selected for whatever  
24 the topic is because they have fields of expertise  
25 that are related to that topic, right?

1           A.    I would characterize the EPA a little bit  
2 differently compare and contrasting to IARC, but the  
3 EPA also has independent experts that have specialties  
4 to review carcinogenicity just like IARC does.

5           Q.    I understand that. That wasn't my question.

6                    My question was: IARC brings together  
7 independent scientists to come in and study a  
8 particular concern about a -- something that might  
9 cause cancer and they bring in the scientists who have  
10 some kind of expertise or background in that topic,  
11 right?

12          A.    In that topic or that substance.

13          Q.    Subject, topic, reference. Whatever you  
14 want to call it.

15          A.    They could be, yes.

16          Q.    And they are different depending on the  
17 topic, right? It is not just the same 15, 17, 20  
18 people every time. It is trying to get the world's  
19 experts on this particular issue to come and look at a  
20 particular concern about a carcinogen, right?

21          A.    They have a group of experts that they  
22 solicit from, yes.

23          Q.    Yeah. Now, I didn't mean to do that  
24 diversion in IARC, but since you brought it up I  
25 wanted the jury to understand all that because it is

1 complicated for sure.

2           So you mentioned the 2015 IARC is when you  
3 first got media training, right?

4           A.    Correct.

5           Q.    You got media training so that you could go  
6 out and speak to the public on the issues that were  
7 coming up that IARC was going to consider for the  
8 chemical glyphosate, right?

9           A.    I would characterize it a little bit  
10 different.

11          Q.    All right. Go ahead.

12          A.    So I'm a scientist. I'm used to talking to  
13 other scientists. And they were going to ask me  
14 because I was a toxicologist for many years for  
15 glyphosate, know the database, to go talk to the  
16 public about the safety behind glyphosate and Roundup  
17 products. And to do that effectively, they media  
18 trained me to be a more effective communicator with  
19 the public.

20          Q.    At the time you were selected for that, had  
21 the people that selected you at the company seen  
22 Plaintiff's Exhibit 226 admitted into evidence?

23          A.    No, they had not. That needs to be put back  
24 into perspective.

25          Q.    So you get selected to go speak -- this is

1 before IARC even met, right?

2 A. Yes.

3 Q. You were going to get ready, right?

4 A. We were preparing for any outcome that IARC  
5 would come to.

6 Q. And part of that readiness, and we will look  
7 at a document a little bit later, was the Monsanto  
8 Company wanted to, quote, orchestrate outcry at  
9 whatever the IARC decision might be, correct? You  
10 were part of that?

11 A. Well, that was part of our public affairs  
12 group that put that together, and yes, I would have  
13 been a part of that as being the scientist to speak to  
14 the safety of glyphosate and Roundup.

15 Q. Orchestrate outcry. Sounds to me like, you  
16 know, you are like a conductor, you are orchestrating  
17 something, right? Is that what you all were doing?

18 A. I wouldn't characterize it that way.

19 Q. Outcry, you are complaining, you are yelling  
20 against what might happen coming out of the IARC?

21 A. Again, I wouldn't characterize it that way.

22 Q. We can't agree on the meaning of  
23 orchestrated or outcry; is that right?

24 A. Well, I have a way I would look at it. I  
25 just don't agree with your characterization of it.

1 Q. Now, part of your media training was to  
2 learn how to speak to people, right?

3 A. I would say, no, not to speak to people. I  
4 taught medical school for many years. It is about  
5 effectively communicating with the public about the  
6 safety of glyphosate and Roundup effectively.

7 Q. To get your message across?

8 A. Again, it was to be an effective  
9 communicator.

10 Q. You sat in on a media training session, and  
11 you actually made handwritten notes during the  
12 session, correct?

13 A. I did, yes.

14 Q. One of the things you learned at that  
15 session was something called blocking and bridging,  
16 right?

17 A. And I can explain that, yes.

18 Q. And, well, I think I know what it is.

19 You block whatever the question is and you  
20 try to bridge to some other answer you want to give,  
21 right?

22 A. Would you like me to give you an example?

23 Q. Sure. Yeah, sure.

24 A. So what it was is there were three of us  
25 that were selected to speak to the public, and I was



1 asked as the scientist, so we had another person who  
2 was a business guy. If they are asking about the  
3 business, that was not where I was supposed to talk.  
4 So if somebody asked me about the business I'd say,  
5 "I'm sorry. I'm here to talk to you about the  
6 science." This person -- I'll find someone else to  
7 talk to you about business. That was the blocking.

8 Now I'm going to talk to you about what I  
9 was here to talk to you about and then bridge back to  
10 the science, the data that I was asked to speak about.

11 Q. You would not answer the question that was  
12 put to you, you would move to something else, right?

13 A. Again, if it was a question that wasn't in  
14 my area of expertise, no, that wouldn't have been  
15 appropriate for me to speak to that, but to speak to  
16 the data that I knew.

17 Q. Can we agree that you won't block or bridge  
18 while you are testifying in this case?

19 A. I'm not doing that. I'm telling you guys  
20 the truth.

21 Q. So you will agree not to do it?

22 A. I'm not doing it, and I will agree not to do  
23 it.

24 Q. All right. Make sure we are on the same  
25 page.

1           Now --

2           **MR. FRAZER:** Can we turn the ELMO on, or do  
3 I do that right here? I don't know how to do these  
4 things half the time. It is on. Do you have to  
5 change it out?

6           **MS. COOK:** Is this a new exhibit that hasn't  
7 been admitted into evidence?

8           **THE COURT:** Yeah. Let's admit it before we  
9 display it.

10          Q.    (By Mr. Frazer) I'm going to hand you this  
11 and ask you if you know what that is?

12           **MR. FRAZER:** It's this right here.

13           **MS. COOK:** Objection. Foundation.

14           **THE COURT:** Let's mark it and lay a  
15 foundation for it. What are we marking that as?

16           **MR. FRAZER:** Mark it as Plaintiff's -- I  
17 don't even know what number.

18           **THE COURT:** I don't know what your numbering  
19 system is either.

20           **MR. FRAZER:** 5000. I know I don't have  
21 5000.

22           **THE COURT:** We will mark it later. I'll  
23 note that it is Exhibit 5000.

24           **THE WITNESS:** So I've not seen this before,  
25 and I would agree the way it is characterized --

1           **THE COURT:** Let's go to sidebar.

2           **MR. FRAZER:** Can I ask her a quick  
3 foundational question first to save some time?

4           **MS. COOK:** Your Honor, may I have a copy of  
5 the document?

6           **MR. FRAZER:** You have one.

7           **THE COURT:** Let's go to sidebar.

8           (Counsel approached the bench and the  
9 following proceedings were held:)

10          **THE COURT:** So we are talking about a slide  
11 from your presentation. Is that correct, Mr. Frazer?

12          **MR. FRAZER:** Picture of all the Monsanto  
13 people.

14          **THE COURT:** What is your objection?

15          **MS. COOK:** Objection is she's never seen it  
16 before.

17          **THE COURT:** She either does or does not know  
18 who the people are. Do you have -- I'll see whether  
19 or not she knows who the people are. Do you have an  
20 objection other than that? If she doesn't know, she  
21 doesn't know and he can't lay the foundation.

22          **MS. COOK:** If it isn't demonstrative. I  
23 want the jury to know it is not a piece of evidence in  
24 this case. Makes it sound like she doesn't know the  
25 document.

1           **MR. FRAZER:** It is not in evidence yet.

2 Court hasn't ruled on it yet.

3           **THE COURT:** I'll let her see whether or not  
4 she can ID the people. If she can, we will cross the  
5 bridge on whether or not to enter it, and encourage  
6 you to rebut it, however you want, if it gets entered  
7 when it is your turn to ask questions. Does that  
8 makes sense?

9           **MS. COOK:** My other objection is a  
10 demonstrative should not come into evidence, so it  
11 should be called a demonstrative. Not substantive  
12 evidence that comes --

13           **THE COURT:** Demonstrative when being used  
14 demonstratively, either going to let it in or it is  
15 not. Figure out whether it's a demonstrative piece of  
16 evidence or not when I rule on whether I'm admitting  
17 it.

18           (The proceedings returned to open court.)

19           Q. (By Mr. Frazer) Dr. Farmer, every person's  
20 picture on that document you know, right, that I just  
21 handed you?

22           A. So am I to look at the document?

23           Q. The Court runs this court here.

24           **THE COURT:** You can look at the document and  
25 answer his question, okay?

1           **THE WITNESS:** Okay.

2           **THE COURT:** Thank you.

3           Q.    (By Mr. Frazer) Do you know all those folks  
4 on that piece of paper?

5           A.    I do.

6           Q.    You know every one of them, don't you?

7           A.    I do.

8           Q.    Your picture is on that piece of paper,  
9 isn't it?

10          A.    It is.

11          **MR. FRAZER:** Your Honor, we move this into  
12 evidence as Plaintiff's Exhibit 5000.

13          **THE COURT:** Let me see the exhibit.

14          **MS. COOK:** Objection. No objection as a  
15 demonstrative, just as substantive.

16          **THE COURT:** I'm not going to admit it as an  
17 exhibit. You can use it as a demonstrative,  
18 Mr. Frazer.

19          **MR. FRAZER:** Okay. Thank you.

20          **THE COURT:** You need to do something about  
21 the brightness there.

22          **MR. FRAZER:** We can pull that up on the  
23 slide, Your Honor. Might be better. This is a little  
24 glossy.

25          **THE COURT:** Believe it is Slide No. 3, if

1 that helps. There you go.

2 Q. (By Mr. Frazer) We are looking at  
3 Exhibit 5000, which has been marked as demonstrative  
4 only. The gentleman in the top left, that's the CEO  
5 of the company, Hugh Grant, right?

6 A. Yes.

7 Q. The person next to him is a guy named Bill  
8 Reeves, right?

9 A. Yes.

10 Q. Next to him is Michael Koch, right?

11 A. Koch, yes.

12 Q. Then you got Bill Heydens, H-E-Y-D-E-N-S,  
13 right?

14 A. Yes.

15 Q. And you got Brett Begemann, right?

16 A. Correct.

17 Q. Mr. Begemann served various capacities in  
18 the company. Ultimately, he became the chief  
19 operating officer and president of Monsanto, right?

20 A. I believe that is the case, yes.

21 Q. Then down here you got a colleague by the  
22 name of Dan Goldstein, right?

23 A. Yes, Dr. Goldstein.

24 Q. Dr. Goldstein is a medical doctor, right?

25 A. Yes.

1 Q. His specialty is pediatrics, correct?

2 A. No. He is a -- that was the early part of  
3 his trade. He is a medical toxicologist through his  
4 fellowship program.

5 Q. His residency to get his medical doctor  
6 license was in pediatrics, right?

7 A. Correct, but his fellowship was in medical  
8 toxicology.

9 Q. I didn't ask about his fellowship, okay. He  
10 is a M.D., residency in pediatrics, right?

11 A. But he has had further training, yes.

12 Q. Okay. Then you got a guy next to him. His  
13 last name is Martens, M-A-R-T-E-N-S, correct?

14 A. Correct.

15 Q. Then you are right there in the middle?

16 A. Correct.

17 Q. And then you got a guy by the name of John  
18 Acquavella here, right?

19 A. Correct.

20 Q. That's the gentleman right here to your  
21 right; is that right?

22 A. Yes.

23 Q. He was the only epidemiologist that was ever  
24 hired at Monsanto, correct?

25 A. I don't know if there were before my time,

1 but John was there when I was there, yes.

2 Q. He was the only -- he has been the only  
3 epidemiologist that worked at Monsanto Company during  
4 your time there, right?

5 A. We have another one now, but John was the  
6 one that worked in the ag company with me at the time.

7 Q. And then who is that guy right next to him?

8 A. Dr. Saltmiras.

9 Q. David Saltmiras?

10 A. Correct.

11 Q. Who is the guy down there in the bottom left  
12 corner?

13 A. I believe that is Mr. Sam Murphey.

14 Q. He was in public affairs, right?

15 A. I believe that's where he was, yes.

16 Q. Then you got Jim Guard?

17 A. Correct.

18 Q. And Mr. Guard was head of Worldwide Lawn &  
19 Garden for Monsanto, right?

20 A. Correct.

21 Q. The lawn and garden market is the one that  
22 you people can go to Lowe's store, Ace Hardware in  
23 St. Louis, and then get a Roundup Ready-To-Use bottle  
24 and go out and start spraying weeds, right, that's the  
25 Lawn & Garden Division?



1 A. That a homeowner/consumer can buy, yes.

2 Q. He was in charge of it worldwide, right?

3 A. Yes.

4 Q. Mr. Reeves, he is a toxicologist, right?

5 A. Yes.

6 Q. But he is in the public affairs side of the  
7 company, right?

8 A. No. He is in our regulatory scientific  
9 affairs.

10 Q. Regulatory scientific affairs. He does a  
11 lot of speaking for the company, too, doesn't he?

12 A. I'm not sure what Dr. Reeves'  
13 responsibilities are. He is promoting science.

14 Q. Mr. Koch that's in the middle there, he was  
15 actually your boss a level or two away, right?

16 A. Dr. Koch was head of the regulatory product  
17 safety center, yes.

18 Q. He was ahead of you in the chain of command  
19 at Monsanto?

20 A. He was, yes.

21 Q. Mr. Heydens, Dr. Heydens, he is a  
22 toxicologist, right?

23 A. Yes.

24 Q. He was ahead of you in the chain of command,  
25 correct?

1           A.    It depended upon what time of the decades  
2   that we worked together.  He was either ahead of me or  
3   next to me so.  He moved around.

4           Q.    Yeah.  You all were close colleagues?

5           A.    We were toxicologists that worked together,  
6   yes.

7           Q.    We talked about Mr. Begemann, the CEO and  
8   president.  If you drop down under him, David  
9   Saltmiras?

10          A.    Dr. Saltmiras.

11          Q.    He was a Ph.D in toxicology.

12          A.    I don't know if it is toxicology, but he's a  
13   regulatory toxicologist as well, yes.

14          Q.    He was a good writer, though, we can agree  
15   on that, right?

16          A.    David, to my understanding, is a good  
17   writer, yes.

18          Q.    We will look at some of those documents a  
19   little bit later.

20                    Mr. Martens, the gentleman with the blue tie  
21   to your left on 5000, he was over in the European  
22   Monsanto office, right?

23          A.    Dr. Martens is our regulatory toxicologist  
24   over in our European office, yes.

25          Q.    Is that in Germany or France or Luxembourg,

1 where was that office?

2 A. Brussels.

3 Q. Brussels, Belgium.

4 A. Correct.

5 Q. Then we talked about Dr. Goldstein. He was  
6 officed out there with you in headquarters, right?

7 A. Correct.

8 Q. And then Mr. Murphey, he kind of goes  
9 between here and Washington DC, doesn't he?

10 A. He is no longer with the company.

11 Q. No longer with the company?

12 A. Right.

13 Q. The time he was with the company, he was  
14 with public affairs and he had duties here in Missouri  
15 and also in Washington DC, correct?

16 A. I don't know where Mr. Murphey went to and  
17 from in his daily job.

18 Q. Okay. And the reason I want to go through  
19 this, because when we go through these documents I  
20 want the jury to try to remember some of these names,  
21 some of these faces, so that you can kind of put that  
22 in the right context as we go through. So thank you  
23 very much for going through that.

24 Now, one of your jobs at Monsanto has been  
25 to, quote, defend glyphosate, right?

1           A.    I add another word in there, but defend the  
2 science of glyphosate and Roundup, yes.

3           **MR. FRAZER:**  467, please.

4           **THE COURT:**  Don't put it up until it has  
5 been admitted, please.

6           **MR. FRAZER:**  Don't put that up.

7           **THE COURT:**  I'm sorry, what number?

8           **MR. FRAZER:**  467.  There is a depo  
9 exhibit on there to, but that's not the number.

10          Q.    (By Mr. Frazer)  Are you familiar with  
11 Exhibit 467, ma'am?  You familiar with that document?

12          A.    I'm sorry.  Yes, I am.

13          **MR. FRAZER:**  Your Honor, we move this into  
14 evidence.

15          **THE COURT:**  Is there objection to 467?

16          **MS. COOK:**  No objection.

17          **THE COURT:**  It will be admitted.

18          **MR. FRAZER:**  Let's pull 467 up please, Ed.

19          Q.    (By Mr. Frazer)  Kimberly Link that we see  
20 here.  She was in the public affairs division; is that  
21 right?

22          A.    Correct.

23          Q.    And she is writing you, correct?

24          A.    And cc'ing Dr. Koch.

25          Q.    Cc'ing Dr. Koch February 25, 2015?

1 A. Correct.

2 Q. That's pre-IARC meeting in 2015 that was in  
3 March of 2015?

4 A. Yes.

5 Q. And it's talking about the media training  
6 session that you are going to get that we just talked  
7 about, right?

8 A. Correct.

9 Q. And you are getting a media training session  
10 from a professional company called FleishmanHillard  
11 here in St. Louis, right?

12 A. That's my understanding, yes.

13 Q. It is the PR, public relations agency of  
14 record for Monsanto, correct?

15 A. Yes.

16 Q. And in this what Ms. Link is telling you,  
17 that you have been selected as one of the primary  
18 spokespersons for the company to defend glyphosate,  
19 right?

20 A. Correct.

21 Q. She doesn't say defend the science of  
22 glyphosate, does she?

23 A. No, but as the scientist that was selected,  
24 that would have been the expectation of me, is to  
25 speak to the science.

1 Q. I understand what the expectation is. What  
2 she is saying right here is out of all the people we  
3 know, we are going to pick you to defend glyphosate,  
4 Dr. Farmer, right?

5 A. Right. Along with Tyvon and Phil Miller.

6 Q. Tyvon, what is his background?

7 A. He is a scientist as well.

8 Q. Who is the other guy?

9 A. Phil Miller.

10 Q. What did he do?

11 A. Crop side and worked themselves up to the  
12 biotechnology and our chemical organizations.

13 Q. Neither one of them went on a TV show, did  
14 they?

15 A. No, they didn't.

16 Q. Okay.

17 **MR. FRAZER:** Pull that down. Thank you.

18 Let's pull up 468.

19 Q. (By Mr. Frazer) Exhibit 468 is a copy of  
20 the training materials you got from FleishmanHillard  
21 when you got your media training, right?

22 A. Correct.

23 Q. In fact, if you flip toward the back that's  
24 where your handwritten notes are, I think. I think I  
25 gave you the right one.

1 A. Yes.

2 Q. Is that right?

3 A. Uh-huh.

4 Q. That's your handwriting on the last page?

5 A. Yes.

6 **MR. FRAZER:** Your Honor, we move this  
7 Exhibit 468 into evidence.

8 **THE COURT:** Any objection?

9 **MS. COOK:** No objection.

10 **THE COURT:** It will be admitted.

11 **MR. FRAZER:** All right. Let's pull that up,  
12 Ed. Ed, go to Page 28, which is the last page we just  
13 talked about.

14 Q. (By Mr. Frazer) Those are your handwritten  
15 notes, right?

16 A. Yes.

17 Q. Those are the points you wrote down that  
18 were most significant to you while you were getting  
19 your media training, right?

20 A. So I wouldn't put it that perspective.  
21 These are some of the notes that I had used before the  
22 media training, and I was writing them down again to  
23 have as bullet points, reminders that I would again be  
24 using in talking publicly.

25 Q. Before you had the media training then, you

1 had this document in your hand, right?

2 A. No. That's not what I said. I said that I  
3 had these kind of statements, that I used these  
4 statements before the media training. After the media  
5 training, I was writing these down as part of having  
6 these points available to talk to the public about the  
7 safety of glyphosate.

8 Q. Were these your points or FleishmanHillard  
9 points?

10 A. These were absolutely my points, and I had  
11 used them before the media training.

12 Q. Okay. Now --

13 **MR. FRAZER:** Let's go back to the first page  
14 there, Ed, please.

15 Q. (By Mr. Frazer) First page of the document  
16 tells everybody what this is, right?

17 A. Correct.

18 Q. It's IARC, International Agency for the  
19 Research of Cancer, media training held March 2nd,  
20 2015, right?

21 A. Correct.

22 Q. Do you know any of these people that are on  
23 this front page here?

24 A. No, I don't. I think they are just stock  
25 photos.



1 Q. Stock photos. We can agree this was before  
2 IARC even met, correct?

3 A. Correct.

4 **MR. FRAZER:** Let's turn to Page 18, please,  
5 Ed.

6 Q. (By Mr. Frazer) This is what we talked  
7 about earlier, blocking and bridging, right?

8 A. Hang on just a second. Let me get there.  
9 Page 17?

10 Q. Eighteen?

11 A. Yes.

12 Q. Seventeen, you are right. I don't think the  
13 cover page is numbered.

14 A. Right.

15 Q. This is the blocking and bridging notes that  
16 you got or the media instruction you got from  
17 FleishmanHillard, right?

18 A. As we discussed before, yes.

19 Q. The first one I asked you about earlier it  
20 says, "Moving from the question to the answer you want  
21 to give."

22 Right?

23 A. That's what it says, yes.

24 Q. Now, this was a PR agency that is in charge  
25 of all of Monsanto, according to Ms. Link's email we

1 looked at earlier, right? Our agency of record is  
2 what that prior exhibit says.

3 A. I was going to say agency of record. I  
4 wouldn't put it as in charge of all of Monsanto.  
5 Agency of record, yes.

6 Q. Okay. The first point to you to media  
7 training, it's the first one listed, "Moving from the  
8 question to the answer you, Dr. Farmer, want to give."

9 Right?

10 A. Correct.

11 Q. The second says, "Don't  
12 evade...restructure."

13 Right?

14 A. Correct.

15 Q. That's the blocking or bridging move,  
16 correct?

17 A. I believe that's one of their examples.

18 Q. Then they tell you to use connectors. And  
19 by that, what they're trying to tell you is the words  
20 you can use to make it look like you are not bridging  
21 or blocking, but use words so that they are understood  
22 that you're connecting everything together, right?

23 A. The last bullet shows how I was going to use  
24 that.

25 Q. Yes. Thank you.

1           Let's turn to Page 20, I guess would be 19  
2   at the bottom. The other thing that you are taught by  
3   the media trainers at FleishmanHillard is to make it  
4   personal, right?

5           A. That's what it says, yes.

6           Q. You can make it personal, maybe somebody  
7   that is out there that is a skeptic about something,  
8   they might believe in what you are saying, right?

9           A. Maybe.

10          Q. Yeah. And you need to make it personal by  
11   telling why you do what you do, how does it help  
12   society, what drove you and your colleagues to do it  
13   this way. And in your mind, think about a particular  
14   person and ask yourself the question are you  
15   persuading them. That's what you have been instructed  
16   to do, right, ma'am?

17          A. I don't think it is what we have been  
18   instructed to do. I think they are giving you  
19   examples how to personalize a conversation, if you  
20   choose to do it.

21          Q. You are right. Instructs -- instructs part  
22   of what you were trained to do by FleishmanHillard?

23          A. Again, I think one of their guidances was  
24   try to make it personal, if you can. If you choose to  
25   do it, here is some options on how you can do it.

1 Q. You were trained to do it this way in these  
2 four bullet points under the heading "Making It  
3 Personal," right?

4 A. Again, the training was optional, how you  
5 did different things. So this is one of the things  
6 they told us you could use to make it personal. You  
7 may or may not choose to use that.

8 Q. Okay. We heard earlier that, you know,  
9 let's look at the science. What they are telling you,  
10 you said you were there to talk about the science,  
11 right?

12 A. Yes.

13 Q. They are telling you make the science  
14 personal?

15 A. I wouldn't put it that way. It says: "Why  
16 do you do what you do, because I like science, because  
17 I'm a scientist, and I've studied the science of  
18 glyphosate."

19 So this is about how do you communicate  
20 effectively with the public and giving us tools on how  
21 to do that.

22 Q. Okay. Got that.

23 **MR. FRAZER:** Indulge me for one moment, Your  
24 Honor.

25 Q. (By Mr. Frazer) Dr. Farmer, I want to move

1 a little bit away from media training.

2 **MR. FRAZER:** You can take that down, Ed.

3 Q. (By Mr. Frazer) Will you agree with me that  
4 Monsanto is at all times responsible for the products  
5 that it brings to the market?

6 A. I would agree that companies should do that  
7 and Monsanto as well.

8 Q. I'm just talking about Monsanto, not all  
9 companies. Appreciate that. We are on the same page  
10 there?

11 A. And we are, yes.

12 Q. So Monsanto in this courtroom will accept  
13 the responsibility for every product it brings to the  
14 market at all times?

15 A. I believe that, yes.

16 Q. That's from the time it gets made and to the  
17 time it gets thrown away, right?

18 A. We have a product life cycle called cradle  
19 to grave and that is our responsibility through our  
20 stewardship, yes.

21 Q. Cradle to grave. That's a good one.

22 So if something goes wrong with the product  
23 during manufacturing, that's something that Monsanto  
24 is responsible for?

25 A. We have the -- I'm not part of the

1 manufacturing group, but I know that they have  
2 policies and procedures in place in how they  
3 manufacture the product. And they are responsible for  
4 putting out a high quality product, yes.

5 Q. So the answer is yes.

6 And Monsanto's responsible for anything that  
7 gets into that bottle of Roundup in the manufacturing  
8 phase of that bottle, right?

9 A. Yes.

10 Q. So any so-called impurity Monsanto is  
11 responsible for?

12 A. We know what the impurities, are.  
13 Impurities are found in all kinds of substances, and  
14 we know those within our product, yes.

15 Q. My question was simply: Does Monsanto  
16 accept responsibility for impurities in its Roundup  
17 products?

18 A. Yes.

19 Q. Does Monsanto accept responsibility for  
20 contaminants in its Roundup products?

21 A. So I don't know if I would differentiate the  
22 terminology between -- a contaminant would be a  
23 bacteria, if that's what you are talking about. So we  
24 do put in biocides to account for any contaminants of  
25 bacterial in our water, if there is water in the

1 Ready-To-Use.

2 Q. Okay. So are you responsible or not? I  
3 couldn't figure out what you just said.

4 A. So I'm not sure what you mean by  
5 contaminant, so I was trying to give a definition. I  
6 know what impurities, the definition I would use, and  
7 I don't know what by contaminant you mean.

8 Q. Contaminant is like, you know, the  
9 proverbial mouse in a Coke bottle. You don't want it  
10 in there, but it got in there somehow in the product.  
11 Do you stand behind the mouse in the Coke bottle  
12 contaminant? That would be a contaminant, right?

13 A. As I mentioned, bacterial contaminants we  
14 stand behind that and the quality of that, yes.

15 Q. Okay. You stand by everything you put in  
16 the bottle intentionally when you put a product out on  
17 the market for people like John Durnell to use?

18 A. Yes. We know that confidential statement of  
19 formula and we take responsibility for that, yes.

20 Q. Let's talk about a bottle of Roundup. There  
21 are -- it has been on the market since '74, right?

22 A. Correct.

23 Q. That's -- how many years is that now?

24 A. You are probably better at math than I am.

25 Q. I'm terrible at math. I already told the

1 jury that.

2 A. Forty-five years or so.

3 Q. Over 45 years. Over 45 years how many  
4 different formulations of Roundup have been made by  
5 the Monsanto Company?

6 A. I do -- a lot. I don't know the answer to  
7 that.

8 Q. Hundreds, right?

9 A. I would assume so, but I don't know for  
10 sure.

11 Q. Probably over 5,000, right?

12 A. I do not know. I know there are hundreds of  
13 them because it is a worldwide product, so there are a  
14 lot of different Roundup formulations globally, but I  
15 couldn't give you a number.

16 Q. I know it's a worldwide product. Fritos is a  
17 worldwide product, right?

18 A. I believe so.

19 Q. You buy a pack of Fritos in the United  
20 States and buy one in Australia, they are going to be  
21 the same thing, right?

22 A. I don't know.

23 Q. You buy a bottle of Roundup in the United  
24 States, it's not always the same thing that it is in  
25 say the country of France, right?



1           A.    There is a reason behind that, yes.

2           Q.    They are different?

3           A.    You have different weed pressures.  You have  
4 different regulatory agencies.  So you can have  
5 different formulations, different crops that you use  
6 it on.  So they can be different, yes.

7           Q.    You have different regulatory agencies, did  
8 I hear you say that?

9           A.    You have different regulations.  You have  
10 different weed pressures.  Different crops.  So the  
11 formulation can definitely be different.

12          Q.    Anybody that would come into a courtroom and  
13 say, hey, look at all these regulatory agencies, what  
14 they done, you really have to know what those  
15 regulatory agencies were regulating and doing and what  
16 products they were looking at and allowing in terms of  
17 what went into that particular product in that  
18 particular country, right?

19          A.    Glyphosate is the key component that is in  
20 all of those formulations globally.

21          Q.    So the answer to my question is yes?

22          A.    Would you ask it again, please?

23               **MR. FRAZER:**  Would you read it back to her,  
24 please?  I liked my question.  I can't remember  
25 exactly how I phrased it.

1           (The requested portion of testimony was read  
2           back by the court reporter.)

3           **THE WITNESS:** So, no, we would know what the  
4           formulation was and we would know what the regulatory  
5           agencies -- they would know the formula what they were  
6           looking at. That is all information that is  
7           available.

8           Q.    (By Mr. Frazer) Right. Anybody that comes  
9           in here and makes a statement about, hey, look what  
10          they've done in Canada and New Zealand, Australia,  
11          United States, European Union, their products are  
12          different than here in the United States, right?

13          A.    Not necessarily. I'm saying there can be  
14          some different products.

15          Q.    Can be, okay. I will take that.

16          A.    Some can be different. Some can be the  
17          same.

18          Q.    You can't even go into a supermarket or a, I  
19          don't know what they call them in a foreign country,  
20          but like a Ace Hardware or Lowe's or Home Depot, you  
21          can't even go in say Luxembourg and buy a Roundup  
22          Ready-To-Use, can you, ma'am?

23          A.    So I don't know what is sold in Luxembourg,  
24          but glyphosate is approved in over 160 countries. You  
25          can buy glyphosate-based formulations around the

1 world.

2 Q. That wasn't my question. I get it. That  
3 wasn't my question.

4 There is not a single country outside of  
5 Canada, United States, Australia and New Zealand where  
6 you can walk into a store and buy a Roundup  
7 Ready-To-Use lawn and garden product and start  
8 spraying it. Talking about Roundup, Monsanto, right?

9 A. So I still don't think I understand your  
10 question. So you're asking are homeowner products  
11 available in all countries globally?

12 Q. They are only available in four, aren't  
13 they?

14 A. I really don't know.

15 Q. You don't have any idea?

16 A. I don't know where they are all sold. I  
17 think there are a lot of countries, but I don't know  
18 exactly what country they are sold in.

19 Q. You don't know where they are sold.

20 If John Durnell walked into the store in  
21 Paris, France, that was some kind of Home Depot kind  
22 of store, you know for a fact, don't you, Dr. Farmer,  
23 that he would not be able to buy a lawn and garden  
24 product with a Monsanto name on it, don't you?

25 A. No. I don't know.

1 Q. You are the -- you are like the company  
2 spokesperson?

3 A. So I'm not the primary toxicologist for  
4 glyphosate anymore. I haven't been since 2008, so I  
5 don't follow-up on this like I used to. I do follow  
6 all the major regulatory reviews, but not all of the  
7 day-to-day activities like I used to.

8 Q. Let's just assume -- now we've heard that  
9 the science never stops. Let's assume that you can't  
10 buy this stuff in a lawn and garden store in say any  
11 European Union country. That would be different than  
12 what we see here in the United States, right?

13 **MS. COOK:** Objection, Your Honor. May we  
14 approach?

15 (Counsel approached the bench and the  
16 following proceedings were held:)

17 **MS. COOK:** Two objections. The first  
18 objection is that it lacks foundation. She clearly  
19 said she doesn't know what is sold in other countries  
20 right now.

21 Second objection, mischaracterizing my  
22 opening statement, which is improper.

23 **THE COURT:** Mr. Frazer, you wanted to  
24 respond?

25 **MR. FRAZER:** I haven't mischaracterized

1 anything in opening.

2 **THE COURT:** Not concerned about that, but  
3 the other objection.

4 **MR. FRAZER:** She is a company spokesperson.  
5 She doesn't know anything about how stuff is being  
6 used out there, but taking a position with what is  
7 going on with the regulatory agency. That's why we  
8 tell the Court shouldn't even let this stuff into  
9 evidence.

10 **THE COURT:** Two things. One, I don't think  
11 she said she's the company spokesperson. I think you  
12 made your point. She doesn't know what is sold in  
13 Europe. You made it clear to everybody in the room,  
14 so let's move on from that.

15 I know you are trying to make it over and  
16 over again, but I think she said she doesn't know what  
17 is sold. If you want to follow-up one last time, you  
18 don't know what Roundup products are sold in Europe, I  
19 will let you close your loop and move on. To that  
20 extent, I'll sustain it.

21 **MS. COOK:** Thanks.

22 (The proceedings returned to open court.)

23 **MR. FRAZER:** Thank you, Your Honor.

24 Q. (By Mr. Frazer) You know that the European  
25 Union banned a surfactant that was being used over in

1 Europe that was going into Roundup, Roundup products,  
2 right?

3 **MS. COOK:** Objection. Foundation.

4 **THE COURT:** Overruled. She either knows or  
5 she doesn't.

6 **THE WITNESS:** My understanding there is not  
7 a ban.

8 Q. (By Mr. Frazer) P-O-E-A?

9 A. Yes. My understanding it was not a ban. It  
10 was based on some data that was not delivered;  
11 therefore, they did not allow it to be available for  
12 use.

13 Q. Okay. So you had to remove -- Monsanto had  
14 to remove a surfactant called P-O-E-A from its  
15 European products, correct?

16 A. So there -- my understanding is that we are  
17 not using it anymore. We are using other surfactants  
18 because we didn't generate the data to keep POEA  
19 available. We had other surfactants we could use, so  
20 that was my understanding. We moved to different  
21 surfactants.

22 Q. Not a ban, but you voluntarily agreed not to  
23 use it over there?

24 A. Again, my understanding is that we have  
25 other surfactants that were working just fine and we

1 decided not to generate the data.

2 Q. Regulatory agencies around the world also  
3 required different warnings on the few countries you  
4 can buy a Roundup Ready-To-Use product than what is  
5 required here in the United States; isn't that right?

6 A. So my job is on the science side, not on the  
7 label warnings. That's our regulatory affairs folks.  
8 So I really don't have a lot of knowledge in this area  
9 that you are asking me.

10 Q. That wasn't my question, do you have a lot  
11 of knowledge in this area that I'm asking you.

12 My question is simply do you know?

13 A. I don't know.

14 Q. You don't know what's on a label in New  
15 Zealand and Australia compared to what's on a Roundup  
16 Ready-To-Use label here in the United States?

17 A. The labels are with our regulatory affairs  
18 folks by the toxicologists looking at the toxicology  
19 data, not the labels.

20 Q. Again, if there is a regulatory agency out  
21 there in the world like New Zealand, Australia, they  
22 are requiring different things than are required in  
23 the United States, right?

24 **MS. COOK:** Objection. Foundation.

25 **THE COURT:** If she knows or she doesn't

1 know. Overrule the objection. She can answer.

2 **THE WITNESS:** All I know is what I know  
3 about the toxicology of glyphosate. I don't know the  
4 labels, and I don't know the regulations on that.

5 Q. (By Mr. Frazer) Do you know whether or not  
6 a Roundup Ready-To-Use bottle, which you can buy in  
7 Australia and New Zealand, I'll represent that to you  
8 since you don't know that, you can buy it there, all  
9 right. I'll represent that to you.

10 Did you know -- do you know that there is a  
11 big word that goes on the front of the bottle in big  
12 black, bold letters that says poison?

13 **MS. COOK:** Objection.

14 **THE COURT:** I'll sustain that objection.  
15 You can ask her if she knows what's on the labels.  
16 I'm not going to let you testify for her, Mr. Frazer.

17 Q. (By Mr. Frazer) Do you know what's on the  
18 label of the Roundup Ready-To-Use bottle in New  
19 Zealand or Australia on the front in big black  
20 letters? Do you have any idea?

21 A. No, I don't.

22 Q. Does that not make a difference to you to  
23 compare what is on the label in another regulatory  
24 agency or another part of the world compared to what  
25 the US EPA says?



1           A.    What I know about glyphosate is what is  
2   important to me.  Again, the label and how they go  
3   about what they require on the label is not my area of  
4   where my functionality is.

5           Q.    My question wasn't about glyphosate.  It was  
6   about Roundup.  You can't go into any store in the  
7   world and buy glyphosate solvent, can you?

8           **MS. COOK:**  Objection, Your Honor.  
9   Foundation.

10          **THE COURT:**  I'll overrule it.  I'll let her  
11   know if she knows the answer.  Do you know the answer,  
12   Dr. Farmer?

13          **THE WITNESS:**  There are some products that  
14   you can buy that are a glyphosate-based salt without a  
15   surfactant that you can use for water applications and  
16   maybe in forestry applications, but you won't do that  
17   in homeowners.

18          Q.    (By Mr. Frazer)  And those products you have  
19   to -- they are still not pure glyphosate, there is  
20   other stuff in there that you put in in the  
21   manufacturing facility.  You know that, right?

22          A.    So, again, what are you talking about what's  
23   put in there?

24          Q.    Just what you said.

25          A.    What are you referring to?

1 Q. The forestry products. Let's take that one.  
2 You can't just go buy -- a forestry company can't go  
3 and buy pure glyphosate, right?

4 A. They buy a salt of glyphosate, and then they  
5 add their own surfactant that works best for them in  
6 that use/condition.

7 Q. You can't do that in a Roundup Ready-To-Use,  
8 Lowe's or Ace Hardware store in America, right?

9 A. That is correct.

10 Q. Okay. Sorry. I was bridging the wrong  
11 direction. I'm sorry.

12 Now, let's go back to what is in the bottle.  
13 Most of what is in the bottle is water, right?

14 A. A large portion of what is in  
15 glyphosate-based formulations whether they are ready  
16 to use or concentration is water, yes.

17 Q. And depending on whatever formulation it is,  
18 that might affect whatever the water content of the  
19 bottle that you buy at a store, right?

20 A. I'm sorry?

21 Q. You have different water percentages in  
22 different kinds of formulations and you've had that  
23 for 45 years, right?

24 A. So, for example, if you have a concentrate,  
25 you will have less water than a ready to use, yes.

1 Q. Yes. If you buy concentrate, super duper  
2 concentrate or a hyper diaper concentrate, you've got  
3 to add water to that to use it, right?

4 A. You do. We don't have those other kind of  
5 products you were talking about in that way.

6 Q. Okay. One of the things you put in there is  
7 a fragrance to make it smell kind of sweet, right?

8 A. That I'm not familiar with at all, no.

9 Q. Would that not be important from a  
10 toxicologic viewpoint to know what kind of chemical  
11 you are putting into another chemical to make it smell  
12 sweet?

13 A. I'm not aware that we put any chemical to  
14 make it smell sweet.

15 Q. You put a chemical in there that's called a  
16 defoaming agent, don't you?

17 A. We do, yes.

18 Q. So that's in a bottle of Roundup  
19 Ready-To-Use?

20 A. Because we have a surfactant. Surfactant  
21 foams and you have a defoamer to keep the foam down.  
22 So that is added in. Those are all well-known, yes.

23 Q. You add that chemical to the bottle, right?

24 A. It is part of the confidential state of the  
25 formula, yes.

1 Q. It is the formulation, the formulated  
2 Roundup Ready-To-Use, that's what we are talking about  
3 right now?

4 A. Correct.

5 Q. All right. There is formaldehyde in a  
6 bottle of Roundup, right, Ready-To-Use?

7 A. Formaldehyde is an impurity --

8 Q. Excuse me. Just yes or no. If you want to  
9 explain what formaldehyde is, if you want to go that  
10 way with it, you can do that. But formaldehyde is in  
11 a bottle of Ready-To-Use Roundup, isn't it, ma'am?

12 A. In trace amounts.

13 Q. Trace amounts. Okay. You put that in there  
14 to preserve the product, right?

15 A. No.

16 Q. What do you put it in there for?

17 A. Formaldehyde is a part of the -- when you  
18 are making glyphosate, there is some formula in there.  
19 Formaldehyde is produced in trace amounts. So it's a  
20 relevant impurity that all the agencies are aware of.  
21 Its levels are not a concern for humans. It's not put  
22 in there to preserve.

23 **MR. FRAZER:** Move to strike that last  
24 sentence. Non-responsive.

25 **THE COURT:** I'll overrule that and let the

1 answer stand.

2 Q. (By Mr. Frazer) I didn't ask you about what  
3 all that stuff was, but that's okay.

4 Formaldehyde is the same thing that we use  
5 to embalm human bodies with, right?

6 A. It's formalin.

7 Q. Formalin?

8 A. Formalin is formaldehyde and water. We also  
9 produce formaldehyde every day in our bodies through  
10 the metabolic process. You find it in foods. It's  
11 not anything that is a concern in trace amounts.

12 Q. Unless you have so many trace amounts from  
13 all these other sources you just mentioned until they  
14 add up to something, right?

15 A. That would be highly unlikely.

16 Q. Highly unlikely.

17 All right. There is something called  
18 1,4-dioxane in a bottle of Roundup, right?

19 A. Yes.

20 Q. It is a known human carcinogen, isn't it?

21 A. My understanding that it has been classified  
22 that way, but it, again, is in there in trace amounts  
23 of no concern.

24 Q. Do you agree with the IARC classification of  
25 formaldehyde as a human carcinogen?

1           A.    I don't know what IARC has classified as  
2 formaldehyde. Formaldehyde in some exposures can  
3 cause cancer and other exposures it can't. I don't  
4 know what IARC has concluded.

5           Q.    Formaldehyde is a known human carcinogen,  
6 right?

7           A.    My understanding is under some exposure  
8 conditions. Again, at the trace levels we are talking  
9 about it is not a concern.

10          Q.    It is in a Roundup bottle as we mentioned,  
11 right?

12          A.    In trace amounts, yes.

13          Q.    AMPA. What is AMPA, A-M-P-A?

14          A.    AMPA is a metabolite environmental and plant  
15 metabolite of glyphosate. It has the same  
16 toxicological profile as glyphosate.

17          Q.    Okay. It has been classified as a human  
18 carcinogen, right?

19          A.    Not to my knowledge, no.

20          Q.    Arsenic, that's in a bottle of Roundup,  
21 isn't it?

22          A.    There can be trace amounts of arsenic in  
23 soil and water and a lot of different things. Again,  
24 it is in a very minute amount. That is not a concern.

25          Q.    There is something called NNG that forms in

1 Roundup after it has left the factory, right?

2 A. No. Not after it leaves the factory. It is  
3 actually a part of the impurity that we find in  
4 technical glyphosate. It is a relevant impurity, so  
5 it has a specification. And, again, in the trace  
6 amounts below that specification it is not of concern.

7 Q. NNG is classified as a human carcinogen by  
8 IARC and the EPA, correct?

9 A. Nitrosamine compounds can be, but not at  
10 trace amounts.

11 Q. If you're buying Roundup super concentrate  
12 and you are adding water that has sulfites in it, that  
13 is a condition that can produce even more NNG in the  
14 mixture, correct?

15 A. That is not my understanding, no.

16 Q. We will look at some of those documents a  
17 little bit later.

18 Hydrogen cyanide is in a Roundup bottle,  
19 right?

20 A. Not that I'm aware of, no.

21 Q. Never seen a document that talks about  
22 hydrogen cyanide?

23 A. No.

24 Q. Hydrogen cyanide you know as a toxicologist  
25 is a poison toxin?

1           A.    I'm not aware of it being in a  
2   glyphosate-based formulation, no.

3           Q.    So I want to know on these ones that we just  
4   mentioned, ones that in your mind are human  
5   carcinogens, do you agree with IARC on the  
6   classification of those items that you mentioned on  
7   the carcinogenicity of that particular item?

8           A.    I have not looked at IARC's review of them,  
9   so I cannot agree or disagree with them.  Again, the  
10   EPA is very aware that all of these impurities are in  
11   there and what levels and under their specifications.  
12   And, again, there is no concern for Roundup as used as  
13   intended even with those trace amounts in there.

14          Q.    Okay.  Would you agree with American Cancer  
15   Society on those particular chemicals that we just  
16   went through?

17          A.    Again, I haven't looked at the data.  I  
18   would be happy to take a look at it and follow-up on  
19   what they used to conclude that, but that is not my  
20   area that I followed up on.

21          Q.    Okay.  You are the toxicologist picked as  
22   the spokesperson for the company back when you had to  
23   go on the TV show, right?

24          A.    Again, I know about glyphosate.  I know  
25   about the impurities, regulated specifications, and



1 that as it is registered as intended to be it is not  
2 going to be harmful to human health.

3 Q. As part of your responsibilities you've been  
4 involved in what are called political battles, right?

5 A. Science does sometimes get politicized and,  
6 yeah, you have to come back and make sure you get the  
7 science correctly done, yes.

8 Q. One of them was a political battle with a  
9 federally recognized sovereign Indian tribe in the  
10 United States, right?

11 A. I don't remember this at all, no.

12 **MR. FRAZER:** Do you have 2406, please. Too  
13 many exhibits, Your Honor. They may bring that up in  
14 a minute. I don't want to waste the Court's time.

15 Q. (By Mr. Frazer) We've heard something  
16 called the European Food Safety Agency. Are you  
17 familiar with that?

18 A. Authority, yes.

19 Q. Authority. That's what the "A" stands for?

20 A. EFSA.

21 Q. And as I understand it, in Europe when you  
22 have EFSA, European Food Safety Authority -- and what  
23 is the chemical in -- what is it called? What is the  
24 chemical authority over there?

25 A. ECA.

1 Q. ECA.

2 A. European Chemical Agency.

3 Q. European Chemical Agency.

4 When they make a decision the member  
5 countries of the European Union then can decide  
6 whether they want to follow a regulatory decision or  
7 not, right?

8 A. So the answer is, yes, you have the European  
9 Union and each member state can regulate the way that  
10 they want to.

11 Q. If France doesn't like this part of an EFSA  
12 or ECA pronouncement France has the sovereign  
13 authority to say, no, we are not going to do it that  
14 way in France, right?

15 A. I don't know to what degree it does, but I  
16 know that they can either choose to register your  
17 product or not. What happens is glyphosate could be  
18 approved in the European Union under EFSA and ECA and  
19 then each state -- sorry, each country you register a  
20 specific formulation and then that country can choose  
21 to register it.

22 Q. ECA and EFSA are not like the US  
23 Environmental Protection Agency?

24 A. They are the equivalency, yes. That's how  
25 the regulatory process goes, yes.

1 Q. So the State of Missouri can do whatever it  
2 wants to and not listen to the US EPA; is that what  
3 you are saying?

4 A. That's not what I said.

5 Q. Okay. France can do whatever it wants to  
6 and not listen to the European Food Safety Authority?

7 A. That's not what I said.

8 Q. But that's true, isn't it?

9 A. Here in the States the same thing happens.  
10 You have your federal EPA agency and then you have  
11 your state EPA agencies. And your state EPA agencies  
12 can also have different regulations. So you have a  
13 federal registration, state registration. And in  
14 Europe, you have the European Union and then you have  
15 the countries as well.

16 **MR. FRAZER:** I'm going to go to 2406. We  
17 found that, Your Honor.

18 Q. (By Mr. Frazer) Before I get there, the  
19 European Food Safety Authority is what it says it is,  
20 right?

21 A. Yes.

22 Q. It is a food safety authority?

23 A. It's approving the use of pesticides in food  
24 and feed.

25 Q. Food and feed? Human food and animal feed?

1           A.    Correct.

2           Q.    And when they are going through that sort of  
3 process and making decisions on regulations, they look  
4 at what happens when human beings ingest things, right  
5 --

6           A.    So --

7           Q.    -- to make a decision?

8           A.    They are also looking at dermal exposure.  
9 They are looking at the inhalation exposure. They  
10 look at whether a substance is carcinogenic or not,  
11 and they look at how is a human going to be exposed to  
12 it, and that's what the EPA does as well.

13          Q.    But in Europe I'm talking about European  
14 Food Safety Authority. I'm not talking about the EPA  
15 now. We will get to that probably Thursday, okay.

16                    But what the European Food Safety Authority  
17 does is they are looking at how Europeans consume  
18 these kinds of chemicals and making decisions on  
19 should we allow this or not allow it, right?

20          A.    They are making decisions on whether  
21 something is a carcinogen or not, will it be in the  
22 diet, what can be allowed. They're also looking at  
23 the dermal and inhalation exposure. Other ways that  
24 people can be exposed to pesticides.

25          Q.    And the way humans consume is through their

1 endocrine system, right?

2 A. No. You consume through your  
3 gastrointestinal system.

4 Q. It's metabolized through your endocrine  
5 system?

6 A. No. It has different metabolic components.  
7 So your endocrine system is a different system from  
8 your gastrointestinal system.

9 Q. Metabolic. I'm sorry. I was not good in  
10 science either, obviously.

11 To get European Food Safety Authority  
12 approval, a company has to do what are called  
13 endocrine disruption studies, right?

14 **MS. COOK:** Your Honor, objection.

15 **THE COURT:** Let's go to sidebar.

16 (Counsel approached the bench and the  
17 following proceedings were held:)

18 **THE COURT:** Here is what I'm going to say,  
19 Mr. Frazer, because I can anticipate what the  
20 objection is. I'm not saying the door can't be  
21 opened. I'm not going to let you walk her through the  
22 door, okay. So move on.

23 **MR. FRAZER:** How in the world can you talk  
24 about the European Food Safety Authority regulatory  
25 framework without allowing me to cross-examine a

1 witness on --

2 **THE COURT:** They haven't talked about it.

3 **MR. FRAZER:** She did in opening statement.

4 **THE COURT:** Said opening statement wasn't  
5 going to open the door. If they talk about it in  
6 their case in chief, we'll revisit and give Dr. Farmer  
7 more time.

8 **MR. FRAZER:** I've been prejudiced. She  
9 can't get it into evidence. She never intended to get  
10 it into evidence.

11 **THE COURT:** I'm going to shut down this line  
12 of questioning for now. If they open the door, charge  
13 right through it with as much speed as you want.

14 **MR. FRAZER:** We reserve the right to recall  
15 her as a witness then.

16 **THE COURT:** That's -- I'm guessing she is  
17 going to spend a lot of time with us. Cross that  
18 bridge when we get to it.

19 (The proceedings returned to open court.)

20 Q. (By Mr. Frazer) Let's look at Exhibit 2406.  
21 That was the one I was trying to get to a while ago.  
22 See if you can identify that for me, ma'am?

23 A. Do you want me to take some time to read it?  
24 I haven't seen this in a while.

25 Q. Sure. You had a chance to read it?

1           A.    I did.

2           Q.    This is a -- this email that you wrote on --  
3   at the top, the last one in the chain, we always start  
4   from the oldest to the newest when you copy them, but  
5   this one is dated August 24, 2000, right?

6           A.    Yes.

7           Q.    And you are writing the epidemiologist that  
8   we saw earlier, Mr. Acquavella, right?

9           A.    I am.

10          Q.    And in this email --

11               **MR. FRAZER:** Your Honor, we move this into  
12   evidence, Exhibit 2406.

13               **THE COURT:** Is there an objection?

14               **MS. COOK:** No. Thank you.

15               **THE COURT:** We admit 2406.

16          Q.    (By Mr. Frazer) I asked you earlier a  
17   little bit about --

18               **MR. FRAZER:** Go right there in the middle.

19          Q.    (By Mr. Frazer) -- about political purposes  
20   you did. This is what I kind of had in mind when I  
21   asked that question.

22                    It says -- you write to Dr. Acquavella:

23                    "Glyphosate is in the middle of a political  
24   battle (the Indians have taken samples of water and  
25   soil from their land and sent directly to the labs for

1 analysis -- no detects in water but some in soil -- as  
2 would be predicated by use pattern and rates) and this  
3 info could certainly be brought into play here."

4 Did I read that correctly?

5 A. You did.

6 Q. You were responding to a question from  
7 Dr. Acquavella, the only epidemiologist at the company  
8 at this time.

9 Question. "Donna:

10 Might the BD/Hodgkin's disease finding come  
11 into play here?"

12 Correct?

13 A. Correct. And I think if you go to the  
14 second page, the political battle is better explained.  
15 I took this from -- it says political battle is  
16 ongoing land claims. So glyphosate got caught up in  
17 it. I was repeating what my contact in Canada had  
18 told me.

19 Q. But Dr. Acquavella, your epidemiologist,  
20 before you responded to the political battle, he asked  
21 that question, right, might BD/Hodgkin's disease come  
22 into play here, right?

23 A. Again, yes, but I think to make this make  
24 more sense you need to read more of the email about  
25 what really is going on.



1 Q. Well, in August of the year 2000, what did  
2 you understand BD/Hodgkin's disease to mean?

3 A. So what was going on here is that there was  
4 this land claims issue and there were some concerns by  
5 this particular Indian group about potential  
6 carcinogenicity of glyphosate. So I was providing  
7 them third-party WHO and EPA information. And then  
8 John was just asking would this be something that  
9 could come into the conversation as well, and I said,  
10 yes, it could be.

11 Q. What's land got to do with BG/Hodgkin's  
12 disease? Hodgkin's sounds kind of like non-Hodgkin's,  
13 doesn't it, Hodgkin's?

14 A. "A native band in British Columbia has  
15 decided to fund its own research as to whether  
16 glyphosate causes cancer."

17 That's how this is coming in. And then they  
18 also talk about they are in a political battle with  
19 some land claims. So this has a lot more than just  
20 what you see there. It needs more context.

21 Q. You said that two times now. I'm asking  
22 you, you get asked by the epidemiologist in the  
23 company, he says might the BD/Hodgkin's disease  
24 finding come into play here, and you start talking  
25 about land and soil, right?

1           A.    Again, you need to put it in context with  
2   the other parts of the email.

3           Q.    We can agree that land and soil do not get  
4   BD/Hodgkin's disease, right? We can agree on that?

5           A.    We can. Again, you need to put it in  
6   context for the entire email for it to make sense.

7           **MR. FRAZER:** 2407, please. For the record,  
8   I handed the witness what has been marked as  
9   Plaintiff's Exhibit 2407. Your Honor, I don't know if  
10  I formally moved -- yes, I did. Your Honor, did I  
11  hear you say we are going to break at 3:00 o'clock?

12          **THE COURT:** By my clock, unless someone  
13  needs a break, about a half hour. Everybody good for  
14  another half hour?

15          **MR. FRAZER:** Just want to be respectful.

16          **THE COURT:** Understood.

17          Q.    (By Mr. Frazer) This is another email  
18  chain, Plaintiff's Exhibit 2407?

19          A.    Correct.

20          Q.    And you are shown at the top, you are  
21  responding, again, reverse chronological order; is  
22  that right?

23          A.    Yes.

24          Q.    This one is actually dated before the email  
25  we just looked at, right?

1           A.    This one is on the 22nd, the one we looked  
2   at before was --

3           Q.    The one we looked at before was the 24th?

4           A.    Twenty-fourth.

5           Q.    Right. Okay. Now, in this email --

6           **MR. FRAZER:** Your Honor, I move this into  
7   evidence.

8           **THE COURT:** Any objection?

9           **MS. COOK:** None, Your Honor.

10          **THE COURT:** It will be admitted.

11          Q.    (By Mr. Frazer) I wanted to first look a  
12   little bit back. Turn to the second page, please.

13          **MR. FRAZER:** Ed, you got Stephen Wratten  
14   right there toward the middle of the page.

15          Q.    (By Mr. Frazer) Mr. Wratten, we didn't get  
16   a picture of him, but what was his role at this time?

17          A.    He was the regulatory affairs manager for  
18   glyphosate.

19          Q.    Regulatory affairs manager for glyphosate.  
20   In the United States, worldwide, Canada, where?

21          A.    He was primarily US, but he also interacted  
22   with all our regulatory managers around the world.

23          Q.    You write him on August 18th, as we can see  
24   right here, of the year 2000, that is 23 years ago,  
25   that says:

1            "I have a copy I can send you, but we have a  
2 variety of things on glyphosate. What are you going  
3 to use this for?"

4            Do you see that?

5            A. I do.

6            Q. And if we go forward, this Neil person that  
7 you're talking about is, he is a Monsanto guy in  
8 Alberta, Canada, right?

9            A. Correct.

10           Q. And he wrote you on the prior page, Page 1,  
11 bottom of the page, he says "a native band" -- he is  
12 talking about an Indian tribe there, right?

13           A. I assume so.

14           Q. "Decided to fund its own research into  
15 whether glyphosate causes cancer. As such, they are  
16 conducting a literature search and sampling the water,  
17 soil and plants in the area. This is partly a  
18 political exercise on behalf of the native band (due  
19 to ongoing land claims issues) as well as some  
20 legitimate concern on their behalf."

21           Do you see that?

22           A. I do.

23           Q. Did I read that properly?

24           A. You did.

25           Q. You write back to him the same day, less

1 than an hour later. On August 18, 2000, you say:

2 "Neil,

3 I provide the toxicology support for  
4 glyphosate."

5 Do you see that?

6 A. I do.

7 Q. He writes back and says:

8 "Donna,

9 Thanks for the FYI. Why do I have this  
10 unpleasant feeling that we will be dealing with this  
11 some more....."

12 Right?

13 A. Who wrote back?

14 Q. Mr. Neil Charleson to you.

15 A. I think it was Dr. Heydens.

16 Q. Yeah. Dr. Heydens wrote that to you?

17 A. Correct.

18 Q. He is in this email chain?

19 A. Right. So I provided all the references  
20 below that you left out about regulatory reviews and  
21 glyphosate not being carcinogenic that he could  
22 provide to the Native Indians.

23 Q. And the reference was the WHO report on  
24 glyphosate?

25 A. It is a different one. There is a 1994 IPCS

1 Environmental Health Criteria. Other agencies in the  
2 World Health Agency that look at glyphosate as well.

3 Q. My question simply was the reference here is  
4 the WHO report on glyphosate, right?

5 A. The IPCS Environmental Health Criteria 159.

6 Q. I'm talking about the reference line in the  
7 subject matter of every email.

8 A. I'm being specific as to what report that  
9 was.

10 Q. Okay. And the WHO is the World Health  
11 Organization, right?

12 A. It is, correct.

13 Q. And your response after all this concern  
14 about the WHO report on glyphosate was, quote, let the  
15 good times roll, right?

16 A. No. Let the good times roll was not in  
17 response because the WHO had concluded that glyphosate  
18 wasn't carcinogenic. Let the good times roll meant  
19 let the issues come. We will deal with them as they  
20 come on.

21 Q. That was my only question, was you wrote  
22 back "let the good times roll" with explanation points  
23 at the end, right?

24 A. But it had nothing to do with the IPCS  
25 document, which was very favorable toward glyphosate.

1 Q. All right.

2 **MR. FRAZER:** 2554.

3 Q. (By Mr. Frazer) Now, I've handed you what's  
4 been marked as Plaintiff's Exhibit 2554. Do you have  
5 that in front of you?

6 A. I do.

7 Q. That is a PowerPoint presentation that you  
8 drafted, correct?

9 A. Correct.

10 Q. It is dated May 15, 2007, right?

11 A. It is.

12 Q. It is entitled "Glyphosate Issues  
13 Management: The Facts vs. the Myths, The Truth Behind  
14 The Headlines, MESH Conference," right?

15 A. Correct.

16 Q. And it has got you listed as author Donna R.  
17 Farmer, Ph.D, Manager, Toxicology Programs, Glyphosate  
18 -- and what's the last word there?

19 A. Worldwide.

20 Q. Glyphosate Worldwide.

21 That would have included New Zealand,  
22 Australia, the European Union, Canada, all these other  
23 countries that you said you didn't know much about  
24 earlier, right?

25 A. That's not what I said. We were talking

1 about the labeling. It wasn't that I didn't know what  
2 they were doing with glyphosate globally. It was  
3 about labeling. That's not under a toxicologist's  
4 responsibility.

5 Q. I'm assuming you drafted this; is that a  
6 fair assumption?

7 A. Yes.

8 Q. Nobody at FleishmanHillard drafted this for  
9 you, right?

10 A. No.

11 Q. And you chose to pick the title and call it  
12 Glyphosate Issues Management, right?

13 A. Because we had a group that was called  
14 glyphosate issues management group, so that when we  
15 had questions that came in there was a group of us  
16 with different functions that got together on how do  
17 we address and help with those issues.

18 Q. Yeah. You wrote on the first page here  
19 Manager Toxicology Programs, Glyphosate Worldwide,  
20 correct?

21 A. Yes, I did.

22 **MR. FRAZER:** Your Honor, we move into  
23 evidence Exhibit P-2554.

24 **THE COURT:** Is there an objection?

25 **MS. COOK:** Yes. May we approach?



1           (Counsel approached the bench and the  
2           following proceedings were held:)

3           **MS. COOK:** If you turn to Page 20 it starts  
4 a section, the slide is talking about the myths, and  
5 one of the myths is about reproductive problems and  
6 endocrine disruption, and so another one is killing  
7 off frogs worldwide.

8           So I suspect that they want to show this,  
9 which is No. 1403, this is an image taken from some  
10 kind of advocacy group on the internet that she is  
11 saying myths about endocrine disruption. Violates the  
12 motion in limine. Nothing to do with cancer.

13           There is certain portions of this that are  
14 about cancer. We would ask we are only admitting the  
15 part that are not about irrelevant issues that are  
16 inflammatory to the jury.

17           **THE COURT:** Mr. Frazer, do you want to  
18 respond?

19           **MR. FRAZER:** I couldn't really hear what she  
20 is saying, but...

21           **MS. COOK:** Violates the motion in limine and  
22 403.

23           **MR. FRAZER:** Not all of it.

24           **MS. COOK:** That's what I said. If we are  
25 only admitting the portions that are relevant to the

1 cancer, relevant to the case, that's one thing. I  
2 object to the section relevant to endocrine  
3 disruption, to killing off frogs, to other "quote"  
4 myths that are being discussed here. If they want to  
5 talk about the myth of glyphosate health and cancer, I  
6 have no problem with that, Your Honor.

7 **MR. FRAZER:** Of course you don't. The point  
8 is they offered, it goes to the company's state of  
9 mind. She already testified she was the company  
10 person selected to give to company audiences, and they  
11 are all relevant to her role as the worldwide  
12 glyphosate toxicology manager, every bit of it.

13 **THE COURT:** I'm struggling a little bit.  
14 Inadmissibility portion of a document made by your own  
15 doctor to be given --

16 **MS. COOK:** Because it is not relevant to the  
17 case.

18 **THE COURT:** I understand.

19 **MS. COOK:** It's prejudicial because of the  
20 nature of how scary it is. It is just inflammatory,  
21 Your Honor.

22 **THE COURT:** Mr. Frazer, what portions of  
23 this exhibit are you planning to question Dr. Farmer  
24 about?

25 **MR. FRAZER:** All of it.

1           **THE COURT:** Let's do this. I want to look  
2 at this a little bit more carefully. Let's take our  
3 afternoon recess now. I'll look at it and then we  
4 will bring them back for the rest of the afternoon.

5           (The proceedings returned to open court.)

6           **THE COURT:** This is a good time to take our  
7 afternoon recess and stretch your legs, get a drink of  
8 water, use the restroom if you need to.

9           Do not form or express any opinions about  
10 the case until it is finally given to you to decide.  
11 Don't discuss the case among yourselves or with others  
12 or talk to anyone else about the case. Don't do any  
13 of your own independent research about the case, about  
14 any of the parties, the attorneys or any issues  
15 related to the case.

16           We will send you up to the jury room to rest  
17 for a few minutes and then we will bring you back  
18 down, and then we will finish off the day.

19           (A short recess was taken.)

20           (The following proceedings were held in the  
21 courtroom out of the presence of the jury:)

22           **THE COURT:** So we are back in the courtroom.  
23 The jury is going to come down in a second. I have  
24 the objection that was made at sidebar to Plaintiff's  
25 Exhibit 2554. I will admit 2554, but I will not admit

1 the slide specifically related to endocrine disruption  
2 and frog death. I will admit the rest of the slides.  
3 Again, the door may be opened later to all of this,  
4 the door is opened, but for now we are not talking  
5 about the slide related to endocrine disruption and to  
6 the death of frogs. We will fix the exhibit later.

7 Mr. Frazer, do not go to those slides.

8 Ms. Cook, let's just make sure we know what  
9 slides we are talking about. I have that it is slide  
10 No. 20 in the bottom, right corner.

11 **MR. FRAZER:** No 20, Ed.

12 **THE COURT:** The 22 in the bottom, right  
13 corner; 23 in the bottom, right corner; and then 26 in  
14 the bottom, right corner; 27 in the bottom, right  
15 corner.

16 **MR. FRAZER:** They said they are for science,  
17 Your Honor.

18 **THE COURT:** I understand. Mr. Frazer, I'm  
19 going to make you mad a lot during this case. Just  
20 get used to being mad.

21 **MR. FRAZER:** I don't get mad. I'm too old  
22 for that.

23 **THE COURT:** Just get used to it.

24 So those are the pages that I'm not  
25 admitting at this time. We will cross that bridge

1 later in the trial if I believe the door gets opened  
2 to those pages.

3 **MS. COOK:** Thank you, Your Honor.

4 **THE COURT:** Everybody ready for me to bring  
5 them back down and finish off the day?

6 (Discussion was held off the record.)

7 (The following proceedings were held in the  
8 courtroom in the presence of the jury:)

9 **THE COURT:** Welcome back, everyone. All  
10 right. I have admitted the offered Exhibit 2554.  
11 I'll turn it back over to Mr. Frazer to continue his  
12 questioning.

13 **MR. FRAZER:** Thank you, Your Honor. May it  
14 please the court. Good afternoon, everybody.

15 Q. (By Mr. Frazer) Dr. Farmer, we will try to  
16 get through the end of the day here. I'm going to  
17 come back to that exhibit in a little while. It is in  
18 evidence now. We will come back to it in a little  
19 while.

20 A. Okay.

21 Q. You have been involved in claims made by  
22 Monsanto employees working at Monsanto plants who have  
23 gotten non-Hodgkin's lymphoma, right?

24 A. I haven't been involved directly. I think  
25 I've been on some emails, but it is not my primary

1 responsibility.

2 Q. You've been on emails where there were --  
3 let me start over.

4 You've got a manufacturing plant in  
5 Muscatine, Iowa I think?

6 A. Muscatine, yes.

7 Q. Muscatine. Muscatine, okay. Tale of the  
8 title, right?

9 A. I guess so.

10 Q. Unless you live there.

11 You've had claims that employees at the  
12 Monsanto manufacturing plant working in that plant in  
13 Muscatine, Iowa have gotten non-Hodgkin's lymphoma?

14 A. That I'm not aware of. I'm aware there are  
15 some people, but I'm not exactly sure what you are  
16 talking about.

17 Q. As you are sitting right there now today,  
18 you can't remember being involved in a discussion  
19 about an employee at Muscatine, Iowa, that got  
20 non-Hodgkin's lymphoma?

21 A. I remember there was. I was on an email,  
22 but again, it is not my primary responsibilities.  
23 It's the occupational medicine folks that would deal  
24 with that.

25 Q. Want to hand you what has been marked as

1 Plaintiff's Exhibit 2274. That's -- that's an email  
2 dated 12/18/2014, right?

3 A. It is.

4 Q. And I know you said it is not your primary  
5 responsibility, but you are listed on this email,  
6 correct?

7 A. I am CC'd on the email, yes.

8 Q. CC'd on the email. Have you seen that the  
9 subject matter is 2014 Annual Adverse Effects  
10 Reporting Notification?

11 A. I see that, yes.

12 Q. All right.

13 **MR. FRAZER:** Your Honor, we move 2274 into  
14 evidence.

15 **THE COURT:** Any objection?

16 **MS. COOK:** No objection, Your Honor.

17 **THE COURT:** All right. It will be admitted.

18 Q. (By Mr. Frazer) All right. I want to  
19 start -- you want to take a minute to look at this?

20 A. Yeah, I don't remember this, like I said.

21 Q. I figure you would so.

22 A. I would ask you to start from the back. We  
23 are going to start from the back and try to go  
24 chronologically. You may want to review it. It is  
25 multiple pages.

1           **MS. COOK:** Your Honor, may we approach.

2           (Counsel approached the bench and the  
3           following proceedings were held:)

4           **MS. COOK:** Your Honor, I apologize. I  
5           wanted to -- Mr. Frazer, I want to make sure you hear.

6           I want to make a record. I believe that  
7           this -- this is a report of an adverse effect of an  
8           employee/contractor at one of the plants, and we moved  
9           in limine on adverse effect reports, and I need to  
10          look at the order.

11          **THE COURT:** I believe I ruled I would allow  
12          adverse reports to the extent it shows how the company  
13          reacted to those reports.

14          **MS. COOK:** Right. So, yes, I guess what I  
15          was going to say, I would ask that if this is admitted  
16          it is for the limited purpose of the company's  
17          treatment of the report, not for the truth of the  
18          matter because this has an email that is part of the  
19          chain that is like this guy saying I have this kind of  
20          leukemia.

21          **THE COURT:** Mr. Frazer, do you want to  
22          respond to this?

23          **MR. FRAZER:** Already in evidence. Fair  
24          game.

25          **THE COURT:** Been admitted.



1           **MS. COOK:** I apologize.

2           **THE COURT:** Obviously the email does not  
3 prove the diagnosis, so we will get to that argument.  
4 The email has been admitted. I don't think Dr. Farmer  
5 is going to testify that she knows what this guy's  
6 diagnosis was, so I will let him ask the question and  
7 Dr. Farmer testify to what she has knowledge of  
8 related to the email, which may be a lot or may be a  
9 little.

10           **MS. COOK:** Your Honor, I apologize for the  
11 late objection. I didn't read through it until the  
12 end.

13           **THE COURT:** Okay.

14           (The proceedings returned to open court.)

15           Q. (By Mr. Frazer) You had a chance,  
16 Dr. Farmer?

17           A. I did.

18           Q. Have you had a chance to review it,  
19 Dr. Farmer?

20           A. I did.

21           Q. So if we start back on the --

22           **MR. FRAZER:** Ed, can you pull that up, 2274.  
23 Go to the page that has triple zeros at the bottom.

24           Q. (By Mr. Frazer) At the bottom of the page  
25 someone is writing in. And they said:

1           "Jean,  
2           I've been diagnosed with Hairy Cell  
3 Leukemia. You may or may not remember that I had  
4 irregular blood counts before I retired. I don't know  
5 if this diagnosis -- going to the next page -- is  
6 related to working around all the chemicals that I may  
7 have been exposed to at Muscatine."

8           Do you see that?

9           A. I do.

10          Q. Did I read that properly?

11          A. You did.

12          Q. Does that help jog your memory a little bit?

13          A. That I was on as a CC in this document as  
14 informational, but it did help to read it, but I still  
15 don't remember the details.

16          Q. Hairy Cell Leukemia is a subtype of  
17 non-Hodgkin's lymphoma, correct?

18          A. That is my understanding.

19          Q. Right. Just like B-cell lymphoma, that is a  
20 subtype of non-Hodgkin's lymphoma?

21          A. That is my understanding.

22          Q. CLL is a subtype of non-Hodgkin's lymphoma?

23          A. So, again, I'm not a human cancer expert. I  
24 mean, I've read some of the literature. Some of those  
25 subsets I've heard about, yes.

1 Q. Mantle cell is another subtype?

2 A. It could be. I don't have them all

3 memorized.

4 Q. There are a lot of subtypes of non-Hodgkin's  
5 lymphoma. That's a fair statement, isn't it?

6 A. There are a lot. That would be fair.

7 Q. So what this person is reporting is that  
8 they got what is called Hairy Cell Leukemia. Do you  
9 see that?

10 A. I do.

11 Q. All right. They say they don't know if they  
12 got it at the plant, but they are just writing it in.  
13 Do you see that?

14 A. Yes. They don't know if it was related to  
15 the working or not.

16 **MR. FRAZER:** And then if we go forward a  
17 page, 999 there, Ed, please, of Exhibit 2274.

18 Q. (By Mr. Frazer) We see down at the bottom  
19 from the industrial hygienist at the plant. Do you  
20 see that, a man named Michael Wilts?

21 A. I do.

22 Q. And that's coming from -- it is in response  
23 to if you look on up there, Dr. Goldstein gets  
24 involved. Do you see that?

25 **MR. FRAZER:** Let's move up one more thread

1 there, email thread.

2 Q. (By Mr. Frazer) Do you see Dr. Goldstein is  
3 involved now?

4 A. I do.

5 Q. We saw his picture earlier, right?

6 A. Correct.

7 Q. Okay. He is the medical doctor at Monsanto  
8 at the time?

9 A. He was.

10 Q. All right. In this email, down at the  
11 bottom, the industrial hygienist for the Monsanto  
12 plant at Muscatine says:

13 "I was requested to look into this by  
14 Muscatine's plant manager. This comes from a retiree  
15 that is working currently as a contractor for  
16 Monsanto. He saw the adverse effects notice and sent  
17 this to Jean Edwards or the plant members."

18 Do you see that?

19 A. I do.

20 Q. What was the adverse effects notice?

21 A. If you go to the very last page, we were  
22 required annually to send out a notice of adverse  
23 effects reporting. So it starts on Page 4001.

24 Q. Yep.

25 A. And this goes out to all Monsanto employees.

1 Q. And that adverse effects report that went  
2 out to Monsanto employees --

3 **MR. FRAZER:** Let's go to that Page 001,  
4 there Ed, please. Are you there?

5 Q. (By Mr. Frazer) This is to Monsanto  
6 employees, right?

7 A. Yes. This is required by the EPA that we do  
8 this on an annual basis.

9 Q. This communication was never made to the  
10 American public. We can agree on that, right?

11 A. So this -- the American public is -- can be  
12 aware. They look at the EPA site. There is this  
13 adverse effects reporting. No, this is an internal  
14 document.

15 Q. That was my question. Monsanto never sent  
16 this to a customer or potential customer of  
17 Ready-To-Use Roundup, right?

18 A. No. This is a requirement that we are to do  
19 through the EPA through our company.

20 Q. It is saying at the top of Page 02, "US EPA  
21 and other international regulatory agencies require  
22 the reporting of this information under certain  
23 circumstances. If you become aware of information  
24 which suggests a conclusion of adverse effect or  
25 substantial risk -- substantial risk -- you must

1 immediately forward that information to the adverse  
2 effects reporting committee as instructed below."

3 Right?

4 A. Correct.

5 Q. And, again, this is just to Monsanto  
6 employees?

7 A. This is an annual notice that we sent out  
8 that if anything comes in through our call centers or  
9 our information folks. They would also then if  
10 somebody in the consumer world called and asked a  
11 question, we would then forward that to the EPA  
12 through the adverse effects as well.

13 Q. "The types of information which may be  
14 reportable include, but are not limited to the  
15 following." And just right down -- "B, allegations of  
16 injury to human or animal health."

17 Right?

18 A. Correct.

19 Q. So we see this employee telling he has got  
20 Hairy Cell Leukemia and he wants to know if it relates  
21 to his work while he is working at the plant there in  
22 Muscatine, Iowa, right?

23 A. That's what he says in his email, yes.

24 Q. Now, if we move on forward back to  
25 Dr. Goldstein's response on Page 999, last three

1 numbers. Dr. Goldstein says:

2 "This is not reportable in my opinion  
3 because he did not make an allegation of relatedness,  
4 but rather asked a question. I am not suggesting we  
5 ignore the issue or fail to respond to the employee --  
6 just saying as currently worded this would not trigger  
7 a 6(a)2 report."

8 Right?

9 A. That's what it says, yes.

10 Q. A 6(a)2 report is the FIFRA requirement to  
11 report an adverse effect to the EPA, right?

12 A. Yes, it is.

13 Q. So Dr. Goldstein says, look, I know this guy  
14 said he got Hairy cell leukemia while he's working at  
15 our plant, now he's retired and wants some answers,  
16 but you know what, he didn't use the word relatedness,  
17 so I don't think we need to report this to the EPA,  
18 right?

19 A. They are just going on what the man said.  
20 He said I don't know if this diagnosis was related to  
21 working around chemicals that I may have been exposed  
22 to. He didn't say he believed he got it from there.  
23 This committee makes a determination, I've not been on  
24 the committee before, based on what is the legal  
25 interpretation of what is submitted under 6(a)2.

1 Q. You are not on the committee, but now you  
2 can tell the jury nonresponsive to my question what  
3 that committee does, okay. Let's try to move on.

4 MS. COOK: Objection.

5 THE COURT: I think he is moving on. Let's  
6 move on, Mr. Frazer.

7 Q. (By Mr. Frazer) Next email response to  
8 Dr. Goldstein comes from a person by the name of  
9 Annemieke De Wilde, do you see that, December 3, 2014?

10 A. Annemieke De Wilde is the occupational  
11 physician --

12 Q. Now, we know --

13 A. -- for the company.

14 Q. -- at this time the company, you certainly  
15 knew, that IARC was going to be meeting in the spring  
16 of 2015, right?

17 A. We did.

18 Q. You were planning -- you knew that in  
19 September of 2014, right?

20 A. Yes. We learned about it September of 2014.

21 Q. So you know IARC is coming up with a  
22 meeting, Dr. Goldstein is coming up with a meeting and  
23 he says, look, this guy didn't use the magic word, so  
24 we don't need to report it.

25 A. I think you completely mischaracterized that



1 whole situation. I disagree with that.

2 Q. Okay. That's fair.

3 Ms. or Mr., is that a Ms. or Mr. De Wilde?

4 A. It is doctor. She is the occupational  
5 physician.

6 Q. She's a doctor?

7 A. Annemieke De Wilde, she is an M.D.

8 Q. She is an M.D. She says:

9 "This is not an allegation. In previous  
10 lives, the companies kept this on file. If similar,  
11 quote, stories surface, end quote, the combination of  
12 stories may make it an allegation subject to  
13 TSCA(8)c."

14 Do you see that?

15 A. I see that, yes.

16 Q. Did I read that properly?

17 A. You did.

18 Q. A TSCA is the Toxic Substances Control Act  
19 of the United States of America, right?

20 A. Yeah, called TSCA.

21 Q. That is what it is, it's a federal law?

22 A. It is for -- FIFRA covers registered  
23 substances and TSCA is for those that are not  
24 registered under FIFRA.

25 Q. So Dr. Annemieke?

1 A. Annemieke De Wilde.

2 Q. Annemieke De Wilde. I'm just going by the  
3 name here.

4 "My advice is to report it to the adverse  
5 events team as an FYI, not as a formal allegation  
6 report. They will know what to do with it."

7 Did I read that properly?

8 A. You did.

9 Q. And what they were going to do with it was  
10 put it wherever the stuff went that they used to keep  
11 in previous lives of the company, right?

12 A. I don't know that, no.

13 Q. They are just going to throw it in the trash  
14 can, right?

15 **MS. COOK:** Objection, Your Honor.

16 **THE COURT:** Sustained. Go on, Mr. Frazer.

17 Q. (By Mr. Frazer) All right. Let's go to the  
18 discussion continues over emails back and forth.  
19 Let's go to Page 997.

20 At the top of the page you are involved at  
21 this time, right? You want to look at the previous  
22 page, the bottom of the email chain shows you getting  
23 a copy of this in the to line, T-O line?

24 A. I see Dr. Goldstein included me on this,  
25 yes.

1 Q. Dr. Goldstein writes at the top of Page 997  
2 of Exhibit 2274, "This goes back to the  
3 allegation/publication by Hardell, et al."

4 That means and others, right?

5 A. Correct.

6 Q. "Goes back to the allegation/publication by  
7 Hardell specifically related to the glyphosate  
8 exposure and Hairy cell leukemia, right?

9 A. Correct.

10 Q. Dr. Hardell, this is what Monsanto called a  
11 free study. You didn't pay for it. It was just done  
12 by some independent scientist and it gets published in  
13 the literature, right?

14 A. That is a term that has been used.

15 Q. Hardell was that free study?

16 A. He was independent and said this has not  
17 held up to further examination.

18 Q. And Dr. Goldstein is saying that Hardell  
19 says there is glyphosate exposure in Hairy cell  
20 leukemia, right, in that published peer-reviewed  
21 scientific article, correct, ma'am?

22 A. He does go on to say that this has not held  
23 to further examination, so I think that sentence is  
24 complete. So, yes, there was a publication by Hardell  
25 that had association with Hairy cell leukemia.

1 Q. That was a scientific publication by  
2 scientists who wrote it and was peer-reviewed by other  
3 scientists before it could even get published, right?

4 A. It was, but it is still not evidence of a  
5 cause and effect. It is a publication, an  
6 association.

7 Q. Got you. That was, again, back in  
8 December 2014, right?

9 A. Yes.

10 Q. December. All right. Then on the very  
11 front page, bunch of other emails. It is a long  
12 chain. I mean, there was a lot of analysis that went  
13 into this at the company level, wasn't there?

14 A. I think it shows that the company didn't  
15 just ignore it. They were following up on it.  
16 Looking into exposure, talking with the adverse  
17 effects committee, so yeah, there was a lot of emails  
18 about it.

19 Q. In fact, on the front page they run down  
20 where this guy who wrote the claim might have worked,  
21 right, and show it on this chart here?

22 A. They do.

23 Q. They do a complete research of his history  
24 at the company. Lasso, that is a Roundup kind of  
25 herbicide, just has a different name, right?

1 A. No, different active ingredient.

2 Q. Different active ingredient. You got liquid  
3 formulations he worked on, solids warehouse, 20  
4 G/formulations, E&I formulations, et cetera, et  
5 cetera, right?

6 A. Yes.

7 Q. This was never reported to the United States  
8 Environmental Protection Agency, was it?

9 A. I don't know. I don't know. I wasn't a  
10 part of the adverse effects committee.

11 Q. Dr. Farmer, I've handed you what has been  
12 marked as Plaintiff's Exhibit 2273. You have it  
13 before you, ma'am. Some of this includes part of the  
14 other email we just looked at?

15 A. Yeah, because I'm not on these later emails  
16 that are on the front pages.

17 Q. Right. And you had a chance to read that?

18 A. Trying to check and see where -- okay.  
19 Okay. Thank you.

20 Q. Have you read it?

21 A. I have.

22 Q. This is a continuation of that same email we  
23 looked at, 2274, right?

24 A. It appears to be, yes.

25 **MR. FRAZER:** Admit this into evidence.

1           **THE COURT:** Any objection?

2           **MS. COOK:** Objection. Foundation for the  
3 two first pages.

4           **THE COURT:** I'm going to be honest with you,  
5 Mr. Frazer. First emails aren't -- are emails that  
6 Dr. Farmer is on. Do you believe there is foundation  
7 for the initial email?

8           **MR. FRAZER:** It is a company document, Your  
9 Honor. Business record.

10          **MS. COOK:** I have not seen the first few  
11 pages.

12          **THE COURT:** How does she -- I'm going to  
13 sustain the objection as to the first few pages.

14          **MR. FRAZER:** I'll offer it just to refresh  
15 her recollection. She said she didn't know if it got  
16 recorded or not.

17          **THE COURT:** I'll sustain the objection. We  
18 will move on, Mr. Frazer.

19          Q.    (By Mr. Frazer) Lets go back to 2474 then.  
20 Let's look at the second page. Top of the page.  
21 Email that you were on. Top of the page says:

22                "The chemicals of concern are glyphosate,  
23 triazine, and 2, 4-D."

24                Right?

25          A.    That's what it says, yes.

1 Q. If we turn to the top of the next page it  
2 says:

3 "Monsanto Muscatine started producing  
4 glyphosate in late '97, early '98 -- person's name is  
5 removed -- was assigned to E&I in the GT area starting  
6 in 2005 in addition to his duties at A-Unit. Our  
7 representative sampling in GT for glyphosate dust was  
8 below the Monsanto guidelines during this time that he  
9 would have had the potential to work in the area."

10 Then it says later on: "I cannot conclude  
11 that any of these were the potential for Hairy cell  
12 leukemia."

13 Do you see that?

14 A. I see that, yes.

15 Q. You would expect anybody working for  
16 Monsanto to conclude that anything, any cancer, Hairy  
17 cell leukemia, Mantle Cell, whatever, is not related  
18 to any glyphosate exposure regardless of how much or  
19 how little that person got, right?

20 **MS. COOK:** Objection. Personal knowledge.

21 **THE COURT:** I'm going to overrule it. She  
22 can answer the question if she has knowledge of it.  
23 If she doesn't, she doesn't.

24 **THE WITNESS:** I don't.

25 Q. (By Mr. Frazer) That's your position, isn't

1 it, ma'am?

2 A. It is my position that glyphosate is not a  
3 human carcinogen, yes.

4 Q. It is your position and that's the company's  
5 position, right?

6 A. It is based on the data and based on the  
7 science over the past 40 years. And it is not just  
8 our opinion, it is confirmed by regulatory agencies  
9 around the world.

10 Q. Was that blocking and bridging right there?

11 A. No.

12 Q. My simple question was: That's everybody at  
13 Monsanto's opinion that no amount of Roundup or  
14 glyphosate would cause any harm to any human being at  
15 any time anywhere ever. That's the company's  
16 position, isn't it?

17 A. So I'm going to go back to the science and  
18 what we know about the science.

19 **MR. FRAZER:** Your Honor, I would ask just a  
20 yes or no answer.

21 **THE COURT:** I'm not sure it is a yes or no  
22 question, Mr. Frazer. I'm going to let you ask it one  
23 more time and she can give her answer. What's your  
24 question? I'm not even sure what it was anymore.

25 **MR. FRAZER:** Read it back, please.



1           (The requested portion of testimony was read  
2           back by the court reporter.)

3           **THE WITNESS:** So it is not a yes or no  
4           question because to answer that you have to have the  
5           science to look at. And that's what we do. We looked  
6           at the science, and the data isn't there to support  
7           that Roundup is a human carcinogen.

8           Q.    (By Mr. Frazer) If a company decides not to  
9           report something, how can it make it into the EPA's  
10          database?

11          A.    So, again --

12          Q.    Excuse me. How -- if a company like  
13          Monsanto chooses not to report something to the EPA,  
14          how can it get into the EPA's database when it is the  
15          company document, internal?

16          A.    The company followed the company procedures  
17          and it went through the adverse effects reporting, and  
18          I'll leave it at that. The company followed its  
19          procedures.

20          Q.    I get they followed the procedures. My  
21          question to you is simply if the company chooses not  
22          to report an adverse effect like Hairy cell leukemia  
23          to the United States EPA, an internal document that we  
24          just looked at, that document cannot ever be seen by  
25          EPA, right?

1           A.    Again, they followed their procedures and it  
2   was determined.  I don't know whether they did or did  
3   not submit it, but they followed their procedures.  
4   Again, he wasn't asking did it cause, he wasn't  
5   claiming it caused.  He didn't know if it was related  
6   or not.

7           Q.    All right.  We hear you.

8                    Handing the witness Plaintiff's Exhibit  
9   2556.  You wrote this, didn't you, Dr. Farmer?

10          A.    I did, yes.

11          Q.    And --

12          A.    Can I get a chance to read it?  Another one  
13   I haven't seen since 1997.

14          Q.    Yeah.  Sure.

15          A.    Okay.  Thank you.

16          Q.    This first time you seen this since 1997.

17   Did I hear you just testify to that?

18          A.    I said it has been a long time.  I haven't  
19   seen it since 1977.

20          Q.    You mean '97?

21          A.    '97, yes.

22          Q.    My only reason for this is this is a  
23   document you authored; is that right?

24          A.    Yes.  I've seen this.  I haven't read it  
25   through.

1 Q. Subject matter is "Nordic area --  
2 mutagenicity?"

3 A. Correct.

4 Q. What is mutagenicity?

5 A. It is a part of genotoxicity looking at  
6 mutagenic events that would be an inheritable defect  
7 in your DNA that could go from cell to cell.

8 Q. Or defect in your DNA caused by an  
9 environmental toxin?

10 A. Some are environmental and some are just  
11 regular, random, happen every day in our body.

12 Q. Some are environmental, though. You left  
13 that out in your first answer.

14 A. Yes. I was reading that, yes.

15 Q. When you say geno -- did you say genotoxic?

16 A. So mutagenicity is a part of genotoxicity.

17 Q. A part of your DNA?

18 A. We are looking at effects on DNA.

19 Q. You have an environmental toxin that gets  
20 into the cellular level, it attacks your DNA, right?

21 A. There are some that can do that, yes.

22 Q. And when it attacks your DNA, it breaks the  
23 ladders and connectors and C can't go into T and M  
24 can't go into -- it messes up your DNA, right? That  
25 is what mutagenicity and genotoxicity mean?

1           A.   Well, genotoxicity has three parts to it.  
2   One is a mutation that can be given down to daughter  
3   cells. Another one is can you break the structure of  
4   the chromosome or change the number of chromosomes.  
5   And the third one is every day this happens in our  
6   body all the time.

7                   Our cells have DNA repair mechanisms. So  
8   genotoxicity covers that asking does it cause a  
9   mutation, can it damage structurally your chromosomes,  
10  and does it impair those DNA repair mechanics to  
11  repair that DNA damage. That's the three parts of  
12  genotoxicity.

13          Q.   We agree that environmental toxins can do  
14  all three of those things?

15          A.   Certainly, yes.

16          Q.   That's why it is a level of concern back  
17  here in year 1997, correct?

18          A.   Well, it is not a level of concern. There  
19  was a case study by Dr. Deleray [ph] who was claiming  
20  she had done some studies where there was evidence of  
21  mutagenicity.

22          Q.   In glyphosate, right?

23          A.   I think she has some formulation as well.

24               **MR. FRAZER:** I'll move 2556 in, Your Honor.

25               **THE COURT:** Any objection?

1           **MS. COOK:** No, Your Honor.

2           **THE COURT:** It will be admitted.

3           Q.    (By Mr. Frazer) I will pull that up real  
4 quickly. And we see that they are talking -- you are  
5 talking about that Nordic study right here in this  
6 email, right?

7           A.    Talking about the Nordic area in general  
8 because we had -- as you can see here, we met to meet  
9 with the Danish and Swedish officials, and the study  
10 by Dr. Deleray [ph] came out in Nordics, yes.

11          Q.    This is a free study as it is called. You  
12 actually use that term in there, don't you?

13          A.    We did, yes.

14          Q.    You did, right?

15          A.    Yes.

16          Q.    Thank you.

17                Series of emails again that you are involved  
18 in; is that right?

19          A.    Yes.

20          Q.    And they are dated back in 1999?

21          A.    Yes.

22          Q.    And the subject has to do with the Hardell  
23 study, right, that we just kind of looked at?

24          A.    It is about questions about glyphosate and  
25 Hardell was one of the questions, yes.

1 Q. And in here you say -- let me move this into  
2 evidence, Exhibit 730, Your Honor.

3 **THE COURT:** Any objection?

4 **MS. COOK:** Your Honor, may we approach  
5 briefly?

6 (Counsel approached the bench and the  
7 following proceedings were held:)

8 **MS. COOK:** I have no objection to the  
9 discussion of the Hardell article. There is a portion  
10 on this front page, the first email, that says  
11 something about declares an association between  
12 miscarriages and pre-term deliveries. That would fall  
13 under our motion in limine that are other health  
14 effects, unrelated, prejudice and irrelevant.

15 If we can just not address that and later  
16 deal with not having it in here, then I have no  
17 objection.

18 **THE COURT:** I don't see that.

19 **MS. COOK:** It is right here.

20 **THE COURT:** All right. I mean, the mere  
21 reference to the study, I'll ask -- I'm not -- I'm  
22 going to admit the exhibit. I don't know how  
23 Mr. Frazer is going to get there, but I'm going to  
24 admit the exhibit and let him focus on what he wants  
25 to focus on. Just reference to the study, that's all

1 it is.

2 (The proceedings returned to open court.)

3 **THE COURT:** 730 is admitted.

4 **MR. FRAZER:** Just don't put it up yet.

5 **THE COURT:** Just don't pull it up in focus.

6 **MR. FRAZER:** Just don't put that one up, Ed.

7 We will just do it the old fashion way.

8 Q. (By Mr. Frazer) You see this as we just  
9 covered it, but I want to make sure the record is  
10 clear. It's a 1999 email, right?

11 A. It is.

12 Q. You are involved in this, aren't you?

13 A. I am.

14 Q. And on May 31, 1999, you are talking about  
15 the Hardell study, right?

16 A. I was.

17 Q. And you tell Tom Klevorn -- who is Tom  
18 Klevorn? We didn't get to see his picture. What did  
19 he do?

20 A. Dr. Klevorn was our tech development lead in  
21 Brazil.

22 Q. In Brazil.

23 So you are telling him, "Unfortunately we  
24 feel that Hardell is just the tip of the iceberg for  
25 these type of, quote, association E-P-I -- EPI

1 studies."

2 Did I read that properly?

3 A. You did.

4 Q. Then you said, "We have his two papers with  
5 non-Hodgkin's lymphoma and Hairy cell leukemia."

6 Right?

7 A. Correct.

8 Q. And at this time, you were just calling this  
9 the tip of the iceberg, right?

10 A. For these types of association EPI studies,  
11 yes.

12 Q. Now, the tip of the iceberg is what you see  
13 above the water, right?

14 A. Yes.

15 Q. The big part of the iceberg is always under  
16 water, you can't see it, right?

17 A. That would be correct, right.

18 Q. Now, the third paragraph down you talk about  
19 what is called the Agricultural Health Study, right?

20 A. I do.

21 Q. And you make -- you make a criticism of the  
22 AHS there, do you not?

23 A. I'm not an epidemiologist, so I was relating  
24 what epidemiologists had talked about about the AHS  
25 study back in 1999.



1 Q. Because what you were talking about earlier,  
2 unfortunately we feel that Hardell is just the tip of  
3 the iceberg for these type of associate EPI, E-P-I,  
4 you're talking about epidemiology studies, right?

5 A. We are, correct.

6 Q. Hardell, the two studies that Hardell did,  
7 the three studies were epidemiological studies?

8 A. Yeah, they are small case control studies.

9 Q. Small, we get it.

10 Here you are making a comment on the  
11 Agricultural Health Study and you talk about it and  
12 you say jokingly, I believe, "no bias there,"  
13 explanation point?

14 A. Well, you have to read the sentence  
15 beforehand to understand what no bias there means.

16 Q. It says: "These organizations believe that  
17 farmers and their families are suffering from a  
18 variety of illnesses and these illnesses are caused by  
19 pesticides...no bias there, explanation point."

20 That's what you wrote?

21 A. And I can explain why I wrote that.

22 Q. But you did write it?

23 A. And there is a reason why I wrote that, yes.

24 Q. We'll let you explain that later. I've only  
25 got so much time today.

1           You also say that down there in the next  
2 paragraph starting with many groups, you write:

3           "Many groups have been highly critical of  
4 the study as being a flawed study. In fact, some have  
5 gone so far as to call it junk science. It is small  
6 in scope and the retrospective questioner on  
7 pesticide usage and self-reported diagnoses also from  
8 the questioner is thought to be unreliable."

9           You're talking about the AHS there, right?

10          A. Those were some things that I heard from  
11 epidemiologists back in 1999.

12          Q. You are calling the Agricultural Health  
13 Study to be unreliable, right?

14          A. What they were talking about --

15          Q. Please, don't block and bridge. Just -- you  
16 used the word "unreliable" and you use it to describe  
17 the Agricultural Health Study, right?

18          A. Based on some of the flaws in their study  
19 design, it could be unreliable. And that's why they  
20 changed some of their methodologies.

21          Q. Then you write, "But the bottom line is  
22 scary."

23                 Did I read that properly?

24          A. You did.

25          Q. The bottom line is the bottom line, right?

1 Did you mean bottom line when you wrote the bottom  
2 line?

3 A. I just wrote the bottom line.

4 Q. You wrote it is scary. Did you mean the bottom  
5 line is scary?

6 A. That there may be association as associated  
7 with glyphosate, and some of these adverse health  
8 effects based on the way the study was designed, yes.

9 Q. You didn't write the bottom line might be  
10 scary. It is possible it might be scary or it might  
11 be scary a little bit. You wrote the bottom line is  
12 scary?

13 A. With the concerns we had about it, yes.

14 Q. You wrote there will be associations  
15 identified between glyphosate use and some health  
16 effects, correct?

17 A. Because of the way the study is designed.  
18 We thought that back in 1999.

19 Q. You wrote what I just said. "There will be  
20 associations identified between glyphosate use and  
21 some health effects."

22 Correct?

23 A. But you need to read the end of the sentence  
24 as well.

25 Q. I understand that. But you did write that,

1 right?

2 A. I did.

3 Q. Okay. Thank you.

4 Now you are responding again to Mr. Wratten.

5 Can you remind the jury who Mr. Wratten is?

6 A. Regulatory affairs manager for glyphosate.

7 Q. Okay. You've seen 165 before, haven't you,

8 ma'am?

9 A. I've haven't seen it in a while. I'm  
10 clearly on the distribution list.

11 Q. Your name is right at the top, isn't it?

12 A. It is, yes.

13 Q. This is an internal Monsanto memo from  
14 Dr. John Acquavella, epidemiologist at Monsanto,  
15 right?

16 A. Give me just a second. Right.

17 Q. That's who is writing it?

18 A. It is, correct.

19 Q. Okay. You seen this one many times before,  
20 haven't you?

21 A. I'm sure I have seen it before, but I don't  
22 remember it.

23 Q. You've testified about this before, haven't  
24 you?

25 A. I may very well have.

1 Q. It is dated August 24, 2000; is that right?

2 A. It is, yes.

3 **MR. FRAZER:** Your Honor, we move 165 into  
4 evidence.

5 **THE COURT:** Any objection?

6 **MS. COOK:** None, Your Honor.

7 **THE COURT:** It will be admitted.

8 Q. (By Mr. Frazer) We see that this is an ISEE  
9 meeting, epidemiology studies referencing glyphosate,  
10 right?

11 A. Yes.

12 Q. And Dr. Acquavella, the epidemiologist in  
13 the first numbered paragraph, he says: "No. 1,  
14 non-Hodgkin's lymphoma and the pesticide hypothesis:  
15 dose response by Helen McDuffee, Pahwa Punam and  
16 colleagues at the Center for Agricultural Medicine at  
17 the University of Saskatchewan, Canada, right?

18 A. Yes.

19 Q. And you see that the study that he is  
20 reporting on was funded, it was a case-controlled  
21 study, 517 non-Hodgkin's lymphoma cases with 1,506  
22 controls funded by Health Canada, right?

23 A. I see that.

24 Q. Health Canada is that regulatory agency in  
25 Canada, right?

1 A. It is, yes.

2 Q. This is a government funded study, correct?

3 A. It says different agricultural studies as  
4 well, yes.

5 Q. I didn't ask about the agriculture health  
6 study. I'm talking about this one right now. This is  
7 governmentally funded study by the government of  
8 Canada, right?

9 A. Yes.

10 Q. And it says, "Epidemiologist from Health  
11 Canada have previously published papers where they  
12 concluded the pesticides (in the generic sense) are  
13 related to various cancers."

14 Do you see that?

15 A. I do.

16 Q. If you turn the page. If we look at the  
17 first full paragraph starting with the word  
18 additional. "Additional analyses found significant  
19 relationships for more than two days use for  
20 glyphosate (odds ratio of 2.1)."

21 Do you see that?

22 A. I do.

23 Q. That's a statistically significant number,  
24 is it not, ma'am, 2.1?

25 A. Yes.

1 Q. It's 210 percent higher than the control  
2 group, right?

3 A. Correct.

4 Q. That's how you interpret that, right, in  
5 layman terms?

6 A. I'm not an epidemiologist so.

7 Q. You are at the top of the to list on this  
8 one?

9 A. Because I'm there because of the glyphosate  
10 issues from the toxicology perspective, but not from  
11 the epidemiological perspective.

12 Q. The company, the guy, Dr. Acquavella, the  
13 epidemiologist at Monsanto, that's what he writes,  
14 isn't it?

15 A. Yeah. He also goes on to write that there  
16 is a full range of compounding factors that were not  
17 considered in these analyses.

18 Q. I just wish you would quit blocking and  
19 bridging, ma'am.

20 A. I'm not.

21 **MS. COOK:** Objection.

22 **THE COURT:** Let's move on, Mr. Frazer.

23 Q. (By Mr. Frazer) Then Dr. Acquavella, this  
24 is what he decides to do. Let's drop down that same  
25 paragraph there the next to last sentence "we,

1 obviously." It says "we." He's talking about  
2 Monsanto, right? Right?

3 A. Yes, he did.

4 Q. "We, Monsanto, obviously need to establish a  
5 relationship with Dr. McDuffee because our research  
6 program will be generating findings for the next few  
7 years."

8 That's what Dr. Acquavella wrote, correct?

9 A. Right. And he wanted to share some  
10 information with her and develop a relationship with  
11 her. Then we can share that information with her.

12 Q. Dr. Acquavella doesn't write, wow,  
13 210 percent increase of non-Hodgkin's lymphoma, maybe  
14 we ought to start warning people, does he?

15 A. That is not what this is about, no.

16 Q. No, he didn't do that. He says let's just  
17 call the scientist, Dr. McDuffee. That's his remedy  
18 here, right?

19 A. You are not characterizing this particular  
20 approach to the relationship with Dr. McDuffee fairly.

21 Q. Okay. Well, I'm just doing what he wrote.

22 A. You are not reading all --

23 Q. Reading what he wrote.

24 He writes No. 2. Paragraph No. 2 he says,  
25 "Non-Hodgkin's lymphoma, Hodgkin's disease and



1 pesticide exposure: regional differences by Pahwa  
2 Punam, Helen McDuffee and colleagues at the Center for  
3 Agricultural Medicine at the University of  
4 Saskatchewan.

5 That's the second study he referred to  
6 earlier in this memo, correct?

7 A. Correct.

8 Q. Then if we go to what his ultimate plan is,  
9 we see it on Page 016, follow-up plans. Do you see  
10 that? You see where I am right there?

11 A. I do.

12 Q. He writes as follow-up plan. "I think our  
13 best approach is to develop a collegial relationship."

14 That's a friendly relationship, right?

15 A. I believe that's what we like to have, yes.

16 Q. "Develop a collegial relationship with  
17 Dr. McDuffee. We can share our findings from the  
18 FFES."

19 That's the farm family exposure study,  
20 right?

21 A. Correct.

22 Q. That was a Monsanto paid for study, correct?

23 A. It wasn't just Monsanto. It was actually  
24 out of CropLife America and then the companies that  
25 were part of CropLife America funded that study and it

1 was run by the University of Minnesota.

2 Q. CropLife American is an organization that is  
3 funded and run by the chemical industry, at least back  
4 in this day?

5 A. It is not chemical. It is the pesticide  
6 companies, agricultural companies. So it is not just  
7 all chemicals, but it's the agriculture companies,  
8 yes.

9 Q. Dow Chemical, DuPont, people like that, and  
10 Monsanto?

11 A. All credible agricultural companies, yes.

12 Q. And it says: "We want to ask her to share  
13 her findings when available."

14 You see that? That's part of his plan?

15 A. We will share ours and we'll talk with her  
16 about exposure is an important part of in determining  
17 epidemiological findings. So we were looking for a  
18 collaborative relationship.

19 Q. Dr. Farmer, I'm going to hand you what has  
20 been marked as Plaintiff's Trial Exhibit P-717.

21 This is another email chain that you are  
22 included on, correct?

23 A. It is.

24 Q. And it is dated November 29, 2001?

25 A. It is.

1 Q. And the McDuffee article has now been  
2 published, right?

3 A. Correct.

4 Q. One we talked about earlier?

5 A. Correct.

6 Q. One that the plan was to get in touch with  
7 Dr. McDuffee and talk to her and learn from her and  
8 exchange information and all that, right?

9 A. This was the publication from that first  
10 meeting that John had seen her before meetings  
11 happened.

12 Q. And Dr. Acquavella actually sends this  
13 information to you about the McDuffee article, right?

14 A. He does.

15 Q. And even though the McDuffee article shows  
16 an association of cancer, non-Hodgkin's lymphoma and  
17 exposure to glyphosate, Dr. Acquavella writes that  
18 glyphosate is no longer mentioned in the abstract of  
19 the article, right?

20 A. Yes.

21 Q. And you write back and say, John --

22 **MR. FRAZER:** Move this into evidence so the  
23 jury can see this, Your Honor?

24 **THE COURT:** Any objection?

25 **MS. COOK:** No, Your Honor.

1           **MR. FRAZER:** I'm sorry, pull that up Ed.  
2 717.

3           Q.    (By Mr. Frazer) You write back and say:

4                   "John, I know we don't know yet what it says  
5 in the, quote, small print, but the fact that  
6 glyphosate is no longer mentioned in the abstract is a  
7 huge step forward. It removes it, the article, from  
8 being picked up by abstract searches."

9                   Did I read that properly?

10          A.    You did.

11          Q.    What you are saying there is the fact that  
12 the glyphosate is not in the abstract of the article  
13 and the -- strike that.

14                   The abstract of an article is the little  
15 piece that tells you what the whole article is about,  
16 right?

17          A.    It is summarizing the most relevant,  
18 critical findings in a publication.

19          Q.    It is a summary of what the big long  
20 scientific article is?

21          A.    It really focuses on those relevant,  
22 significant finding. It doesn't summarize everything.  
23 It tries to highlight the most important findings in  
24 the publication.

25          Q.    So abstract is just a summary of the most

1 important findings, that's what your testimony is. We  
2 will see why you are saying that when we look at the  
3 McDuffee article.

4 **MS. COOK:** Objection.

5 **THE WITNESS:** Abstracts are small. You  
6 don't have a lot of room.

7 **THE COURT:** You withdrawing your objection,  
8 Ms. Cook?

9 **MS. COOK:** No. My objection is just that's  
10 not a question.

11 **THE COURT:** Let's just keep asking. I think  
12 we have a question and answer. We will keep going,  
13 Mr. Frazer.

14 **MR. FRAZER:** Yes.

15 Q. (By Mr. Frazer) So that you are excited,  
16 using an explanation point, because if people are  
17 doing research for articles and you type in the word  
18 glyphosate in the computer and they are only looking  
19 at abstracts, they are not going to find the McDuffee  
20 article, right?

21 A. And for reason, yes.

22 Q. By the way, the McDuffee article is a  
23 scientific article, right?

24 A. Yes.

25 Q. It is a science, right?

1           A.    It is an epidemiological paper.

2           Q.    It was submitted to a publication for  
3 peer-review before it can even be published out in  
4 medical literature, right?

5           A.    It was submitted to a journal to be  
6 considered for publication, yes.

7           Q.    Until the journal editors decide this is an  
8 article worthy of publication it can't be published in  
9 that journal, right? They have to make that decision,  
10 they are the gatekeeper?

11          A.    The journal, what they publish, yes.

12          Q.    I'm going to hand you what has been marked  
13 as Plaintiff's 173. This is an email dated at the top  
14 December 6, 2001.

15          A.    Yes.

16          Q.    You can see that the subject matter is the  
17 McDuffee paper.

18          A.    I do.

19          Q.    It is finally all the way out beyond the  
20 abstract, right? You've got the whole article to look  
21 at at this point, right?

22          A.    We would have had the whole article before.

23          Q.    You had it before?

24          A.    Yeah.

25          Q.    All right. Let's read what it says.

1           **MR. FRAZER:** Your Honor, we move this into  
2 evidence, 173.

3           **THE COURT:** Any objection?

4           **MS. COOK:** No.

5           **THE COURT:** It will be admitted.

6           Q. (By Mr. Frazer) You will see that the email  
7 starts on the second page and, again, it is from  
8 Dr. Acquavella, the epidemiologist at Monsanto, right?

9           A. Yes.

10          Q. Sends it to you, Daniel Goldstein, Janice  
11 Armstrong and Bill -- William Heydens, right?

12          A. Correct.

13          Q. Did I pronounce that right, is it "Heydens?"

14          A. Heydens.

15          Q. Dr. Acquavella writes: "I received the  
16 McDuffee paper today and have scanned it. These are  
17 the findings for glyphosate in Table 2 ever having  
18 used glyphosate, the odds ratio 1.2."

19                 Then it goes down and says, "But use two  
20 days or more the odds ratio is 2.1." In brackets he  
21 puts the word significant, right?

22          A. And not significant up above, yes.

23          Q. Yeah. So 2.1 again is 210 percent higher if  
24 you used it more than two days a year?

25          A. If you believe that's how they present it,

1 yes.

2 Q. That's what Dr. McDuffee reports in a  
3 peer-reviewed scientific paper that has been published  
4 by the scientific magazine, right, periodical?

5 A. Journal is probably a better term to use.

6 Q. Journal, okay. He calls it significant.  
7 Then if we go to the first page, Acquavella says,  
8 again in response to an email from Dr. Heydens, he  
9 says, "Right. It is a good result, but not everything  
10 we wanted.

11 What did you want out of this McDuffee --  
12 Dr. McDuffee? Did you want her to change her numbers  
13 or something?

14 A. I don't know. I don't know what John wanted  
15 from that.

16 Q. He didn't -- he said good result. Not  
17 everything we wanted. Then he puts in parentheses,  
18 "The invalid result could be cited as a second  
19 glyphosate, slash, non-Hodgkin's lymphoma finding."  
20 That's what he wrote, right?

21 A. It was an invalid result in her publication,  
22 yes.

23 Q. That's what he says, though?

24 A. That's what he says, yes.

25 Q. She reported it as a valid result in her



1 publication, right?

2 A. I think that that was removed. That was her  
3 decision to remove the comments towards her.

4 Q. Then he says: "However, it will not be  
5 picked up by most of the usual suspects because it is  
6 not mentioned in the abstract."

7 Right?

8 A. The invalid result, yes.

9 Q. You write back and you say: "John, damn or  
10 darn --

11 A. It's darn.

12 Q. Hard for me to read.

13 "Darn. But at least it is out of the  
14 abstract and not a huge discussion in the text."

15 Right?

16 A. Yes.

17 Q. Okay. 989. Plaintiff's Exhibit 989 I just  
18 handed you is another email chain that you are  
19 involved in, right?

20 A. Yeah. I haven't seen this for a while, so  
21 let me take a look at this.

22 Q. Sure. Just for the record, it is a  
23 September 9, 2004, email, right?

24 A. It is, yes.

25 **MR. FRAZER:** Your Honor, we move this into

1 evidence.

2 **THE COURT:** Any objection?

3 **MS. COOK:** Your Honor, may I take just one  
4 moment to look at it?

5 **THE COURT:** Sure.

6 **MS. COOK:** Your Honor, no objection.

7 **THE COURT:** All right. It will be admitted.

8 **THE WITNESS:** Okay.

9 Q. (By Mr. Frazer) Dr. Farmer, this is a  
10 reference to a Sea -- I don't know if that is the  
11 right spelling or not. You will have to tell me. A  
12 Sea, S-E-A, ursins (sic) study.

13 **MR. FRAZER:** We got it up there? Thank you.  
14 You're ahead of me, Ed, as usual.

15 Q. (By Mr. Frazer) Is that a sea urchin study?

16 A. It's sea urchin. U-R-C-H-I-N, yes.

17 Q. Okay. Sea urchins are used in studies  
18 because cell structure is kind of similar to human  
19 beings, right?

20 A. I don't know that to be true. They have  
21 cell structures and they are easy to work with in the  
22 laboratory.

23 Q. This has to do with a study that has been  
24 published called the Belle study, B-E-L-L-E, right?

25 A. Correct.

1 Q. Let's go to the last page. Let's start at  
2 the last page because that starts with an email that  
3 you got from a gentleman by the name of Benoit Cambon.  
4 You see that at the bottom of the page dated September  
5 6th, 2004, right?

6 A. I do.

7 Q. And you get an email from Benoit Cambon that  
8 says: "I received last week an invitation to attend  
9 the thesis of Ms. Marc, 10th of September. The title  
10 is 'Toxic Effect of Glyphosate-based Herbicides on  
11 Cellular Cycle and early Embryo development by using  
12 sea ursin'" -- it says ursin (sic).

13 I guess that must be from a different  
14 country. Is that right, they may using ursin than  
15 urchin?

16 A. It may be. He is from France.

17 Q. France. Did I read that properly?

18 A. You did.

19 Q. All right. And you get this back and you  
20 write him and you say -- at the very top of the email  
21 you say: "I do not want this to go unchallenged,  
22 explanation point."

23 Right?

24 A. The way that they are presenting the data,  
25 yes.

1           Q.    Yeah.  So this is -- we talked about your  
2    role to defend glyphosate.  This would be part of that  
3    role to defend glyphosate.  Don't let it go  
4    unchallenged.

5           A.    And I would agree, because what I say after  
6    that is these results need to be put into context and  
7    into a risk assessment framework, so, yeah, any result  
8    needs to be put into a context.

9           Q.    But you write on down in that same  
10   paragraph, last sentence says:  "These compounds  
11   exhibited toxicity to a wide range of cellular targets  
12   and two of the three surfactants produced non-specific  
13   cytotoxicity related to alterations of membrane and  
14   endomembrane permeabilities.  Based on what we know, I  
15   would say this is most likely the situation with our  
16   products."

17                    Right?

18           A.    So I think I'm referring above to some  
19    cosmetic ingredients that inhibited the first cleavage  
20    of sea urchin eggs in a dose-dependent fashion.  These  
21    compounds are referring back to the cosmetic  
22    ingredients because it is not specific side effects,  
23    meaning it is damaging the cells in this petri dish  
24    and saying I think we are looking at the same  
25    situation as these cosmetic ingredients.

1 Q. Yes. You are saying based on quote -- I'm  
2 just quoting. This is what you wrote. Based on what  
3 we know I would say it is most likely the situation  
4 with our products, plural, right?

5 A. With the Roundup, the glyphosate-based  
6 products. It has got surfactants, so the surfactants  
7 in compound cosmetics are doing the similar thing that  
8 our surfactants are doing. So it's not unique to our  
9 surfactants in our product.

10 Q. I get that because we go down to the  
11 paragraph that starts with the authors conclude. Do  
12 you see that? You put in a bracket. You say:  
13 Remember, once the RU -- that's Roundup, right?

14 A. Uh-huh.

15 Q. "Once the RU formulation was removed the  
16 embryo continues normal -- in all caps' --  
17 development."

18 Did I read that properly?

19 A. You did.

20 Q. You wrote that, right?

21 A. I did.

22 Q. Then if we go to the middle page, Mr. Cambon  
23 writes you back. In his very first sentence he says:  
24 "Look, we do not intend -- we do not intend to attend  
25 this presentation because we do not want to reactivate

1 the medias on this subject."

2 Do you see that?

3 A. I do.

4 Q. And then if you go to the first page, you  
5 write back, middle of the page there, "Good points --  
6 and your approach makes sense. Not good news that  
7 Belle and Seralini labs are in contact -- similar  
8 types of research and downstream extreme conclusions  
9 all made out of the risk assessment process and into  
10 the precautionary principle mindset."

11 Did I read that properly?

12 A. You did. I would be happy to explain.

13 Q. I think it kind of speaks for itself right  
14 there.

15 A. No. I think you have to put it into  
16 context.

17 Q. You can do that with your lawyer at some  
18 time.

19 Now, you go up there and somebody writes  
20 that "Benoit, is the Chairman of the toxicology  
21 committee Prof Marzin."

22 What is Prof Marzin?

23 A. I think it is the Professor Marzin. I think  
24 that is what this is referring to.

25 Q. Says he is an expert from Lille. That's a

1 city in France, right?

2 A. I don't know if it is a city in France or  
3 company.

4 Q. "With whom we had all the Acetochlor  
5 mutagenicity issues, end quote.

6 Right?

7 A. That's what it says.

8 Q. All right. Let's go to -- Dr. Farmer, I  
9 handed you what has been marked as Plaintiff's  
10 Exhibit No. 211. Do you have that in front of you,  
11 ma'am?

12 A. I see this, yes.

13 Q. This is an email that you wrote, the  
14 first -- the front of the page there --

15 A. It is, yes.

16 **MR. FRAZER:** Can we approach?

17 (Counsel approached the bench and the  
18 following proceedings were held:)

19 **THE COURT:** Just looking at this exhibit  
20 there are some things that are going to come out.  
21 What specifically are you looking to talk about here,  
22 Mr. Frazer?

23 **MR. FRAZER:** Going to be really just going  
24 to go to this page right here, which is talking about  
25 the Belle study that I just talked about in the email.

1           **THE COURT:** Is that the one page you want to  
2 talk about?

3           **MR. FRAZER:** Yes.

4           **THE COURT:** Any objection that we make that  
5 one page this exhibit?

6           **MR. FRAZER:** It would be a two-page  
7 exhibit attached to the cover page.

8           **THE COURT:** Do you have a problem with that,  
9 Ms. Cook?

10          **MS. COOK:** No.

11          **THE COURT:** Admit two-page exhibit with that  
12 as the cover. That avoids all these issues.

13                   (The proceedings returned to open court.)

14          **MR. FRAZER:** Your Honor, move to admit 211  
15 into evidence as amended.

16          **THE COURT:** Yes, I will admit 211 without  
17 objection as amended.

18          Q.    (By Mr. Frazer) Dr. Farmer, the Court has  
19 made a ruling that the only relevant page is this page  
20 right here. So just turn to that page.

21          **THE COURT:** Believe it is 006 at the bottom.

22          Q.    (By Mr. Frazer) Your cover page of  
23 Exhibit 211, it is an email from you to Dr. Heydens  
24 July 15, 2008.

25          A.    And others as well.



1 Q. And others. Subject matter is "One last  
2 thing, PC PowerPoint."

3 Do you see that on the cover page?

4 A. Yes.

5 Q. All right. Then I want to direct your  
6 attention to this page only.

7 **MR. FRAZER:** Ed, if you could go to this  
8 page only, please.

9 Q. (By Mr. Frazer) This is your PowerPoint  
10 slide, isn't it?

11 A. It is.

12 Q. And on this slide you wrote: "Monsanto's  
13 Roundup acts on one of the key stages of cellular  
14 division, which can potentially lead to cancer in the  
15 long-term."

16 Right?

17 A. That's what Dr. Belle was saying, so I put  
18 that up there as to what Dr. Belle was saying, and  
19 then below I was going to what the situation was and  
20 then to explain what that meant.

21 Q. This is your abstract of the Belle or Belle  
22 study in France that we just talked about on sea  
23 urchins, right?

24 A. This is what Dr. Belle was claiming publicly  
25 talking about the media coverage, so this is what they

1 were saying in the media about their findings in their  
2 study. And so this was to use a slide with the expert  
3 panel to discuss the findings of the study and then  
4 how do we address it.

5 Q. When we see that the situation that you  
6 wrote down here, we talk about Belle-France, the next  
7 one is in vitro study with sea urchin embryos, right?

8 A. A is one cell sea urchin, B is divided into  
9 two, so this is the development of the sea urchin  
10 embryo.

11 Q. In vitro. I'm just -- simply tell me yes or  
12 no is that what you wrote?

13 A. Yes.

14 Q. In vitro means you are doing this on a live  
15 cell, correct?

16 A. It means in a petri dish. In vitro is a  
17 cell in a petri dish.

18 Q. It is alive?

19 A. It is, yes.

20 Q. It is not some dead cell. It is a live  
21 cell?

22 A. Yes. These are little sea urchins.

23 Q. You're reporting here on this Exhibit 211,  
24 is that Belle reports there is a delay in time to the  
25 first cell division, right?

1           A.    Which is true, yes.

2           Q.    And there is an inhibition of DNA synthesis?

3           A.    In this -- this is being exposed. This is  
4 what he is saying delay of time for cell division.  
5 Cancer is a controlled cell division. Delay has  
6 nothing to do with cancer.

7           Q.    I was talking about inhibition of DNA  
8 synthesis. That was my question.

9           A.    Because you slowed down, yes. Yes.

10          Q.    My question is you wrote on this slide that  
11 Belle reported on the sea urchin study there was an  
12 inhibition of DNA synthesis, right?

13          A.    Yes.

14          Q.    He wrote that.

15          A.    Dr. Belle did. And I wrote his findings  
16 because you have delay in cell division, so you are  
17 not having a lot of DNA synthesis. These are the  
18 findings of the study.

19          Q.    Yeah. The cell is having trouble  
20 replicating, right?

21          A.    No. It was actually delayed. So the cell  
22 actually does have its first cell division, it is just  
23 delayed. Because of that delay, you have do have some  
24 inhibition of the DNA synthesis. If you remember the  
25 last study on Roundup, it formed into a normal sea

1 urchin embryo.

2 Q. You said that the delay can make a  
3 difference when you've got to replace -- you said  
4 this -- I didn't ask you the question. You just  
5 volunteered it a while ago, but you went on a  
6 discussion of cell replication. And you said you've  
7 got to do the cell replication all the time. And if  
8 it is delayed, that's a problem, right? We can agree  
9 on that?

10 A. Well, we can agree on that. But what he  
11 claims is that this can potentially lead to cancer.  
12 Delay in cell division is not a hallmark of cancer.  
13 Rapid cell division is a hallmark of cancer.

14 Q. I thought you earlier told us you weren't an  
15 expert in cancer?

16 A. I'm not an expert in cancer, but I know  
17 about cell division and what cancer is is abnormal  
18 cell division.

19 Q. You ever heard the difference between  
20 explain something and explaining away something?

21 A. I'm not explaining away anything. I'm  
22 trying to tell what this study means.

23 Q. Okay. All right. I'm going to hand you  
24 what has been marked as Exhibit 2444. Getting to the  
25 year 2010 here. This is another email chain that you

1 were involved in, isn't it, ma'am?

2 A. I am. I'm just trying to refresh my memory  
3 as to what this is about. Okay. I think I know what  
4 this is about.

5 Q. This is an email that you are involved in,  
6 right?

7 A. Yes.

8 **MR. FRAZER:** Your Honor, we move 2444 into  
9 evidence.

10 **THE COURT:** Any objection?

11 **MS. COOK:** Yes, Your Honor. Contains  
12 hearsay.

13 **THE COURT:** I'll admit it over the objection  
14 and let you address that when you question Dr. Farmer.

15 Q. (By Mr. Frazer) Do you see that? Let's  
16 look at the top of Page 2. Again, this is 2010 and  
17 subject matter is "Many stories regarding the EPA  
18 SAP."

19 Do you see that?

20 A. I do see that.

21 Q. EPA SAP is the EPA's Science Advisory Panel,  
22 right?

23 A. Yes.

24 Q. The EPA Science Advisory Panel, the EPA SAP  
25 is composed of non-EPA employees, right?

1           A.    Yes.

2           Q.    These are outside independent scientists  
3 writing free studies who have some kind of knowledge  
4 of the subject matter that the EPA wants to use them  
5 on the Science Advisory Panel, right?

6           A.    I wouldn't add free studies in there, but  
7 they are scientists that EPA brings in the scientific  
8 advisory panel role, yes.

9           Q.    There are people on the SAP that disagree  
10 with the EPA on certain things and go out and write  
11 their own articles, right?

12          A.    I don't know. They might.

13          Q.    You know Dr. Zhang did that, correct?

14          A.    I don't know that Dr. Zhang -- I know she  
15 has a publication.

16          Q.    You know she did that with two other people  
17 on the EPA SAP about glyphosate?

18          A.    I'm not -- all I know is she has a paper,  
19 but I'm not familiar with the paper.

20          Q.    Okay. Well, in here you say in your email  
21 dated February 15, 2010, "Regarding our products, in  
22 particular glyphosate that, quote, clearly the EPA is  
23 developing a framework to include human epi in acute  
24 poison control data in the future in pesticide risk  
25 assessments."

1           Do you see that?

2           A.    I do.

3           Q.    That kind of reporting would include what we  
4   saw at the Muscatine, Iowa, plant, Plaintiff's  
5   Exhibit 2274, right?

6           A.    Not what I have listed there.  I'm talking  
7   about human epidemiology and data from the poison  
8   control centers.

9           Q.    So human epidemiology and acute poison  
10  control data and future risk assessments, that was the  
11  concern, right?

12          A.    I said what do we do to prepare for this.

13          Q.    But that was the concern, right?

14          A.    It is not a concern.  It is a statement that  
15  the EPA, based on what they saw before, that they are  
16  planning to include human data in analysis.  I'm  
17  saying the EPA is doing this human epi, acute poison  
18  control in their risk assessments.  What are we doing  
19  to prepare for that?

20          Q.    You say it is not a concern, but the subject  
21  matter says many stories.

22          A.    That is coming from CropLife.  That is their  
23  subject matter, not ours.

24          Q.    CropLife, the organization that Monsanto  
25  belongs to and pays for in part, right?

1           A.    It is an association that represents  
2 agricultural companies, yes.

3           Q.    And Dr. Heydens on the first page writes you  
4 back of this non-concern, right?

5           A.    He writes back about what is going on, yes.

6           Q.    He says:

7                "Donna.

8                Yes, I think there is a real risk from  
9 regulators' use/reliance on epidemiology and PCC  
10 data."

11               Right?

12           A.    That's what he says, yes.

13           Q.    PCC is Poison Control Center data, right?

14           A.    Correct.

15           Q.    This non-concern as you've described it,  
16 Dr. Heydens says there is a real risk. That seems  
17 like a concern to me, doesn't it?

18           A.    I think when we are looking at that  
19 including the risk assessment, like I said, what are  
20 we doing about it. We want to ensure that they are  
21 going to include epidemiology Poison Control Center  
22 data, high quality reliable data.

23           Q.    Listen, I know you are saying now there is  
24 no concern because you just testified to it about 90  
25 seconds ago, but you respond to him, "Agreed, risk is



1 very -- all caps -- real."

2 Right?

3 A. Yes, they could --

4 **MS. COOK:** Objection to the

5 mischaracterization of the email.

6 **THE COURT:** Does appear this email was

7 authored by Dr. Goldstein. I don't know if that

8 changes your question.

9 **MR. FRAZER:** I'll strike that question.

10 Thank you, Counsel, for that correction.

11 Q. (By Mr. Frazer) Dr. Goldstein, your medical

12 doctor at Monsanto, writes back and says to

13 Dr. Heydens, "Agreed the risk -- all caps -- very

14 real."

15 Right?

16 A. He did, yes.

17 Q. Dr. Farmer, I'm going to hand you what is

18 marked as Plaintiff's Trial Exhibit 741. You are

19 familiar with this document, aren't you?

20 A. I have seen it before, yes.

21 Q. You've been asked about this one quite a few

22 times, haven't you?

23 A. I don't think quite a few, but I have been

24 asked about it, yes.

25 Q. This is an email at the top that you wrote

1 back in October 30, 2000, right?

2 A. Correct.

3 Q. Twenty-three years ago?

4 A. Yes.

5 Q. And in this email it is -- the subject  
6 matter is the "1999 Roundup Communications Plan,"  
7 correct?

8 A. Correct.

9 Q. And you are saying that you are responding  
10 to this email from Janice Armstrong about that 1999  
11 communications plan, right?

12 A. That's her plan, yes.

13 Q. And if we turn to --

14 **MR. FRAZER:** Your Honor, move this into  
15 evidence.

16 **THE COURT:** Any objection?

17 **MS. COOK:** No, Your Honor.

18 **THE COURT:** It will be admitted.

19 Q. (By Mr. Frazer) If we turn to the second  
20 page, 741. First of all, we see that the first page a  
21 strategic --

22 **MR. FRAZER:** Lets go back to the first page,  
23 Ed. I'm sorry. First page, cover page. No. Second  
24 page. It is getting late in the day.

25 Q. (By Mr. Frazer) "Strategic Public Relations

1 Recommendations for Roundup Herbicide."

2 Do you see that?

3 A. I do.

4 Q. It is a draft that has been prepared by  
5 Aronow & Pollock Communications, Incorporated, right?

6 A. Correct.

7 Q. This is some outside company that Monsanto  
8 is paying to come up with this strategic public  
9 relations recommendations, right?

10 A. Correct.

11 Q. And then if we turn to the very next page,  
12 we see that the public relations plan objective No. 1  
13 is to, "Neutralize attacks on Roundup by herbicide  
14 activist groups such as NCAP."

15 Do you see that?

16 A. I do.

17 Q. What is NCAP?

18 A. The National Coalition Against Pesticides.

19 Q. The National Coalition Against Pesticides.  
20 All right. Then the strategies, the No. 2 strategy  
21 listed there is, "Utilize leading environmental and  
22 toxicological experts to combat attacks from the  
23 NCAP."

24 Right?

25 A. That's what it says, yes.

1 Q. Next bullet point says, "Develop media  
2 relations/education campaign to counter potential  
3 negative fallout from the NCAP."

4 Right?

5 A. I see that, yes.

6 Q. And the last one on that page says:  
7 "Utilize independent internet website -- which back in  
8 that time period was kind of revolutionary, right,  
9 2000? "Utilize independent internet website to  
10 further communicate the benefits of Roundup and  
11 combat."

12 Do you see that?

13 A. Combat this information being disseminated  
14 by the activist groups.

15 Q. Right. All right. Then we go to the  
16 Page 1334. And we see that there are some challenges  
17 listed in this strategic communications plan, right?

18 A. I see that, yes.

19 Q. And the first challenge is to mount negative  
20 publicity initiated by NCAP through the Journal of  
21 Pesticide Reform and the internet, right?

22 A. Think it is mounting negative publicity  
23 initiated by NCAP. Information is mounting.  
24 Misinformation is mounting.

25 Q. That is challenge -- that's one of the first

1 challenges listed?

2 A. When you have a lot of misinformation  
3 mounting, that is a challenge, for sure.

4 Q. And the third bullet point, the other  
5 challenge, is the EPA directive to cut back on  
6 pesticide and herbicide use. Now, you would not say  
7 the EPA was an activist group at this time, right?

8 A. They are not included in there. We are just  
9 talking about the EPA has cut pesticide and herbicide  
10 use. That's a challenge.

11 Q. In fact, the next challenge you list there  
12 or the company lists is, quote, threat of additional  
13 --

14 **MS. COOK:** Your Honor, can we take this down  
15 and approach, please?

16 (Counsel approached the bench and the  
17 following proceedings were held:)

18 **THE COURT:** What's your objection, Ms. Cook?

19 **MS. COOK:** My objection is that highlighting  
20 additional Attorney General action is a violation of  
21 our motion in limine that was granted.

22 **MR. FRAZER:** That's not what it is.

23 **MS. COOK:** It is talking about Attorney  
24 General actions.

25 **MR. FRAZER:** I'm talking about New York

1 Attorney General.

2 **MS. COOK:** You shouldn't be referencing  
3 Attorney General actions.

4 **THE COURT:** Hold on. It has already been  
5 admitted, already been shown to the jury. Let him ask  
6 his questions. I won't let him ask any specific  
7 questions about AG action.

8 **MR. FRAZER:** I've talked about generically.  
9 Two things; already admitted, already shown.

10 **THE COURT:** Let him ask his questions.

11 **MS. COOK:** Okay.

12 (The proceedings returned to open court.)

13 Q. (By Mr. Frazer) So the third challenge  
14 listed here on Exhibit 741 is the threat of additional  
15 Attorney General action on Roundup herbicide  
16 advertising promotions, right?

17 A. That's what it says, yes.

18 Q. Then if we look at the next page, we see  
19 some -- keep going -- Page 1338. Thirty-eight; two  
20 more pages. Just skipping ahead here to save some  
21 time.

22 You see at the bottom of the page it says:  
23 "Second Tier Scientific Expert Consultants.

24 Do you see that?

25 A. I do.

1 Q. This talks about a worldwide effort, right?

2 A. We thought it was important that there were  
3 questions worldwide and having people available to  
4 respond to them, yes.

5 Q. This talks about a worldwide effort, right?

6 A. Yes.

7 Q. Southeast Asia; Malaysia and Indonesia;  
8 Central and South America; Australia and New Zealand;  
9 India; Japan; South Africa and Egypt, right?

10 A. Correct.

11 Q. The NCAP doesn't exist in any of those  
12 countries back then, did it? That's a US  
13 organization?

14 A. No. Actually, their misinformation was  
15 spread through the internet and it reached all of  
16 those areas.

17 Q. Okay. So they had internet, everybody was  
18 searching the website back in 2000?

19 A. We did have questions from those world areas  
20 based on that NCAP document, yes.

21 Q. Okay. All right. Let's go to the very --  
22 Page 1339 under "Roundup Education Program."

23 Do you see that?

24 A. Yes.

25 Q. It says: "We are going to be proactive and

1 the description is, quote, discredit and counter  
2 negative information distributed by NCAP."

3 Do you see that?

4 A. I do.

5 Q. Now, everywhere we've seen mention of that  
6 NCAP information, it hadn't called it misinformation  
7 or false like you have here today, it is just called  
8 negative?

9 A. So --

10 Q. There is a difference -- we can agree there  
11 is a difference between negative and wrong, right?

12 A. So this was put forth by a public relations  
13 firm. The scientist and I are the ones that dealt  
14 with the misinformation from NCAP. I would have  
15 put -- or countered misinformation by NCAP.

16 Q. Well, being proactive is you want to build a  
17 wall of defense, right?

18 A. Again, we want to make sure that we counter  
19 misinformation.

20 Q. Let's go to Page 1341.

21 A. As it says on the next -- 1341?

22 Q. Forty-one, yes, ma'am. The *Bates* number.

23 For the record for the jury, the *Bates*  
24 number is a unique document identifier number and it  
25 is named after what's call a *Bates* stamp before there



1 were anything like computers. So you would actually  
2 stamp it with a stamp called a *Bates* stamp. That's  
3 why we call it *Bates* stamp.

4           Anyway, we are on Page 1341 -- and by the  
5 way, 2000, this is when the studies are coming out on  
6 cell toxicity, right?

7           A.    Some are.

8           Q.    Yeah. And in 2000, that's the year you guys  
9 started talking to a guy name Dr. Parry?

10          A.    There was some publication talking about  
11 Dr. Parry, yes.

12          Q.    And the peer-reviewed scientific articles  
13 that were getting published, and we will look at some  
14 of those later, not today, but they were coming out  
15 just as much as the NCAP at the time, right?

16          A.    So, again, you have to put those studies  
17 back into perspective and that's why we had asked  
18 people to review them for us.

19          Q.    Yeah. Here you say what we --

20          A.    I didn't say.

21          Q.    Okay. Here your Monsanto's paid consultant  
22 meeting that you are at or email that you got for the  
23 communications plan --

24          A.    It is a proposed.

25          Q.    -- says we need to do some outreach and the

1 first thing we need is a speakers bureau, right?

2 A. Yeah. There is their draft, correct.

3 Q. The speakers bureau, you want to train  
4 select expert committee members to speak to the media  
5 and call upon scientists on an as-needed basis to  
6 respond to questions asked by reporters, testify at  
7 hearings and appear on television. This will be done  
8 before a crisis occurs to prepare speakers to respond  
9 to key issues, right?

10 A. Try to proactively address the  
11 misinformation.

12 Q. So in 2000 Monsanto, at least its public  
13 relations group here, is predicting a crisis. You've  
14 got to be ready to roll and talk about it when it  
15 comes in 2000, right?

16 A. I think this is just kind of standard  
17 procedure that they would put forth in a draft.

18 Q. And then Paragraph B, the last sentence  
19 there, they say -- there is an asterisk. They are  
20 talking about writing some stories, writing some  
21 articles. And then they say: "Asterisk note: such  
22 stories would also be an ideal outlet for a  
23 comparative analysis of Roundup and alternative  
24 methods of vegetation control -- a risky initiative if  
25 executed by Monsanto directly."

1           So, in other words, you wanted an initiative  
2 that looks like it is from an independent source,  
3 but --

4           A.   That's what --

5           Q.   But doesn't come from Monsanto directly.  
6 That's the recommendation, right?

7           A.   That's their recommendation.

8           Q.   We will look at that later, but that's what  
9 Monsanto did, didn't it?

10          A.   I don't know what you are referring to.

11          Q.   You don't?

12          A.   No.

13          Q.   You know David Saltmiras?

14          A.   I do know Dr. Saltmiras.

15          Q.   You know he testified under oath that he was  
16 a ghostwriter?

17          A.   I do not know that, no.

18          Q.   You don't know that. You remember emails  
19 you got that talked about ghostwriting?

20          A.   The emails --

21          Q.   You remember the emails you got that talked  
22 about ghostwriting articles?

23          A.   I do not know -- to my knowledge, I do not  
24 know that any of our Monsanto folks have ghostwritten  
25 anything.

1 Q. Even when a guy under oath under penalty of  
2 perjury says I was the ghostwriter, Dave Saltmiras?

3 **MS. COOK:** Objection. Foundation.

4 **THE COURT:** I'll sustain that. Move on,  
5 Mr. Frazer.

6 **MR. FRAZER:** Jury will see that.

7 Q. (By Mr. Frazer) The other thing, if we look  
8 at Page 1342 more strategically or strategy, our  
9 outreach efforts, briefings, letter writing campaigns  
10 and regional newspaper editorial efforts, right?

11 A. That's what they have there, yes.

12 Q. Hand the witness Plaintiff's Exhibit 2500.  
13 You are familiar with the Monsanto Code of  
14 Conduct, aren't you, ma'am?

15 A. I am.

16 **MR. FRAZER:** We move 2500 into evidence.

17 **THE COURT:** Any objection?

18 **MS. COOK:** No objection, Your Honor.

19 **THE COURT:** It will be admitted.

20 Q. (By Mr. Frazer) You see this Monsanto Code  
21 of Conduct?

22 **MR. FRAZER:** Turn to the next page there,  
23 Ed.

24 Q. (By Mr. Frazer) On the second page there is  
25 a message from the Chairman and CEO of the company,

1 Mr. Hugh Grant.

2 A. I see that, yes.

3 Q. Doesn't have a date on it, but you were at  
4 the company when Mr. Grant was the CEO, right?

5 A. Yes, I was.

6 Q. And, I believe, he took over CEO in the year  
7 2002?

8 A. I don't remember when he took over, but it  
9 was a while ago.

10 Q. He served as CEO until the day the sale of  
11 the company to Bayer closed in 2018, right?

12 A. I believe those dates are accurate, yes.

13 Q. You remember that date, don't you?

14 A. I do.

15 Q. You had stock in the company, didn't you?

16 A. I had stock options.

17 Q. Those stock options struck the day -- they  
18 got paid the day the company was sold, right?

19 A. My understanding it was a forced stock sale  
20 for all Monsanto employees that once that buy  
21 occurred, the company then sold Monsanto stock  
22 options.

23 Q. Everybody from Hugh Grant to CEO on down  
24 that had any stock options that was an employee got  
25 paid that day, right?

1           A.    I wouldn't put it that way, got paid that  
2    day.  I would say that that was -- the stock options  
3    were a forced sale and we did receive something from  
4    that sale, yes.

5           Q.    You had to sell your stock to Bayer and got  
6    money in return?

7           A.    I didn't do it.  It was their stock options.  
8    I don't understand how this all went.  All I know is I  
9    had stock options like other employees, and when that  
10   sale went through there was a forced sale of all the  
11   Monsanto employees' stock.

12          Q.    And different employees got different  
13   amounts depending on different factors, right?

14          A.    That would be the case, yes.

15          Q.    The higher up you were in the company the  
16   more money you made, the lower down the company you  
17   may not even have any stock options, right?

18          A.    I think that could be true, yes.

19          Q.    Some guys that are working the line on a  
20   plant in Luling, Louisiana, or Muscatine, Iowa,  
21   probably didn't have any stock options, right?

22                   **MS. COOK:**  Objection.  Foundation.

23                   **THE COURT:**  Calling for her to speculate.  
24   I'll sustain it.  Understand your point.

25          Q.    (By Mr. Frazer)  How much money did you get?

1           **MS. COOK:** Objection. May we approach?

2           (Counsel approached the bench and the  
3           following proceedings were held:)

4           **MS. COOK:** Your Honor --

5           **THE COURT:** Ms. Cook.

6           **MS. COOK:** -- objection is to relevance and  
7           403. It has no bearing on any fact at issue here how  
8           much money she made from having being forced to sell  
9           her stock options when the acquisition happened, not  
10          to mention that it violates her privacy and we are  
11          televising -- on television in this trial.

12          **MR. FRAZER:** Goes to biases, Your Honor.

13          The money anybody makes off of a transaction they have  
14          association with goes to the witness's bias. It shows  
15          motivation not only by her but everybody in the  
16          company. That's why they covered this up, why they  
17          didn't want it reported, why they didn't want studies,  
18          why they didn't want to talk about non-Hodgkin's  
19          lymphoma in employees. All that kind of stuff is fair  
20          game and circumstantial evidence.

21          **THE COURT:** I understand.

22          **MR. FRAZER:** Motivation of the company.

23          **THE COURT:** I'm going to let Mr. Frazer  
24          explore her bias. I don't think exact amount of stock  
25          options. You can ask her if it was a significant

1 amount of money. I'll let you use those kind of  
2 terms. I don't even know if she knows the exact  
3 amount.

4 **MR. FRAZER:** They never do.

5 **THE COURT:** They never do. Why don't we ask  
6 a question in the way that makes your point. I think  
7 you are allowed to explore their bias.

8 **MR. FRAZER:** They know what they got.

9 **THE COURT:** I understand you want to explore  
10 their bias. Avoid exact number, okay?

11 (The proceedings returned to open court.)

12 Q. (By Mr. Frazer) Would it be fair to say,  
13 Dr. Farmer, that you received a significant amount of  
14 money from the forced sale of your Monsanto stock to  
15 Bayer?

16 A. Could you -- you were facing that way when  
17 you asked me part of the question.

18 Q. Would it be fair to say you received a  
19 significant amount of money from the forced sale of  
20 your own personal stock options in Monsanto when Bayer  
21 bought the company?

22 A. So, again, I didn't sell, it was a forced  
23 sale. I wouldn't call it -- I'm not sure what the  
24 number is, but I know there was an amount, yes.

25 Q. Was it significant to you?



1 A. To me?

2 Q. Yes, ma'am.

3 A. Yes, it would be to me, yes.

4 Q. Do you know how much Mr. Grant, the CEO got?

5 **MS. COOK:** Your Honor, same objection and  
6 foundation.

7 **THE COURT:** I'm going to -- he asked if she  
8 knows. She can either say yes or no. She knows or  
9 she doesn't.

10 **THE WITNESS:** I don't know how much.

11 Q. (By Mr. Frazer) You didn't read about that  
12 in the newspaper?

13 A. It is not something that I follow, no.

14 Q. Okay. Now, we are back to this code of  
15 conduct here. This is what every Monsanto employee  
16 operated under, correct?

17 A. It was, yes.

18 Q. During the entire time Hugh Grant was CEO of  
19 Monsanto?

20 A. It was our code of conduct, yes.

21 Q. All right. He writes right here, right  
22 there in the second paragraph.

23 "Our business decisions have a direct impact  
24 on our customers, business partners, share owners and  
25 the communities where we live and work."

1           Did I read that properly?

2           A.    You did.

3           Q.    And he writes: "That means we always need  
4 to do what is right. Even when we are faced with  
5 situations not governed by specific laws or" -- what's  
6 the last word he uses?

7           A.    Regulations.

8           Q.    Regulations. Thank you.

9                    Supposed to do what is right no matter what  
10 the regulatory agency tells you to do, right?

11          A.    We do what is right, yes.

12          Q.    He is telling that the code of conduct of  
13 the Monsanto Company is, quote, designed to aid us in  
14 making the right choice?

15          A.    We are to do the right choice when there  
16 aren't laws or regulations to give us guidance, we are  
17 to do the right thing.

18          Q.    And by providing clear instructions for  
19 appropriate business conduct, right?

20          A.    Yes.

21          Q.    That's the only way you can make a right  
22 choice is that you get clear instructions for  
23 appropriate business conduct, right?

24          A.    I'm not sure I understand what your question  
25 is.

1           Q.    I'm just quoting what it says right there.  
2    That is the only way under the Monsanto Code of  
3    Conduct to get the right choice, to make the right  
4    choice is by providing clear instructions for  
5    appropriate business conduct, right?

6           A.    That is what the code is designed to do is  
7    to aid us in making the right choices by providing  
8    clear instructions for appropriate business conduct.

9           Q.    Then let's pull that down. Let's go back to  
10   the other one.

11                  Because you can get to the right choice  
12   because we are not only talking about us, Monsanto  
13   people, we are talking about our customers, right?

14           A.    Correct.

15           Q.    Customers ought to get clear direction so  
16   that customers can make the right choice, right?

17           A.    Our business decisions, yes, for our  
18   customers.

19           Q.    If Monsanto has information in its  
20   possession and it says all we got to do is whatever  
21   the EPA tells us to do in terms of instructing or  
22   warning a customer, you are violating your own code  
23   here, aren't you, because it says go above and beyond  
24   laws and regulations?

25           A.    So, again, you have to have a basis behind

1 that, and as a science-based company, that's where we  
2 will come back to is the science to make those  
3 decisions.

4 **MR. FRAZER:** Zoom back out, please, Ed. I'm  
5 sorry.

6 Q. (By Mr. Frazer) Where is the word "science"  
7 in this letter from Hugh Grant?

8 A. If you go into the next groupings there are  
9 headings that do talk about our science. And so,  
10 again, when we are making decisions for us a  
11 science-based company, a lot of it is based on the  
12 science.

13 Q. That wasn't my question. Where is the word  
14 science in this cover letter to every Monsanto  
15 employee when he is saying do -- make the right  
16 choice, provide clear instructions, go above and  
17 beyond regulations and laws? Where is the word  
18 science here? This is the do right principle, isn't  
19 it?

20 A. I don't know what you mean by the do right  
21 principle. What I'm going to say here is for us to  
22 make those kinds of decisions we have to have  
23 something to base it on, and we are a science-based  
24 company and that is what we do base our decisions on.

25 Q. What your CEO here is saying is the golden

1 rule, isn't it?

2 A. I don't know if he called it the golden  
3 rule. I'm following what he says here.

4 Q. The golden rule is to do on to others as you  
5 would have to do unto you, right?

6 **MS. COOK:** Objection, Your Honor. Can we  
7 approach?

8 **THE COURT:** I don't think we need to  
9 approach. I think you asked this question several  
10 times. Why don't you move on.

11 Q. (By Mr. Frazer) He then says: "Thank you  
12 for your commitment to our integrity, our company and  
13 our customers."

14 Right?

15 A. I see that, yes.

16 Q. Let's go to Roman Numeral 5, wherever that  
17 page is. You are going to have to find it. I don't  
18 have it written down.

19 **MR. FRAZER:** Give Ed a test here and see if  
20 he can pass it real quick. Should be our pledge.

21 Q. (By Mr. Frazer) Inside this code of conduct  
22 there is a pledge, isn't there?

23 A. Yes.

24 Q. The pledge says -- let's go to respect.  
25 Like to see it. Respect.

1            "We will respect the religious, cultural and  
2 ethical concerns of people throughout the world. The  
3 safety of our employees, the communities where we  
4 operate, our customers, consumers and the environment  
5 will be our highest priority."

6            That's in the Monsanto Code of Conduct,  
7 right?

8            A. It is our pledge, yes.

9            Q. Does that include the safety of customers  
10 being the highest priority in the company, customers  
11 such as John Durnell?

12           A. It talks about the safety of our employees,  
13 the communities, our customers, our consumers and the  
14 environment, yes.

15           Q. Does the use of the word customer there  
16 include a gentleman like John Durnell?

17           A. Yes, it would.

18           Q. You also talk about the safety of employees,  
19 right? Right?

20           A. That's up there, yes.

21           Q. Did that include the gentleman from  
22 Muscatine?

23           A. Yes.

24           Q. And Mr. Grant in that cover letter, he says  
25 always do right. He doesn't just say do it some of

1 the times or only do it when somebody is looking. He

2 says do it all the time, always, always, right?

3 Always do what is right.

4 A. Says we always need to do what is right,

5 yes.

6 Q. And that's because he says Monsanto knows,

7 knows that its decisions have a, quote, direct impact

8 on its customers, right?

9 A. Yes.

10 Q. Let's go to scope of the code. Do you have

11 that?

12 **MR. FRAZER:** Can you find that, Ed?

13 Q. (By Mr. Frazer) Here the company writes:

14 "Our code does not create separate standard for

15 different groups, applies equally to all employees,

16 officers and directors of Monsanto, as well as our

17 subsidiaries worldwide."

18 Did I read that right?

19 A. You did.

20 Q. Not the next sentence, but the next sentence

21 after that say: "We aspire to do business only with

22 third parties that have a reputation for integrity."

23 Right?

24 A. I see that, yes.

25 Q. Did -- did the labs that you get to run

1 studies for you, would they fall into a third parties  
2 that you would only do business with that had the  
3 reputation for integrity?

4 A. Those that I worked with, yes.

5 Q. Yeah. You remember a guy name Paul Wright?

6 A. No, he was before my time.

7 Q. You know who I'm talking about though?

8 A. I do believe he worked for a laboratory, but  
9 it was before my time.

10 Q. You know that Paul Wright worked at  
11 Monsanto, right?

12 A. Again, it was before my time. I understand  
13 some of the big pieces of this picture, yes.

14 Q. Yes. You testified upon this before?

15 A. Yep.

16 Q. I want to be fair to you. You know about  
17 the IBT scandal, right?

18 A. Again, this occurred before my time, but I  
19 am aware of it.

20 Q. You know that Paul Wright was working at  
21 Monsanto and that IBT was picked to do some studies on  
22 glyphosate before glyphosate went on to the market,  
23 right?

24 A. Again, this was way before my time. This  
25 was back in the '70s, '80s, but that was my



1 understanding that Paul was involved with some of  
2 those studies, yes.

3 Q. He went from Monsanto to IBT, Industrial  
4 Bio-Test Laboratories, right?

5 A. That is my understanding, yes.

6 Q. He worked at IBT labs for a period of time  
7 and then he came back to Monsanto with a promotion,  
8 right?

9 A. That I don't know.

10 Q. He came back to Monsanto and then he got  
11 indicted for what he did at IBT, right?

12 A. That was my understanding, yes.

13 Q. And not only did he get indicted but he got  
14 convicted of a federal crime, didn't he?

15 A. I don't -- I think so.

16 Q. Having to do with what he did when he was at  
17 Industrial Bio-Test Laboratory, IBT. Not what he did  
18 at Monsanto, but what he did at IBT, right?

19 A. It was my understanding there was fraud  
20 committed there, yes.

21 Q. Fraud. And IBT was doing studies on  
22 glyphosate at the time, right?

23 A. And a lot of other substances for other  
24 companies and government as well, yes.

25 Q. Sure.

1           A.    We weren't the only ones.

2           Q.    You know after he was indicted, booked,  
3 under criminal prosecution, even though it related to  
4 what he did at IBT Monsanto paid for his defense  
5 lawyer. You know that, right?

6           **MS. COOK:** Your Honor.

7           **THE COURT:** You have an objection?

8           **MS. COOK:** Yes, foundation.

9           **THE COURT:** Let her answer if she knows the  
10 answer to this or not. It is not in evidence unless  
11 show knows the answer. Do you know the answer to  
12 that?

13          **THE WITNESS:** I don't know.

14          Q.    (By Mr. Frazer) You have testified to that,  
15 haven't you, ma'am?

16          A.    I said I didn't know if they did or not. I  
17 don't remember testifying that I knew that, no.

18          Q.    You do know that the IBT study that was  
19 going on when former Monsanto employee Paul Wright was  
20 at IBT was having to do with getting Roundup on the  
21 market for the first time ever. You know that?

22          A.    I know that these were some of the initial  
23 studies conducted with the product, yes.

24          Q.    You know that after this whole scandal got  
25 out and after the prosecutions that the test results

1 on the chronic mouse studies done by IBT for Monsanto  
2 were thrown out by the EPA. You know that, right?

3 A. I knew that the EPA did invalidate some of  
4 the studies, but they have all been redone since that  
5 time.

6 Q. Invalidate, in my mind means they threw them  
7 out. They didn't consider them, right?

8 A. Invalidate means they looked to see if it  
9 was valid. They did an audit, and so on those studies  
10 there were some that they considered not valid,  
11 invalid, and those studies have all been replaced.

12 Q. Monsanto has never done that study again,  
13 has it?

14 A. What study? There were several studies.

15 Q. The chronic long-term toxic carcinogenic  
16 study on glyphosate in mice?

17 A. Yes. That study has been replaced from IBT.

18 Q. By Monsanto?

19 A. Yes.

20 Q. Not by somebody else?

21 A. That study, yes, there is a replacement  
22 mouse study that was done.

23 Q. Do you know that that study the EPA declared  
24 invalid back in 1983, does that ring a bell?

25 A. No.

1 Q. You remember when it was?

2 A. I think -- so there was a study from IBT  
3 that's declared invalid. But there is a study on a  
4 mouse that supports the registration today. That was  
5 conducted back in like 1983. That wasn't an IBT.

6 Q. You are talking about the Knezevich and  
7 Hogan study, right?

8 A. What study were you talking about?

9 Q. I'm talking about there has not been a valid  
10 study done. The Knezevich and Hogan study got thrown  
11 out by the EPA also, didn't it, ma'am.

12 A. No, it supports the registration today.

13 Q. You are testifying under oath, we are  
14 running out of time, you will get this on Thursday  
15 when we get back, that the Knezevich and Hogan study  
16 was not ruled out by the EPA?

17 A. Maybe I've got the wrong name. Okay.  
18 Getting my names confused here. There is a study that  
19 was replaced, it's not an IBT study, that we do have a  
20 mouse study that was conducted in 1983 that supports  
21 today.

22 Q. You know that when the EPA did the  
23 reregistration of preliminary daft decision that they  
24 actually put the IBT study on the things that they  
25 still were considering?

1           A.    I'm understanding they listed it  
2    supplemental.

3           Q.    Because it was a different group of EPA guys  
4    from 1983 threw out a study due to a scandal and guys  
5    in 2017 who made that decision, right?

6           A.    So I'm not sure I following your question.

7           Q.    Okay.

8           **THE COURT:** Mr. Frazer.

9           **MR. FRAZER:** I think I'm at a stopping  
10   point.

11          **THE COURT:** Seems like a good time to stop  
12   because we are hitting right at the 5:00 o'clock time.

13                Folks, we are going to break for the day.  
14   Same drill tomorrow. Have you be here around 8:45 so  
15   we can try to get started promptly at 9:00. You will  
16   get more and more used to the drill as we go each day.  
17   I know we sent some snacks up and sodas up. Feel free  
18   to eat those and drink those at your leisure.  
19   Obviously, we will have lunch coming again today  
20   [sic].

21          **MR. FRAZER:** You were going to tell the jury  
22   why Dr. Farmer --

23          **THE COURT:** Dr. Farmer has a previous  
24   commitment for Monsanto tomorrow, so we are going to  
25   see her again on Thursday. So there will be a break

1 in her testimony. It is due to a conflict that she  
2 has with Monsanto. So I just wanted to explain why  
3 you are getting a break in her testimony from today  
4 until Thursday. So you will get different witnesses  
5 tomorrow, and then we will come back to Dr. Farmer on  
6 Thursday.

7           Once again, do not form or express any  
8 opinions about the case until it is finally given to  
9 you to decide. Don't speak to each other or anyone  
10 else about the case. Don't do your own independent  
11 research about any of the people involved or any  
12 information on the case or follow any news reports  
13 about the case.

14           As always, leave your notebooks here. We  
15 will not look at them, and we will see you tomorrow at  
16 8:45.

17           (Proceedings were concluded for the day.)

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## 1 CERTIFICATE

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24 TRANSCRIBED: October 3, 2023

25

I, Sherry L. Gantner, Certified Court Reporter, do hereby certify that I am an official court reporter for the Circuit Court of the City of St. Louis; that on October 3, 2023, I was present and reported all the proceedings had in the case of JOHN L. DURNELL, Plaintiff, vs. MONSANTO COMPANY, Defendant, Cause No 1922-CC00221.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

*15/Sherry Gantner*

Sherry L. Gantner, CCR 839  
RPR, CSR (IL and MO)

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
The Honorable Timothy J. Boyer

JOHN L. DURNELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Cause No. 1922-CC00221
	)	
MONSANTO COMPANY,	)	
	)	
Defendant.	)	

TRIAL TRANSCRIPT

Thursday, October 5, 2023

Volume 4A



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1 I N D E X

2 DR. DONNA FARMER

3 Continued Direct Examination By Mr. 736  
4 Frazer  
5 Defendant's Oral Motion 849  
6 Court Reporter Certificate 855  
7  
8

9 E X H I B I T S

10 **Plaintiff's** ID REC  
11  
12 78 Email Chain 824 826  
13 639 Email Chain 833 833  
14 662 Email 843 844  
15 746 Email Chain 791 793  
16 985 Email Chain 784 785  
17 2511 Email 820 823  
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1 THE COURT: Good morning, everyone. You know,  
2 it's a gloomy day, so maybe it will be an easier  
3 day to be inside all day.

4 You might recognize Dr. Farmer who was here on  
5 Tuesday. She's back to answer questions. I'll  
6 turn it over to Mr. Frazer.

7 MR. FRAZER: Good morning, ladies and  
8 gentlemen. Good morning, your Honor.

9 THE COURT: Good morning.

10 MR. FRAZER: Good morning, Dr. Farmer.

11 THE WITNESS: Good morning.

12 MR. FRAZER: Counsel.

13 MS. COOK: Good morning.

14 MR. FRAZER: May it please the Court.

15 THE COURT: When you're ready, Mr. Frazer.

16 MR. FRAZER: Your Honor, with your permission,  
17 Elizabeth Volz is going to sit here to help me not  
18 walk as much to get a document.

19 THE COURT: That's perfectly fine.

20 **DR. DONNA FARMER,**

21 having been previously duly sworn by the Deputy Clerk,  
22 testifies:

23 **CONTINUED DIRECT EXAMINATION**

24 BY MR. FRAZER:

25 Q Dr. Farmer, we're going to be here a long

1 time. You're going to be there a long time today, and I  
2 just want to apologize to you in advance because --

3 Will you accept my apology?

4 A Of course.

5 Q And the reason I've got to have you there for  
6 long time is you've been with the company a long time,  
7 we've got a lot of documents to cover, and I want to  
8 make sure that John Durnell has his day in court.

9 Is that fair?

10 A That's fair.

11 Q Now, you've got some water up there if you  
12 need it.

13 A I do.

14 Q And I notice you've got a cushion on your seat  
15 today. That's good.

16 A Thank you.

17 Q Okay. Now, look, I want to start kind of  
18 where we started the other day just so that we  
19 understand each other a little better today than we did  
20 on Tuesday.

21 And I know that Monsanto paid a lot of money,  
22 made a big investment in your media training, but you  
23 told me on Tuesday, and you told this jury --

24 MS. COOK: Your Honor, I'm going to object to  
25 this preamble.

1 THE COURT: I don't even know what the  
2 question is.

3 MS. COOK: I don't either.

4 THE COURT: Mr. Frazer, let's get to a  
5 question.

6 BY MR. FRAZER:

7 Q I just want to make sure we have the same  
8 commitment that you gave on Tuesday today that you will  
9 not block and bridge when I ask you a question.

10 Can we have that agreed to right here at the  
11 outset?

12 A I will answer the question to the best of my  
13 ability, yes.

14 Q All right. Now, you live in St. Louis area  
15 somewhere?

16 A I do. I live in University City.

17 Q All right. Have you ever been to Souldard?

18 A Yes.

19 Q How many times?

20 A A number. I've been here for 35 years, so  
21 I've been in a lot of different places in this great  
22 city.

23 Q You've seen the rebirth of the Souldard  
24 neighborhood during your lifetime?

25 A Seen the rebirth of a lot of neighborhoods and

1 some that have declined and up and down over that time  
2 in those 35 years.

3 Q My question was: You've seen the rebirth of  
4 the Soulard neighborhood over your lifetime living here  
5 in St. Louis?

6 A I have. It's a great place to go.

7 Q All right. And do you know that Mr. Durnell,  
8 that's the neighborhood he lives in?

9 Do you know that?

10 A No. And my son was just there for a wedding.  
11 It's a really great little neighborhood.

12 Q I didn't ask about your son's wedding or the  
13 wedding he went to in the Soulard neighborhood. I just  
14 asked you, do you know if John Durnell lives in the  
15 Soulard neighborhood?

16 A No, I did not, Mr. Durnell.

17 Q Do you know what role he's had in the  
18 neighborhood?

19 A No, I haven't.

20 Q Do you know anything about him?

21 A I know that Mr. Durnell is here and that he is  
22 making the claim that his non-Hodgkin's lymphoma is  
23 caused by Roundup and that he used Roundup previously.

24 Q Okay. Do you know anything else about Mr.  
25 Durnell?

1 A No, I don't.

2 Q And you haven't read his deposition?

3 A No, I have not.

4 Q You don't know who his doctors are?

5 A No, I do not.

6 Q You don't know anything about his treatment  
7 for his non-Hodgkin's lymphoma?

8 A No, I do not.

9 Q Now, Monsanto's glyphosate/Roundup  
10 manufacturing facilities are not in the St. Louis area;  
11 correct?

12 A Correct.

13 Q Got one down in a place called Luling,  
14 Louisiana; right?

15 A Yes.

16 Q That one's on the Mississippi River?

17 A That's my understanding, yes.

18 Q Almost all the way to New Orleans?

19 A It's around New Orleans, yes. I'm not exactly  
20 sure how close.

21 Q Right on a big bend of the Mississippi down  
22 there; right?

23 A I don't know that.

24 Q Have you ever been there?

25 A A long time ago.



1 Q There are a lot of chemical plants in that  
2 area; right?

3 A That's my understanding, yes.

4 Q The other location where Monsanto  
5 manufacturers glyphosate/Roundup is in Muscatine, Iowa.  
6 We kind of talked about that a little bit the other day;  
7 correct?

8 A Correct.

9 Q Muscatine Iowa, is that also on the  
10 Mississippi River?

11 A I don't know. I've never been there.

12 Q Never been to the Muscatine facility?

13 A No, I haven't.

14 Q And no Roundup and no glyphosate is  
15 manufactured in the St. Louis area; correct?

16 A Not to my knowledge.

17 Q Now, to even make glyphosate, the company,  
18 Monsanto, mines it in southwestern Idaho; right?

19 You mine phosphorous to turn it into  
20 phosphate; correct?

21 A They do mine one of the components there, yes.

22 Q And it's put on -- that phosphate that's mined  
23 is put on big train, train cars and taken all the way  
24 down to Luling, Louisiana, and all the way to Muscatine,  
25 Iowa, from Idaho?

1           A       I'm not in the manufacturing group so I'm not  
2 aware of how it's transported from place to place.

3           Q       Have you ever been to the mining operations  
4 out in southwestern Idaho in a place called Soda  
5 Springs?

6           A       No, I have not.

7           Q       Do you know anything about what's gone on out  
8 there?

9           A       Just what you said that I know that's where we  
10 do mining. But again, I'm not in the manufacturing  
11 group, so it's not something that I'm intimately  
12 knowledgeable of.

13          Q       Now, Monsanto has manufacturing facilities in  
14 the greater St. Louis area, or had them at one time.  
15 They were located across the river -- if I'm pointing  
16 the right way. Across the river. See how bad I am?  
17 Nashville, the Cumberland River goes like this through  
18 Nashville so you never know which way to point.

19                 But those facilities are located across the  
20 river in East St. Louis in a little town called Sauget;  
21 right?

22          A       Before my time. I do know we had some  
23 manufacturing around here at one point, but again, I  
24 wasn't familiar with it.

25          Q       If you're standing on the west bank of the

1 Mississippi and looking across to East St. Louis, you  
2 can still see those Monsanto smokestacks today; right?

3 A I wouldn't know. I've never gone to look at  
4 them.

5 Q Okay. So you've never been over there, even  
6 though you've lived here how long?

7 MS. COOK: Asked and answered. Relevance.

8 THE COURT: I'll let her answer the question.

9 Go ahead.

10 BY MR. FRAZER:

11 Q I forgot to ask you how long you've lived in  
12 St. Louis.

13 A We've lived here since 1988.

14 Q 1988.

15 And was that the year you started at Monsanto?

16 A No. I started in 1991.

17 Q '91. So three years in St. Louis, then you  
18 joined Monsanto in 1991?

19 A Correct.

20 Q And during that entire time since 1991, just  
21 take that year when you started at Monsanto, as a  
22 toxicologist at the company, you've never visited the  
23 manufacturing facilities across the river in East St.  
24 Louis?

25 A No. And, again, I'm not in the manufacturing

1 group, so that wouldn't be something that I would have  
2 done.

3 Q Okay. So you're not what we would call a  
4 field toxicologist, somebody that goes out in the field  
5 and tries to see, hey, what's going on here at this  
6 particular mining operation or manufacturing operation?

7 A So I'm not familiar with the toxicology group  
8 that does that. That's like an industrial hygienist, to  
9 my knowledge. I'm a regulatory toxicologist.

10 Q You're not a field toxicologist as I described  
11 that?

12 A No, not as you've described it.

13 Q There are field toxicologists that go out  
14 there, including at the EPA, and they check out what's  
15 going on at a chemical manufacturing facility; right?

16 A I don't know. I'll take your word for it.

17 Q Your work has been in the office in Creve -- I  
18 don't know how to pronounce it -- Creve Coeur?

19 A And Chesterfield.

20 Q And Chesterfield?

21 A Uh-huh.

22 Q In the office there?

23 A That's what a regulatory toxicologist does is  
24 we work with the government, we work on studies. And  
25 there are, as you say, there are other people that do

1 different jobs in different areas. That's not my role.

2 Q I didn't ask about anybody else, but that's  
3 fine. That's good.

4 One thing I've noticed is that on the  
5 formulations of Roundup internal to Monsanto, you have  
6 a -- you have a three-letter acronym in front of a  
7 number. MON; right?

8 A Correct.

9 Q And so you have -- that refers to Monsanto;  
10 right?

11 A Yes.

12 Q And the MON was actually, before Monsanto sold  
13 itself to Bayer, that was the actual stock symbol that  
14 Monsanto sold under on the New York Stock Exchange;  
15 right? MON?

16 A That's what I remember.

17 Q And then there will be a dash and then a  
18 number; right?

19 A No, there's no dash. There's just a number.

20 Q No dash. Is there a space?

21 A No.

22 Q So it's MON and there's a number. Sometimes  
23 it's -- it's usually four digits; right?

24 A No.

25 Q How many digits?

1 A It can be more.

2 Q It could be more or less?

3 A It's usually four or more.

4 Q Four or more.

5 So you've got -- do you start with zero?

6 A I don't remember. The MON numbers started way  
7 before I was there. Again, I started in '91 and  
8 Monsanto has been around a long time, so I don't know  
9 what the original numbers were.

10 Q Well, if it's three letters, it can go from  
11 000 to 999; right?

12 A It can, but I don't remember what the  
13 numbering was. I can just tell you the MON numbers that  
14 I worked with when I've been there.

15 Q And if it's five numbers, it can go from 1,000  
16 to 9,999; right?

17 A I suppose it could. Again, I can only tell  
18 you about the MON numbers that I work with.

19 Q Are there six-number formulas for a glyphosate  
20 formulation?

21 A Not that I'm aware of.

22 Q So we can agree it's somewhere between 1 and  
23 9,999?

24 A As I said, I'm sure the numbers have a range,  
25 but I can just speak to the MON numbers that I've worked

1 with at my time there.

2 Q What MON numbers have you worked with?

3 A So MON 35050. MON 2139. MON 0818. Those  
4 have been some of the ones that I worked with.

5 Q Any others?

6 A There are a lot.

7 Q Well, I'm just asking you any others that you  
8 remember.

9 A MON 58121. MON --

10 Q Excuse me. You remembered three right off the  
11 bat there; right?

12 A Well, as I said, those are the ones that I've  
13 worked with over the time, yes.

14 Q So that -- are the three you worked with still  
15 on the market today?

16 A I'm sorry. I couldn't hear. You were  
17 speaking --

18 MS. COOK: Your Honor, may we approach?

19 (Counsel approached the bench and the  
20 following proceedings were had:)

21 THE COURT: Ms. Cook.

22 MS. COOK: So the first objection is relevance  
23 to what's on the market today.

24 Second objection is that there's an agreement  
25 to not address anything about any products that are

1 not -- that haven't been stopped to be selling, and  
2 I can't remember which MIL it is, but it's subject  
3 to a motion in limine ruling.

4 I don't know where this is going. It has  
5 nothing to do with the case, but --

6 MR. FRAZER: It has everything to do with the  
7 case. We're talking about formulations, and she  
8 can only name three she's ever worked with, and  
9 there are dozens of them.

10 MS. COOK: My objection is to the question of  
11 what's on the market. And it was Motion in Limine  
12 9 about discontinuation of glyphosate. I don't  
13 know if that's where he's going, but --

14 THE COURT: I guess is your whole point to  
15 challenge her credibility because she can't  
16 remember every MON number she's ever worked on?

17 MR. FRAZER: Yes, your Honor.

18 THE COURT: Well, to the extent that you think  
19 she should remember every number, I'll let you ask  
20 that question, but we're not going to get into  
21 what's on the market and what's off because you  
22 guys have agreed not to talk about that.

23 Make sense?

24 MR. FRAZER: Yes, your Honor.

25 MS. COOK: Thank you.



1 (Proceedings resumed in open court.)

2 MR. FRAZER: Thank you, your Honor.

3 BY MR. FRAZER:

4 Q So out of the I don't know how many glyphosate  
5 formulations at your tenure in the company since 1991,  
6 the three that stick out in your mind are the three you  
7 just mentioned?

8 A One of them was -- yes, they were the three  
9 formulations, yes. Some of the ones that I remember,  
10 yes.

11 Q All right. That's good.

12 Do you know what the word "Monsanto" means and  
13 what it meant when the company was founded in 1991?

14 A I believe it was a family name.

15 Q You believe it's a family name?

16 A Uh-huh. I think it was a family name.

17 Q Okay. Don't you know that it meant "holy  
18 mountain" and the company was founded by a gentleman  
19 named Queeny?

20 A It was Queeny, but I think Monsanto had  
21 something to do with his wife's family name.

22 Q And that it means "holy mountain," where she  
23 came from; right?

24 A I don't know what the meaning of Monsanto is.

25 Q Okay. That's fair.

1 All right. Back to that. There was, and  
2 we'll talk about it a little bit later, I don't have a  
3 clean copy of it, but there was --

4 THE COURT: Mr. Frazer, I suspect that we  
5 found the copies.

6 BY MR. FRAZER:

7 Q I hand you what's been marked yesterday by  
8 Monsanto's counsel as Defendant's Exhibit 25 and  
9 admitted into evidence yesterday.

10 Have you ever seen that document, Dr. Farmer?

11 A Not the cover page, but I have seen this, yes.

12 Q The cover page is the authentication of the  
13 document page that the EPA says that says this is the  
14 official stamped copy of what we got in our office;  
15 right?

16 A It does say "authentication," yes.

17 Q Yeah. And do you see there, if you look at  
18 that authentication page that's in evidence, and this is  
19 printed back and front so that we don't have huge stacks  
20 of having killed too many trees in this trial, but do  
21 you see that there are things listed on the front and  
22 things listed on the back?

23 A I do now, yes.

24 Q There are 41 different items listed; right?

25 A There are.

1 Q And this particular document is just one of  
2 those 41.

3 MS. COOK: Your Honor, may we approach about  
4 this?

5 (Counsel approached the bench and the  
6 following proceedings were had:)

7 MS. COOK: Your Honor --

8 THE COURT: Hold on.

9 MS. COOK: Sorry.

10 THE COURT: Yes.

11 MS. COOK: The witness has no foundation to  
12 talk about this. The authentication, the cover  
13 sheet comes because she sought a certified true  
14 copy for evidentiary purposes, and she would only  
15 be familiar with this. So asking her about the  
16 legal construct of the first few pages that we got  
17 just to get it into the evidence is inappropriate.

18 THE COURT: Ms. Cook, you admitted the  
19 exhibit. If she doesn't know what the  
20 authentication page is, she can say that, but I  
21 think it's fair game for him to ask her. If she  
22 doesn't know, she doesn't know.

23 MS. COOK: I'm asking for foundation that she  
24 can talk about this portion of it.

25 MR. FRAZER: It's in evidence and it's

1 certified by the U.S. government. If they didn't  
2 have the authentication sheet on there I would have  
3 objected to it because it didn't have it on there.  
4 They put it into evidence.

5 THE COURT: I'm going to let him ask  
6 questions. I'm guessing she's not going to know  
7 the answers to his questions. It is what it is.

8 MS. COOK: Okay.

9 THE COURT: Just for my edification, which  
10 document of these list of --

11 MR. FRAZER: It's the front and back.

12 THE COURT: No, no, the actual report. What  
13 one is it?

14 MS. COOK: I believe it is the bottom one,  
15 No. 18, the 260-page regarding glyphosate.

16 THE COURT: Just making sure I knew. Thank  
17 you.

18 MS. COOK: Sure.

19 (Proceedings resumed in open court.)

20 BY MR. FRAZER:

21 Q Back to the authentication page. You'll see  
22 that the third page of the document, Exhibit 25, you  
23 have that the front page, do you see what the document  
24 is?

25 A Here?

1 Q No, the --

2 A Oh, yes.

3 Q And you'll see it's No. 18 on the  
4 certification page.

5 Do you see that?

6 A I do.

7 Q All right. But you also see a lot of other  
8 things on here; right? 40 other entries?

9 A I do.

10 Q These are other things that the EPA considered  
11 when it was making its decision on glyphosate; right?

12 A I don't know how this was put together, but  
13 they look like a lot of the things that the EPA would  
14 have had available to them.

15 Q Yes. Yes.

16 And the first thing we can agree on, if we  
17 look at the cover page of the actual document -- you may  
18 want to just keep this separate from that as we go  
19 through it and then we'll put that back together. Going  
20 to go back and forth through that.

21 But you can see that it's called the Revised  
22 Glyphosate Issues Paper; right?

23 A Correct.

24 Q It's not called the Revised Formulated Roundup  
25 Issues Paper; correct?

1 A Correct.

2 Q The only thing the EPA considered in this  
3 exhibit, Defense 25, was what scientists call technical  
4 glyphosate; right?

5 A Correct.

6 Q The EPA made no decision in this paper on any  
7 of the MON formulations of Roundup; correct?

8 A Not in this paper, no.

9 Q All right. So this paper only relates to  
10 technical glyphosate; correct?

11 A Yes. It's about its carcinogenic potential.

12 Q Now, yesterday there was some discussion of  
13 certain authors of different articles. And I know you  
14 weren't here so we're not trying to trick you or trap  
15 you.

16 But if you turn to page 147 of Defense Exhibit  
17 25, we agree that this is a list of all the scientific  
18 articles that the EPA referenced when they made whatever  
19 decision they made in Defense Exhibit 25; correct?

20 A So I'm sorry. What page?

21 THE COURT: It's 147.

22 BY MR. FRAZER:

23 Q Or it's D25.151. Pick your number, whatever  
24 one you want to use.

25 A That is their beginning of their reference

1 list, yes.

2 Q And you see it's in alphabetical order of  
3 first name of the author of each article; right?

4 A Yes, I do.

5 Q Tell me if you see the name Tomasetti here.  
6 Starts with a "T."

7 A I know that.

8 No, I don't.

9 Q He's not in there; right?

10 A No, he's not.

11 Q Not a man by the name of Matasar in there, is  
12 there?

13 A I'm sorry. When you turn around and speak  
14 that way, I can't hear you.

15 Q That's why I try to raise my voice a little  
16 bit. I have to walk around because my back bothers me.  
17 I apologize.

18 There's not an article in here by a gentleman  
19 or a doctor or whoever with the last name of Matasar,  
20 M-a-t-a-s-a-r?

21 A No, there isn't.

22 Q There is an article in here by the name of --  
23 a lot of these authors that wrote up until the year of  
24 this paper, 2016, I believe, 2017, December 12th, 2017,  
25 articles on glyphosate?

1           A       They include articles that are in the open  
2 literature, yes.

3           Q       But these are what you would call scientists,  
4 scientific articles?

5           A       Yes, in the published literature, yes.

6           Q       And would it be fair that most of these are  
7 toxicologists like you?

8           A       I don't know, but I would assume so.

9           Q       All right. Can you point to anyone that was  
10 an oncologist that wrote an article that the EPA  
11 considered?

12          A       I don't know that.

13          Q       Have you ever seen an epidemiological study  
14 done by an oncologist?

15          A       Again, that's not an area that I would follow  
16 the literature on.

17          Q       Okay. There are epidemiologists that wrote  
18 articles that the EPA relied on in Defense Exhibit 25;  
19 correct?

20          A       They are. They try to include as many  
21 articles and then they look at the quality of them and  
22 the reliability and the relevance of them. So they have  
23 a lot of the studies in here.

24          Q       One of those gentleman that is listed there  
25 right on the first page of the reference page is a guy



1 named Benbrook; right?

2 A I see that.

3 Q Yeah. He -- that's Charles Benbrook; right?  
4 You know Mr. Benbrook?

5 A I don't know him. I know of him.

6 Q He used to work for the EPA?

7 A I'm not aware of that.

8 Q You're not aware of that?

9 A No.

10 Q You know he testifies in cases for plaintiffs  
11 in litigation against Monsanto involving --

12 MS. COOK: Your Honor, may approach?

13 (Counsel approached the bench and the  
14 following proceedings were had:)

15 THE COURT: Ms. Cook.

16 MS. COOK: This is a violation of their own  
17 motion in limine for us not to mention Benbrook who  
18 they withdrew as an expert in this case.

19 THE COURT: Yeah, I was confused. I thought  
20 we had a whole --

21 MR. FRAZER: They put this in evidence. It's  
22 fair game.

23 THE COURT: Well, but I thought that you guys  
24 made a motion in limine that nobody should mention  
25 Benbrook because he was withdrawn as an expert.

1 MR. FRAZER: We did that?

2 THE COURT: Yeah.

3 MS. COOK: And we agreed, so now you violated  
4 it.

5 MR. FRAZER: How can I violate my own motion?

6 THE COURT: Well, do you want to withdraw your  
7 motion in limine? But then that opens the door to  
8 ask about.

9 MR. FRAZER: I don't care.

10 THE COURT: I don't know what they can ask if  
11 he's not an expert in the case. I think you're  
12 about to say what they're going to say based on the  
13 way you started your next question.

14 MR. FRAZER: They attacked the credibility of  
15 Dr. Aronson yesterday because she's a plaintiff in  
16 civil litigation.

17 THE COURT: If you want to withdraw your  
18 Benbrook motion, are you going to withdraw your  
19 objection?

20 MS. COOK: If we can put into evidence that  
21 he's withdrawn from the plaintiffs as an expert.

22 THE COURT: Well, he's not being called.  
23 They're not going to hear from Benbrook.

24 MS. COOK: Then why are we talking about it?

25 THE COURT: That's the question. Why are we

1 talking about Benbrook?

2 MR. FRAZER: Because yesterday Ms. Cook very  
3 effectively made a point that if you're a  
4 plaintiff's expert, your credibility must be hit.  
5 Here's their own exhibit relying on a plaintiff  
6 expert.

7 MS. COOK: But I didn't mention Benbrook  
8 because we're not allowed to.

9 THE COURT: Sounds like he's withdrawing the  
10 motion in limine so I'm going to let --

11 MR. FRAZER: I'll move on.

12 THE COURT: It doesn't matter to me.

13 MR. FRAZER: I'll move on. I'll withdraw the  
14 question.

15 (Proceedings resumed in open court.)

16 BY MR. FRAZER:

17 Q Now, there are some authors that the EPA lists  
18 that we'll talk about a little bit later today that  
19 worked at Monsanto; right?

20 A I don't know what you're referring to.

21 Q Well, a gentleman you've referred to as Larry  
22 in your emails, Larry Kier, Kier, I don't know how to  
23 pronounce his name, K-i-e-r.

24 A It's Dr. Kier.

25 Q He worked at Monsanto?

1 A He was our genotox expert.

2 Q So at the bottom of page Defense 25.155, we  
3 see an article that Dr. L. Kier wrote. He's the only  
4 listed author on that; right?

5 A Dr. Kier.

6 Q Kier.

7 A And there's another one on the next page as  
8 well.

9 Q But the first one that's listed, he's the only  
10 author listed?

11 A Yes.

12 Q And on the next page at the top, he's listed  
13 with a person named Kirkland; right?

14 A Dr. Kirkland, yes.

15 Q Was Kirkland a Monsanto employee also?

16 A No.

17 Q Was he a paid consultant by Monsanto?

18 A When we hire consultants, they expect to be  
19 paid for their time, and so we have paid him as a  
20 consultant, yes.

21 Q All right. Then we talked about the IBT  
22 scandal on Tuesday, but if we -- the name of those  
23 studies were by Reyna and Gordon.

24 Do you remember that?

25 A I do remember you mentioning them, yes.

1 Q And we know that the EPA threw out those  
2 studies; right?

3 A They invalidated them, but they appear to have  
4 included them in here as supplemental studies.

5 Q Well, they just include them here on the  
6 reference, their reference that they relied on page  
7 D25.160. Two of them; right?

8 A Yeah, but you have to go in and see how they  
9 used them.

10 Q Then there's one study in here that the jury  
11 heard a little bit about this gentleman yesterday that  
12 the EPA relied on named Chris Portier; right?

13 A Let me see if he's in here.

14 He's listed, yes.

15 Q He's listed in there along with a lot other  
16 authors on that article: Chris Portier, a  
17 Dr. Armstrong, a Dr. Baguley, Dr. Bauer, Dr. Belyaev,  
18 Dr. Bell, Dr. Belpoggi, Dr. Bosland, Dr. Bruzzi, and  
19 others. It doesn't list them all.

20 It's a 2016 article that says, "Differences in  
21 the carcinogenic evaluation of glyphosate between the  
22 International Agency for Research on Cancer, IARC, and  
23 the European Food Safety Authority EFSA," Journal, and  
24 it was published in the Journal of Epidemiology and  
25 Community Health; right?

1           A     Yes.  I believe they're like Dr. Portier.  
2  They were at one time panel members of IARC.

3           Q     Okay.  I wanted to clean that up a little bit.  
4                 Now, let's look at this Defense Exhibit 25  
5  just for a little bit.  I would like for you to turn to  
6  page 25.16.

7           THE COURT:  Do you want my clean copy, if  
8  you're going to use the ELMO?

9           MR. FRAZER:  That would be great.  I was going  
10  to ask you, but I didn't want to interrupt your  
11  reading.

12          THE COURT:  I read it cover to cover last  
13  night.

14          MR. FRAZER:  I almost made it through cover to  
15  cover your Honor, but not quite.  It is a long  
16  document.  It's 216 pages long.

17  BY MR. FRAZER:

18          Q     Let's turn to page 12.  Do you have that in  
19  front of you?  All right.  Now, this document's dated  
20  December 2017; right?

21          A     It is, yes.

22          Q     And the first paragraph right here, or the  
23  second paragraph, says, "Currently, glyphosate is  
24  undergoing registration review, a program where all  
25  registered pesticides are reviewed at least every 15

1 years as mandated by the Federal Insecticide Fungicide  
2 and Rodenticide Act, FIFRA."

3 Do you see that? Did I quote that properly?

4 A You did.

5 Q So as of the writing of this document, Defense  
6 Exhibit 25, in December of 2017, glyphosate was still  
7 undergoing a registration review because you do that  
8 every 15 years; right?

9 A This was a part of that registration review.

10 Q Yeah.

11 And it says here, the EPA says that the  
12 initial docket opening for doing this registration  
13 review started in the year 2009; right?

14 A It's a multiyear process, yes.

15 Q Multiyear process. Started in 2009.

16 So here we are in December 2017, it's still  
17 going on; right?

18 A Yes.

19 Q It's still going on today, isn't it?

20 A Yes.

21 Q So when they say, "Currently under review,"  
22 that still applies today? It's still under registration  
23 review for some reason; right?

24 A No. They came to the conclusion about the  
25 carcinogenic potential. There are just some other

1 things that are going on.

2 Q I thought you would probably say that in  
3 response to the question, but my question was simply  
4 that today, if my math is right, 14 years after the  
5 registration review started on just glyphosate, not  
6 Roundup, just glyphosate, it's still going on today?

7 A It has not been completed for a variety of  
8 reasons, yes.

9 Q Okay. Now -- all right. Take that off. I  
10 have too many papers up here, your Honor.

11 The -- if we turn to page 25.17, 25.17, can  
12 you pull that up?

13 You see that?

14 A I do.

15 Q If we go there to the middle of the page  
16 there, we see, "Some individual countries in Europe" --

17 MS. COOK: Excuse me. Your Honor, may we  
18 approach?

19 (Counsel approached the bench and the  
20 following proceedings were had:)

21 THE COURT: Ms. Cook.

22 MS. COOK: I need to just renew our motion in  
23 limine on the bans and the individual countries.

24 THE COURT: And I believe I denied --

25 MS. COOK: I'm just making a record.



1 THE COURT: Understood. Making your record.  
2 It's still denied.

3 I'll let you ask your question, Mr. Frazer.

4 MS. COOK: And the other objection I have is  
5 to foundation, but he can see if she knows  
6 anything.

7 THE COURT: I'll say this. She is your  
8 Monsanto regulatory toxicologist, and she's looking  
9 at an EPA report on glyphosate.

10 MS. COOK: Yes.

11 THE COURT: So I'm going to allow him to ask  
12 his questions.

13 MS. COOK: Okay.

14 (Proceedings resumed in open court.)

15 BY MR. FRAZER:

16 Q We see right here in the middle of the page,  
17 don't we, Dr. Farmer, if I can find it again:

18 "Some individual countries in Europe, e.g.,  
19 France, Sweden, have considered banning glyphosate uses  
20 based on the IARC decision."

21 Right?

22 A That's what it says, yes.

23 Q And it goes on to say that other countries  
24 have continued to allow it to be sold; right?

25 A Have continued to support the conclusion that

1 glyphosate is unlikely to pose a carcinogen in cancer to  
2 humans.

3 Q So even at the time that the EPA issued this  
4 report, Defense Exhibit 25, in December 2017, there were  
5 individual countries in Europe, including France and  
6 Sweden, that had considered banning glyphosate uses  
7 based on the IARC decision; right?

8 A That's what it says there, yes.

9 Q That's what the EPA says; right?

10 A The EPA.

11 Q It's an EPA document?

12 A They're just giving you the background, what's  
13 going on in the world right now at this time.

14 Q Okay. All right.

15 And, by the way, currently, there are other  
16 countries over there considering the same thing about  
17 glyphosate, right, in Europe?

18 A That I'm not aware of, no.

19 Q Germany?

20 A Again, I'm not aware of those things going on.  
21 People are evaluating what they're going to do with  
22 glyphosate, and we'll see how they come to their  
23 conclusions.

24 Q Okay. Let's go to page 25.19 of that  
25 document, D25. The title of this is "A summary of

1 exposure profile in the United States of America";  
2 right?

3 A (No response.)

4 Q Do you see that?

5 A Yes.

6 Q That's the title.

7 And if we roll down to the second paragraph  
8 under Section 1.4, it says, "The labeled uses of  
9 glyphosate include over 100 terrestrial," that's coming  
10 out of the ground; right?

11 A Correct.

12 Q "Food crops as well as nonagricultural sites  
13 such as greenhouses, aquatic areas, and residential  
14 areas"; right?

15 A That's what it says, yes.

16 Q And it says "Glyphosate is also registered for  
17 use on glyphosate-resistant transgenic" -- that's what  
18 we call a GMO; right?

19 A That's the common term, yes.

20 Q A genetically modified organism; is that  
21 right?

22 A Correct.

23 Q "Crop varieties such as corn, soybean, canola,  
24 cotton, sugar beets, and wheat"; right?

25 A That's what it says.

1 Q People eat sugar beets; right?

2 A They eat the sugar from sugar beets, yes.

3 Q And wheat?

4 A Yes.

5 Q And people eat or consume, I don't know if you  
6 eat canola oil, but we use it; right?

7 A Yes. Like I said, there's 100 food crops that  
8 glyphosate is used in, and these are the glyphosate  
9 resistant.

10 Q And they're just listing them here, like corn  
11 and soybeans?

12 A Correct.

13 Q Cotton, nobody eats cotton. We can agree on  
14 that?

15 A Humans don't eat cotton.

16 Q Just a boll weevil does; right?

17 A I assume so.

18 Q That's where pesticides come in; right?

19 A For insects, yes, that would be a pesticide,  
20 not an herbicide like glyphosate.

21 Q Yeah.

22 And then they go on and they say, "Dietary  
23 food and water exposures are anticipated from  
24 applications to crops."

25 Did I read that properly?

1           A     You did.

2           Q     So when Monsanto's out there selling  
3 glyphosate to farmers to put on crops, like we see right  
4 here, 100 terrestrial food crops, Monsanto knows that  
5 it's going to end up in the food; right?

6           A     The EPA requires us to do residue studies to  
7 determine what residues of glyphosate might be in the  
8 crop so we that are aware of what is there and what  
9 levels, as is the agency.

10          Q     You're aware that it's in an overwhelming  
11 percentage of urine in human being that live in the  
12 United States; right?

13          A     You're mischaracterizing that.

14          Q     I am?

15          A     You are.

16          Q     You know that it's over 80 percent of every  
17 human being that lives in the United States has  
18 glyphosate in his or her urine in any given day of the  
19 week?

20          A     So I think you need to put that pack in  
21 perspective. The government knows that you have  
22 residues of a lot of things in the food. They know at  
23 what levels. They give you what's called an allowable  
24 daily intake.

25                   And they assume that glyphosate is taken in

1 orally, comes out in your urine, so that's not unusual.  
2 And it's in absolutely minute, tiny amounts. Sometimes  
3 you don't even detect it. It is in a very small level  
4 that is not of any concern.

5 Q I wasn't asking about residue in food.

6 You know that there's a Monsanto study that  
7 shows a high percentage, over 80 percent of the human  
8 urine that Monsanto tested had glyphosate in it?

9 A I don't know what study you're talking about,  
10 but the Farm Family Exposure Study didn't show that.

11 Q You know there's a study out there that says  
12 92 percent of all Americans have urine -- glyphosate in  
13 their urine; right?

14 A You know, there are a lot of different studies  
15 that look at this. They've looked at it in Europe. The  
16 governments have looked at it. People are not concerned  
17 about it. It's not unexpected when you have residues  
18 that you have an allowable daily intake. The way  
19 glyphosate is excreted is through your urine in very  
20 tiny, tiny, tiny amounts.

21 Q Every day?

22 A I don't know that. I don't think -- these are  
23 all just spot samples, so we don't know what happens on  
24 a daily basis.

25 Q My original question: You know there's a

1 study out there that says that 92 percent of all  
2 Americans have glyphosate in their urine?

3 A I'm not familiar with that study, and I'd be  
4 happy to look at it.

5 Q You know that an entire village in Mexico has  
6 been studied next to an agricultural operation there,  
7 and every child in that community had urine -- had  
8 glyphosate in their urine, don't you?

9 A No, I don't. I'm not familiar with the study.  
10 I'd be happy to look at it and comment on it.

11 Q You don't know about that study?

12 A No, I don't.

13 Q Does it matter to the senior toxicologist at  
14 Monsanto whether or not a whole village of children in  
15 Mexico have glyphosate in their urine?

16 A It does. And that's why I said, if you would  
17 provide me the study, I'd be happy to look at it.

18 Q I have no toxicologists in my law firm. How  
19 many do you all have at Monsanto?

20 A So I'm not the toxicologist responsible for  
21 glyphosate anymore so I don't follow up the data on a  
22 routine basis. There is other people responsible who  
23 would do that today.

24 Q How many toxicologists work at Monsanto,  
25 Bayer, Monsanto, whatever -- pick which one you want to

1 use?

2 A In the U.S. there are about eight of us.

3 Q Eight of you.

4 A But there are toxicologists all over the world  
5 that work for Bayer.

6 Q And I assume that you keep up with the  
7 scientific literature as a senior toxicologist at  
8 Monsanto -- you said Bayer? It's pronounced Bayer, not  
9 Bayer?

10 A So when I first started working at Monsanto, I  
11 was in a joint venture project and I was working with  
12 folks in Germany and going to Germany, and in Germany  
13 they call it Bayer, but in the U.S. they call it Bayer,  
14 so you can call it either one.

15 Q I want to make sure we're talking about the  
16 same company.

17 A We are.

18 Q All right. But as a senior toxicologist at  
19 Monsanto, you're responsible for knowing what's out in  
20 the scientific literature when you're talking about  
21 glyphosate and Roundup formulations, aren't you?

22 A As I just told you, I'm no longer the lead  
23 toxicologist for glyphosate. I have other  
24 responsibilities, and so there's other person that  
25 follows that on a daily Basis.



1 Q When did that change?

2 A 2008.

3 Q All right. Okay. We keep looking here and we  
4 see what the EPA says in Defense Exhibit 25, "Oral  
5 exposure" --

6 MS. COOK: Your Honor, may we approach?

7 (Counsel approached the bench and the  
8 following proceedings were had:)

9 MS. COOK: Yes, you are violating your motion  
10 in limine.

11 THE COURT: Ms. Cook.

12 MS. COOK: Motion in Limine 28 to exclude  
13 evidence or argument regarding the presence of  
14 Roundup or its ingredients in food, water, breast  
15 milk, or sources unrelated to plaintiff's route of  
16 exposure, which is dermal. Granted unless  
17 defendant opens the door.

18 We have not opened the door. We're talking  
19 about oral, we're talking about food, and that's a  
20 violation of the order.

21 MR. FRAZER: They put D25 into evidence, your  
22 Honor. I'm not limited to what she asked about it.  
23 I can use an exhibit however I see fit with the  
24 witness.

25 THE COURT: What's your response to the fact

1 that all he's doing is referring to stuff that is  
2 written in an exhibit that you admitted without any  
3 reservations?

4 MS. COOK: Because he's focusing on it and  
5 arguing that -- and it's irrelevant. It's  
6 irrelevant and it's prejudicial.

7 THE COURT: Here's what I'll say. I'm going  
8 to let him ask questions about an exhibit you  
9 admitted. I do think that occasionally Mr. Frazer  
10 is getting a little argumentative with the witness.

11 MS. COOK: He is.

12 THE COURT: So do me a favor and keep it to  
13 questions and answers.

14 MR. FRAZER: I'm just getting frustrated by --

15 THE COURT: At the same time, I'm not going to  
16 prevent him from asking about something you put in  
17 with no reservations. I know you can disagree; I  
18 can tell by your look.

19 MS. COOK: I also have to preserve a record of  
20 motions that were granted.

21 THE COURT: Understood. Understood.

22 (Proceedings resumed in open court.)

23 BY MR. FRAZER:

24 Q In this EPA document, December 2017, the EPA  
25 says, "Oral exposure is considered the primary route of

1 concern for glyphosate"; right?

2 A Yes. And I can explain why they say that, and  
3 if you read further it tells you why.

4 Q I'll let your lawyer ask you those questions.

5 A Okay.

6 Q A couple of pages later, D25.21, do you see  
7 that?

8 A I do.

9 Q This is a graph that's in this document D25  
10 that the EPA put in here to show how much Roundup is  
11 being used for agricultural purposes; right?

12 A Yes.

13 Q And we can see right on this chart here --  
14 actually, I can do it from here -- right on this chart  
15 here that it's just a little above zero in the year  
16 1987; right?

17 A Correct.

18 Q And it starts to go up a little bit about the  
19 time you join the company in 1991.

20 Do you see that?

21 A I do.

22 Q And it keeps going up. '95, '96, it's going  
23 up pretty good, isn't it?

24 A Slightly.

25 Q And then in '98 it takes off like a rocket

1 ship; right?

2 A And there's a reason for that, yes.

3 Q That's when the genetically modified seeds  
4 were available that were Roundup Ready Resistant on the  
5 market; right?

6 A Roundup Ready.

7 Q Roundup Ready.

8 And as I understand Roundup Ready, that means  
9 a farmer could get in his tractor, have those big things  
10 extender things, I don't know what they call them out  
11 there --

12 A The boom.

13 Q Booms.

14 And he could spray Roundup and any other  
15 chemicals that are Roundup Ready directly on a plant, a  
16 crop that's growing and not kill the crop if it's a  
17 Roundup-resistant seed that that crop sprouted out of;  
18 right?

19 A It was a great technology, yes.

20 Q That's what it does?

21 A It allows what they call an over-top  
22 application of Roundup. Where before maybe a farmer had  
23 to go out and make a couple of passes in the field, now  
24 they can go out and do that one pass with a Roundup  
25 herbicide.

1 Q And Monsanto held an exclusive patent on  
2 glyphosate until about the year 2000; right?

3 A Correct.

4 Q And so prior to 2000, all that graph's  
5 attributable to Monsanto Roundup use; right?

6 A That's my understanding.

7 Q After 2000, a bunch of other companies got in  
8 the market?

9 A Well, they got in the market. There's like  
10 six other manufacturers besides glyphosate -- that  
11 manufacture glyphosate besides us, and then there are a  
12 lot of the generics that produce formulations by  
13 purchasing glyphosate.

14 Q Yeah. They got into this agricultural market,  
15 and we can see that in '96, the soybean and canola  
16 Roundup Ready resistant seeds come out that year; right?

17 A They're called -- it's tolerance. Resistance  
18 is for weeds and tolerance is for the seeds.

19 Q Tolerance. Thank you.

20 And then cotton comes out in '97 that's  
21 tolerant?

22 A Correct.

23 Q Corn comes out in '98 that's tolerant?

24 A Correct.

25 Q And we jump to the year 2005, looks like it's

1 kind of between '05 and '06, alfalfa and sugar now have  
2 a genetically modified seed that is tolerant to Roundup  
3 Ready?

4 A That's tolerant to glyphosate, and that's what  
5 they're showing here, yes.

6 Q All right. And on this page, they show sort  
7 of the growth of that in the United States, and we can  
8 see it's mostly in what we would call places that would  
9 grow what we just looked at; right?

10 A That's my understanding, yes.

11 Q Yeah. There's hardly any in Nevada; right?

12 A According to that graph.

13 Q Yeah. Yeah. Okay.

14 Now, if we look at the very next page, yeah,  
15 there it is, we now see even more growth, don't we?

16 A (No response.)

17 Q If you remember, the first one we looked at  
18 was 1994, and this one's 2014; right?

19 A That's what it says, yes.

20 Q And if we had one for 2023, we'd even see more  
21 dark red or do you think you've got most of the crop  
22 areas of the U.S. covered as of the year 2014?

23 A I'm not in our business group, so I wouldn't  
24 know.

25 Q Okay. Now, I wanted to go back to that, and

1 that's estimated agricultural use for glyphosate; right?

2 A That's what it says.

3 Q That doesn't include lawn and garden and  
4 somebody has a lawn and garden in the city of Las Vegas;  
5 right?

6 A It says it's estimated agricultural use for  
7 glyphosate.

8 Q Right. And no lawn and garden use is on here?

9 A No, not what it's saying there; correct.

10 Q No ITO use is on this graph?

11 A Industrial turf and ornamental. No, that's  
12 not on this graph either.

13 Q Industrial turf and ornamental, for the jury's  
14 benefit, industrial can be where a highway department is  
15 spraying a right-of-way along a highway or a railroad  
16 company is spraying a railroad track area; right?

17 A Which are all very important for safety  
18 reasons, yes.

19 Q Turf is football fields; right?

20 A Well, if you spray it on a football field, you  
21 won't have a football field.

22 Q What's turf relating to?

23 A So it's relating to -- industrial turf and  
24 ornamentals is anything outside of -- like, in your  
25 landscaping areas, professional landscapers.

1 Q Ornamentals are professional businesses that  
2 are raising flowers and trees and stuff like that?

3 A Covering a lot of different non ag,  
4 nonresidential uses, yes.

5 Q And again, no lawn and garden, no ITO use is  
6 shown on this graph?

7 A That's what it says. It's for ag only.

8 Q Okay. Thank you.

9 All right. In fact, the lawn and garden side  
10 of glyphosate at Monsanto is roughly 1 percent of the  
11 total sales of Roundup in the company; right?

12 A I don't know that.

13 Q Farming is 92 percent; right?

14 A Again, I'm not in the business group. I don't  
15 know the numbers.

16 Q Okay. You never heard of that before?

17 A I'm not in the business group. I don't know  
18 the numbers. I know it's a very important product in  
19 ag, I know it's very liked by homeowners, but I don't  
20 know those percentages, no.

21 Q Can you and I agree that people that use  
22 Roundup for a living, farmers, licensed applicators,  
23 ornamental growers are more sophisticated users of the  
24 product?

25 A I don't think I would clarify it that way



1 because I don't know. I think a lot of the people, I  
2 don't know what their backgrounds are, I don't know what  
3 they're doing. I don't think I would suggest that, make  
4 that determination.

5 Q Okay. Well, I'm talking about -- let's just  
6 pick somebody. Let's pick John Durnell. He's a guy who  
7 worked as a carpenter and a general contractor. Would  
8 you judge him against, let's say, a big farm operation  
9 run by Archer Daniel Midland or somebody like that?

10 Do you think that farm operation is more or  
11 less sophisticated than John Durnell when it comes to  
12 use of glyphosate-based herbicides?

13 MS. COOK: Objection. Calls for speculation.

14 THE COURT: You made your point, Mr. Frazer.

15 I'll sustain the objection.

16 MR. FRAZER: Thank you, your Honor.

17 BY MR. FRAZER:

18 Q We'll look at poundage in a minute, at least  
19 what the EPA has said.

20 Here it is right here. In fact, we'll look at  
21 it right now.

22 A So what page are you on again?

23 Q That's D25.20 in the right-hand corner.

24 MS. COOK: 20 what?

25 THE COURT: 25.20.

1 MR. FRAZER: 20. 25.20.

2 BY MR. FRAZER:

3 Q Are you at that page?

4 A I am.

5 Q You see at the time of initial registration,  
6 1974, total use of glyphosate in the United States is  
7 approximately 1.4 million pounds, and they're  
8 referencing Charles Benbrook?

9 You see that?

10 A I see that.

11 Q Then it says in 1995 the total use of  
12 glyphosate increased to approximately 40 million pounds  
13 with agricultural accounting for 70 percent of use.

14 Do you see that?

15 A I see that, yes.

16 Q You don't have any reason to disagree with  
17 that, do you?

18 A Again, this is not my area of experience, so I  
19 have no reason to disagree with or to confirm it.

20 Q This is what the EPA is putting in Defense 25;  
21 right?

22 A That's the EPA, yes.

23 Q And it says, "With the introduction of  
24 transgenic crop varieties" --

25 Again, that's the introduction of GMO and

1 Roundup Ready?

2 A That's what they're -- yes.

3 Q "In the United States circa" -- that means  
4 about 1996; right?

5 A Right.

6 Q "Such as soybean, cotton, and corn, use of  
7 glyphosate increased dramatically."

8 They cite a source there Green and Owen.

9 "And in 2000 the total use of glyphosate in  
10 the United States was approximately 98.5 million  
11 pounds."

12 That was in the year 2000.

13 Do you see that?

14 A I see that, yes.

15 Q It says, "By 2014, total annual use of  
16 glyphosate was approximately 280 to 290 million pounds";  
17 correct?

18 A That's what it says there, yes.

19 Q Again, they're citing Benbrook and the  
20 industry proprietary data accessible to EPA; correct?

21 A Correct.

22 Q Industry proprietary data would include  
23 Monsanto-submitted data on that number to the EPA?

24 A I would assume so.

25 Q And it says with agricultural accounting for

1 what percentage of use?

2 A It says 90 percent of the use.

3 Q 90 percent. Okay. I want to make sure we  
4 were on the same sheet here.

5 All right. Shift a little bit here. We're  
6 going look at -- we're going come back to this document.  
7 You can put it aside for right now. I've got so many  
8 pages displayed I don't know where to go next.

9 But we're going to look at a few other  
10 documents right now, and the first one is what's been  
11 marked as Plaintiff's Exhibit 985.

12 You've definitely seen Exhibit Plaintiff's 985  
13 before, haven't you, Dr. Farmer?

14 A What? Could you repeat your question?

15 Q You've seen this email before, haven't you?

16 A I have.

17 Q And the topic is "IARC Evaluation of  
18 Glyphosate."

19 Do you see that?

20 A I do.

21 Q And the date of the first email that we know  
22 is the last one in time of this chain of emails is  
23 October 20, 2014; right?

24 A Yes.

25 Q We established the other day that IARC met

1       sometime in March 2015. So this would have predated the  
2 IARC meeting in 2015?

3           A       Yeah, they meet for a week in March, yes.

4           Q       A week in March.

5                    Okay. If we -- and, by the way, the top email  
6 is from you; right?

7           A       It is.

8           Q       All right. Turn to the second page. You're  
9 in this chain?

10          A       I am.

11                   MR. FRAZER: Move this into evidence, your  
12 Honor.

13                   THE COURT: Any objection?

14                   MS. COOK: No, your Honor.

15                   THE COURT: It will be admitted.

16                   MR. FRAZER: Let's pull that up, Ed.

17 BY MR. FRAZER:

18           Q       If we go to the second paragraph, this is  
19 Dr. Heydens who at that time was sort of ahead of you in  
20 the company a little bit, or was he?

21          A       At this time he was a lateral co-worker.

22           Q       At this time you all were about the same,  
23 coequals?

24          A       We were.

25           Q       We talked about it Tuesday. I won't go back

1 into it.

2 Dr. Heydens writes to Dr. Richard Garnett.

3 Who was Dr. Garnet?

4 A He was our regulatory affairs manager in  
5 Brussels.

6 Q He writes in the second paragraph, "There is  
7 really no meaningful publication that we can complete  
8 prior to the February submission to positively impact  
9 the epidemiology discussion outcome in March"; right?

10 A Yes, that's what it says.

11 Q And what he was talking about is at that time  
12 in the company, you, he, some others were talking about,  
13 hey, what can we do to get ready for IARC in March 2015?  
14 Maybe we can get something out there that can put us in  
15 a positive light; right?

16 A I wouldn't characterize it that way. IARC has  
17 a call-in for data, and we thought if we could get a  
18 publication on epidemiology to submit to them that we  
19 thought it would be useful in their evaluation.

20 Q And he's saying that there's really nothing we  
21 can do before February or March of 2015; right?

22 A Because this is in October, so to write a  
23 publication, get it submitted to a journal to get it  
24 published is a longer process, yes.

25 Q The question is yes -- the answer is yes to my

1 question; right?

2 A Yes.

3 Q Okay. And then the very next paragraph he  
4 writes -- this is Dr. Heydens. He's a senior  
5 toxicologist at Monsanto; right?

6 A Yes.

7 Q And he says, "And while we," I assume he's  
8 talking "we" is Monsanto; right?

9 A Yes.

10 Q He say, "And while we have vulnerability in  
11 the area of epidemiology, we also have potential  
12 vulnerabilities in the other areas that IARC will  
13 consider, namely, exposure, genotox, and mode of  
14 action."

15 He wrote that; right?

16 A He did write that, yes.

17 Q And Dr. Heydens is a senior toxicologist at  
18 the company on October 15th, 2014, thinks that the  
19 company is vulnerable in the area of epidemiology;  
20 right?

21 A No. It was we were -- what he was talking  
22 about is we couldn't get publications. So we weren't  
23 concerned about finding some epi or exposure, genotox.  
24 What he was saying there, probably the term could have  
25 been used differently, is we didn't have the time to get

1 publications to IARC.

2 Q You just did what's called editing what's  
3 written on the page; right?

4 A I'm giving context --

5 MS. COOK: Objection, your Honor.

6 Argumentative.

7 THE COURT: Ask another question, Mr. Frazer.

8 BY MR. FRAZER:

9 Q Where in this little quote here does  
10 Dr. Heydens say what you just said?

11 A If you refer up to what you highlighted  
12 before, he talked about no meaningful publication. So  
13 he's talking about here that we don't have publications  
14 that we can provide to IARC for their review.

15 Q He says, "David has the animal onco" -- that's  
16 oncology; right?

17 A Yes, the oncogenicity studies.

18 Q He says David has the animal cancer studies  
19 under control; right?

20 A He was referring to the Greim publication.  
21 That's what he's referring to there.

22 Q That what he says. He say the animal cancer  
23 studies are under control?

24 A Again, what he's referring to is the  
25 publication for those onco studies to be submitted to



1 IARC that it was.

2 Q He doesn't say that epidemiology, exposure,  
3 genotox, and mode of action are under control, does he?

4 A Because David was --

5 Q Just answer my question, please.

6 A No, he didn't.

7 Q All right. Thank you.

8 We'll get through this a lot faster if just  
9 answer my question. I'll get you off there a lot  
10 quicker that way.

11 Is that fair?

12 A Yes.

13 Q All right. Then he comments down at the  
14 bottom of that page, leading to the next page, this is  
15 Dr. Heydens, "There is ample fodder to string together  
16 to help the cause even though it is not scientifically  
17 justified in its purest form."

18 Did I read that correctly?

19 A I think he said if there is a force working  
20 against glyphosate. I may have missed that.

21 Q I think the answer was yes, but.

22 A Could you reread that sentence?

23 Q Well, that's my only question was did I read  
24 that right.

25 A That's what I'm saying. I'm not sure I caught

1 it.

2 Q "There is ample fodder to string together to  
3 help the cause even though it is not scientifically  
4 justified in its purest form."

5 Did I read that correctly?

6 MS. COOK: Objection. Optional to finish the  
7 rest of the sentence.

8 THE COURT: She can answer the question and  
9 I'll let you clean it up.

10 THE WITNESS: That's what he wrote there, yes.

11 BY MR. FRAZER:

12 Q And, by the way, going back to that second  
13 page, Ed, at the bottom, when Dr. Heydens says mode of  
14 action, the scientific name we see in some of the  
15 documents is called mechanistic; right?

16 A Yes, they're kind of used a little bit  
17 interchangeably.

18 Q And that's why you do mechanistic cell studies  
19 to see what the mode of action might be on a cellular  
20 line; right?

21 A You can do them in animals as well as, but you  
22 use cells.

23 MR. FRAZER: Your Honor, what time do you want  
24 to take a break?

25 THE COURT: I was going to take a break at

1 10:30, if you have a few more minutes of questions.

2 MR. FRAZER: Yes, sir.

3 THE COURT: And for once and for all, at our  
4 next break, I'm going to fix that clock.

5 MR. FRAZER: What did you say, your Honor?

6 THE COURT: I'm going to fix the clock at the  
7 next break because it's been off all week.

8 MR. FRAZER: I know. I always feel like I'm a  
9 little tireder than I should be, and I look at it  
10 and I realize I'm an hour ahead.

11 THE COURT: Mr. Blair might be the tallest  
12 person in the room. I'm going to make it his job,  
13 or Mr. Conner.

14 BY MR. FRAZER:

15 Q Dr. Farmer, I'm handing you what's been marked  
16 as Plaintiff's Exhibit 746. This is another email chain  
17 that you're familiar with; is that right?

18 A This is, yes.

19 Q And the first one, the youngest one, if you  
20 want to call it that, is dated February 27, 2015; right?

21 A Yes.

22 Q This is, again, just a little bit ahead of the  
23 IARC meeting in March of 2015; right?

24 A It is.

25 Q And this is -- the top one is written from a

1 woman by the name of Charla Lord.

2 Do you see that?

3 A I do.

4 Q Ms. Lord was in the public relations side of  
5 the Monsanto company; right?

6 A Yes.

7 Q She's right here in St. Louis. Same office as  
8 you're in; right?

9 A She's in the Creve Coeur site, yes.

10 Q And even though you all are in the kind of  
11 office structure, you communicated by email primarily;  
12 right?

13 A The Creve Coeur campus is very large.

14 Q Yeah.

15 A So if we were around each other we would talk  
16 about in person, but when you're across a large campus,  
17 email is more efficient.

18 Q Now, if we go into this document, this email,  
19 Exhibit 746, again, it's a string of emails and it's  
20 kind of long, if we go to the very last one, do you see  
21 it starts out from a woman named Kimberly Link?

22 A Is this the very last one on December 17?

23 Q Yes, ma'am.

24 A Yes.

25 Q Starts there on the next-to-last page.

1 A I see that.

2 Q With an email to Dan Goldstein; right?

3 A Yes.

4 Q Dr. Goldstein, again, is the medical doctor  
5 working at Monsanto; right?

6 A He did. He's retired.

7 Q And one of the toxicologists at the time too?

8 A He's -- no. He's a medical toxicologist. So  
9 he wouldn't be with us in the regulatory toxicology  
10 group.

11 Q The reason I said toxicologist is because I  
12 thought you corrected me on Tuesday when I said he had  
13 his residency in pediatrics. You said no, he worked as  
14 a medical toxicologist; right?

15 A No, he did do a pediatric residency, but he  
16 did a fellowship in medical toxicology, which is  
17 different than a regulatory toxicologist like me.

18 Q All right. Fine?

19 MR. FRAZER: I'll move this into evidence,  
20 your Honor.

21 THE COURT: Any objection?

22 MS. COOK: Your Honor, authenticity to the  
23 highlighting, but otherwise not.

24 THE COURT: I'll admit it. Obviously the  
25 highlighting was done by a third party and not

1 by -- I guess we just ignore the highlighting.

2 MR. FRAZER: For the record, it's not my  
3 highlighting. I don't know whose it is.

4 THE COURT: Got you. I'll admit 746.

5 BY MR. FRAZER:

6 Q So Ms. Link, in December of 2014, if you turn  
7 to the last page, top of the page, she says, "Charla,"  
8 that's Ms. Lord who we talked about, "will be the point  
9 person moving forward to help coordinate the list of  
10 credible third-party voices for glyphosate in our call  
11 with Potomac Communications today. We decided to target  
12 the Washington Post and USA Today"; right?

13 A Yes, that's what it says.

14 Q And so Monsanto had retained an outside  
15 company named Potomac Communications to target two  
16 newspapers based in Washington, D.C., the Washington  
17 Post and USA Today; correct?

18 A That's my understanding.

19 Q And 2014 is still back in the day where people  
20 actually got newspapers; right?

21 A This could have been online then, too.

22 Q Yeah. Could have been both.

23 And in here, Ms. Link says, "We will need a  
24 high-profile author for an opinion piece; namely, the  
25 top official of the American Academy of Pediatrics";

1 right?

2 A It says that, yes.

3 Q Children; right? Doctors who provide medical  
4 care and services to children; right?

5 A Correct.

6 Q Okay. And you know that the company or your  
7 communications group never got such a doctor from the  
8 American Pediatric Association to write such an article  
9 in the Washington Post or USA Today?

10 A I don't know that.

11 Q You don't know that. All right.

12 Hand me 711, please. Jump around a little bit  
13 here before everybody gets to jump up.

14 Let's just do this email for right now.

15 And then if we go to the next email that  
16 Dr. Goldstein replies. It's at page 1655 at the bottom.

17 Do you see that?

18 He replies on December 18. We need to go to  
19 the bottom of 1655, Ed. There we go.

20 He responds to that email and says, "These  
21 suggestions are probably not workable as they currently  
22 stand"; right?

23 A That's what he says, yes.

24 Q Then on the next page, at the top of the page,  
25 he says, "Officers of," and that's the AAP, the American

1 Association of Pediatric Doctors; right?

2 A Yes.

3 Q "Cannot take a public position independent of  
4 the organization itself, and AAP is still considering  
5 undertaking the opinion process. In the interim, they  
6 are not going to be able to comment."

7 Right?

8 A That's what it says, yes.

9 Q So as at the time that Dr. Goldstein responds  
10 to this, the pediatric doctor association is saying we  
11 can't help you right now; right?

12 A It's based on their guidance for their  
13 organization, yes.

14 Q And then he, in the next sentence, he talks  
15 about AMA. That's the American Medical Association;  
16 right?

17 A I believe it is, yes.

18 Q And he says, "The AMA is highly unlikely to  
19 engage on this specific chemistry rapidly, in part for  
20 the same reason. Our relationship with the American  
21 American association is very difficult at the moment;  
22 right?"

23 A Yes, that's what he says, yes.

24 Q And then he says his best realistic suggestion  
25 is let's get a medical toxicologist who runs a poison



1 center and can speak with some authority on this topic;  
2 right?

3 A That's what he says, yes.

4 Q And he says, "The Maryland Center," I guess  
5 he's familiar with the Maryland Center, "has Susan Doyen  
6 who is very difficult and highly unlikely to take a  
7 media inquiry"; right?

8 A That's what he wrote, yes.

9 Q And he says -- he basically says there's  
10 nobody in the D.C. area that he can think of that would  
11 be able to write such an article who has a medical  
12 background or toxicology background or a poison center  
13 background; right?

14 A I don't see that here. I don't know.

15 Q Well, he says right there the strongest  
16 candidates for toxicologists would be outside the D.C.  
17 area, doesn't he?

18 A I'm trying to find out where you are.

19 THE COURT: Down here, ma'am.

20 BY MR. FRAZER:

21 Q The next-to-last sentence.

22 A Okay. I was looking on the screen and I  
23 didn't see it.

24 Q You see that the strongest candidates are  
25 outside the D.C. area?

1           A       That's not what's being highlighted on the  
2 screen, but yes, I see that written there.

3           Q       All right. Let's go to page 1654 in this long  
4 email chain.

5                    Do you have that in front of you?

6           A       1654, yes.

7           Q       Down at the bottom, Dr. Goldstein's -- again,  
8 there's an intervening email, so he's responding again,  
9 and he says, "I will need to get some toxicologists up  
10 to speed quickly and perhaps can just pay several to  
11 review the existing literature and be ready."

12                   Is that what he wrote?

13          A       Yes, that's what he wrote.

14          Q       And he said, "There is nobody fully up to  
15 speed at this time."

16                   Right?

17          A       That's what he's written there, yes.

18          Q       And then he goes on in the next paragraph, the  
19 second line, he says, "We just pay one or two  
20 toxicologists to do the prep work and provide all the  
21 literature."

22                   Right?

23          A       I see that, yes.

24          Q       So he's talking about getting a couple of  
25 toxicologists to do the work and giving it to somebody

1 to write the article and be the spokesperson; right?

2 A No, I don't take it that way, because what  
3 he's saying is a lot of the people aren't aware of this  
4 issue that's going on with IARC, and so you'd have to  
5 get them up to speed. So that's what it says. Getting  
6 someone sufficiently up to date on the epidemiology  
7 issues and other data prior to IARC will almost  
8 certainly require that we pay some toxicologists to do  
9 the prep work and then provide the literature to some  
10 other people.

11 Q Well, he didn't say some are not up to speed.  
12 He says there's nobody fully up to speed at this time;  
13 right.

14 A Well, I think the poison control people  
15 weren't following what IARC was doing, so I think that's  
16 what he's referring to at this time.

17 Q He's saying, yes or no, there's nobody fully  
18 up to speed at this time?

19 A Yes, that's what he's saying.

20 Q And then Ms. Link responds, and she says, hey,  
21 what about an oncologist; right? That's basically what  
22 she says there; right?

23 And she says, "Then the opinion piece becomes  
24 I don't know IARC or how they can do this conclusion.  
25 What I do know is that..."; right?

1 A That's what's written there, yes.

2 Q She's suggesting let's go pick somebody who  
3 knows a little bit about glyphosate and get their  
4 opinion piece that, hey, I don't know anything about  
5 IARC or how they can do this, but here's my opinion;  
6 right?

7 A Based on their information about glyphosate  
8 safety, yes.

9 Q And at this time, you don't even know what  
10 IARC is going to do; right?

11 A We had our concerns, and I can explain them.

12 Q I'm not asking you to explain that because  
13 that wasn't my question.

14 You didn't know what IARC was going to do  
15 because they hadn't met yet until March of 2015; right?

16 A We were not certain what they would do.

17 Q But you're already putting the words in the  
18 mouth of somebody to write a piece in the nation's two  
19 newspapers before you even knew what IARC was going to  
20 do?

21 MS. COOK: Objection. Argumentative.

22 THE COURT: I'll sustain it.

23 You can move on to more questions, Mr. Frazer.

24 MR. FRAZER: All right. I'm fine.

25 THE COURT: Well, do you want to finish this

1 email or --

2 MR. FRAZER: No, no. We'll come back to it.  
3 It's so interesting it's going to take a little  
4 while.

5 THE COURT: We'll take a break, a morning  
6 break. Get upstairs, get a snack, some water,  
7 stretch your legs.

8 You know what I'm going to say next. Do not  
9 form or express any opinions about the case until  
10 it's finally given to you to decide. Do not do  
11 your own independent research on the case, talk to  
12 anybody about the case, research the parties, the  
13 issues, the attorneys, or anyone else involved.

14 We'll take about ten minutes and we'll come  
15 back down and we'll finish off the morning.

16 (Recess taken.)

17 THE COURT: You may be seated.

18 Turn it back over to Mr. Frazer.

19 MR. FRAZER: Good morning again, everybody.  
20 Counsel.

21 May it please the Court.

22 THE COURT: When you're ready.

23 MR. FRAZER: I will say I tried sit down and I  
24 didn't get a chance to, your Honor, so I'm going to  
25 try right through here to get to the lunch break.

1 I think you said you wanted to stop around noon.

2 THE COURT: Well, my assistant will text me as  
3 soon as the food is ready. When I get that text,  
4 I'll let you know, and we'll will stop.

5 MR. FRAZER: That's good.

6 THE COURT: Should be right around noon.

7 MR. FRAZER: Do you do a variety of food every  
8 day or the same thing?

9 THE COURT: We get something different every  
10 day. As soon as they get their favorites, they'll  
11 let us know and we'll keep ordering that for the  
12 rest of the trial.

13 MR. FRAZER: Well, mine will be barbecue,  
14 so -- just for the record.

15 BY MR. FRAZER:

16 Q So we're back on Exhibit 746. Do you have  
17 that? It's this long email chain, Pre IARC email chain  
18 where you're talking about, you know, getting these  
19 experts to say something.

20 Do you remember that?

21 A Yes. Getting some experts to engage, yes.

22 Q And the one I want you to look at is page 1653  
23 where before we left Ms. Link was saying why don't we  
24 get an oncologist, and I want to say what Dr. Goldstein  
25 says to that.

1                   Now, this is Dr. Goldstein, and he's the  
2 Monsanto medical doctor with the company; right?

3           A        He's our medical toxicologist, yes.

4           Q        He's the one that's asked about, by the PR  
5 people, hey, what about an oncologist, and here's what  
6 he says; right?

7                   He says, "Not meaning to be difficult, but  
8 why," in all caps, "would any medical professional  
9 outside of industry be paying any attention to what is  
10 fundamentally a," all caps, "nonissue, until IARC made  
11 it into one, which we," in all caps, "did not  
12 anticipate"; right?

13          A        Yes, I see that.

14          Q        Basically, isn't he basically saying, look,  
15 good suggestion, but that's just not going to work? No  
16 oncologist is going to do this?

17          A        No, I don't read it that way.

18          Q        Okay. Well, then he says -- let's see what he  
19 says. He explains himself, a doctor, medical doctor.  
20 He knows what other medical doctor do.

21                   We can agree on that; right?

22          A        Yes.

23          Q        And I'm assuming that people are asking Dr.  
24 Goldstein for his opinion because he a medical doctor,  
25 inside the company; right?

1 A They ask his opinion on a variety of things.

2 Q Yeah, here they're asking about oncologists,  
3 and he explains, "Firstly, oncologists," in all caps,  
4 "treat cancer"; right?

5 A Yes.

6 Q And I don't -- that's what oncologists do.  
7 When somebody gets diagnosed with cancer, they treat the  
8 cancer. They use chemotherapy, radiation, they might  
9 use alternative medicine, whatever it is, that's what  
10 oncologists do; right?

11 A Correct.

12 Q He says, "The patient has a disease when they  
13 get there."

14 He's talking about when they get to the  
15 doctor's office; right?

16 A Yes.

17 Q "That cause can only be reasonably well  
18 defined in a tiny fraction of cases"; right?

19 A That's what he says, yes.

20 Q And he lists them. He says, "Certain  
21 asbestos, benzene, or other chemical-induced cancers, if  
22 there is not exposure to other possible causes, and even  
23 then one can't be sure."

24 That's what he writes; right?

25 A That's what he's written, yes.



1 Q And he's trying to explain this from an  
2 oncologist standpoint; right?

3 A Yes, I believe that's what he's saying here.

4 Q And then Dr. Goldstein describes to everybody  
5 on this email chain why you don't have an oncologist be  
6 a spokesperson or write an article on this topic is,  
7 "The cause has, at this time, virtually no impact on  
8 treatment requirements"; right?

9 A He's put that there, but I don't I think it's  
10 related to glyphosate.

11 Q I'm not saying it's related -- the whole  
12 discussion is what about getting an oncologist to give  
13 an opinion and put it in a publication somewhere like  
14 USA Today and the Washington Post about glyphosate.  
15 That's what the whole discussion is; right?

16 A Yes.

17 Q And he's saying you can't do that because  
18 oncologists don't work on things like cause. They --  
19 because it has no impact on how they treat somebody for  
20 cancer, and that's what they do; right?

21 A Correct.

22 Q Okay. Then on down he says -- let's go on  
23 down to the question. Keep going. "The operant  
24 question."

25 What's the word "operant" mean? I don't even

1 know what that means.

2 A I don't know what he means.

3 Q He says, "The operant question, and it is an  
4 urgent one, is do we want to hire one or more  
5 toxicologists or research oncologists to get up to speed  
6 on this issue. I have contacted a group of  
7 toxicologists over the past two weeks and," in all caps,  
8 "might be able to get them up to speed on this issue,  
9 along with some oncologists, but I do not see much  
10 chance someone will want to invest the needed time just  
11 to be helpful to Monsanto."

12 Right?

13 A That's what it says, yes.

14 Q Dr. Goldstein was looking for toxicologists  
15 and oncologists who would be helpful to Monsanto?

16 A To understand the IARC situation, yes.

17 Q Well, he writes to be helpful. He doesn't  
18 write to give us an independent opinion on anything,  
19 does he?

20 A I think that's a given that that's what we  
21 would be expecting.

22 Q Well, if you hired somebody like -- somebody  
23 that wrote one of the papers that links glyphosate  
24 exposure to cancer, that wouldn't be helpful to the  
25 company; right?

1           A     I would agree with that.

2           Q     Okay. Then he says at the bottom, "We could  
3 go to the Wash U. and get several local people if that  
4 helps, but if we want these folks, we will need to make  
5 them fast."

6                     Do you see that?

7           A     I see that written, yes.

8           Q     Wash U., he's referring to Washington  
9 University right here in St. Louis?

10          A     Correct.

11          Q     He's saying, hey, look, I can get several  
12 local people, if it's going to help, but if we're going  
13 to, the folks, we will need to make them fast; right?

14          A     Yeah, I don't know what he means by that. He  
15 just says we could go to Wash U. and talk with them, but  
16 we have to do this quickly.

17          Q     Well, another word for make is create, isn't  
18 it?

19          A     I wouldn't read into that that way.

20          Q     How would you make somebody --

21          A     I don't know.

22          Q     -- unless you tell them what to do?

23                     MS. COOK: Your Honor, argumentive and  
24 foundation.

25                     THE COURT: If she has an answer, I'll let her

1 answer it, and then I'll ask Mr. Frazer to move on.

2 THE WITNESS: I think he's making that up into  
3 what he wants it to be. I don't think that's what  
4 it represents.

5 BY MR. FRAZER:

6 Q We can agree that he was unsuccessful going to  
7 Wash U. to get any local people to help; right?

8 A I don't know.

9 Q You're the public spokesperson. You ever see  
10 anybody from Washington University School of Medicine  
11 right here in St. Louis write an article in favor of  
12 glyphosate and Roundup in any scientific periodical or a  
13 newspaper?

14 A I'm not aware of it.

15 Q Okay. All right. Let's go to the next --  
16 roll forward one page here.

17 And if you want to look at even the prior  
18 page, that's where the email starts. Let's start there.  
19 Clauss, Kelly.

20 Who is Kelly Clauss?

21 A She's another woman in the public affairs  
22 group.

23 Q Okay. And she writes back to Dr. Goldstein,  
24 that last sentence there, "We do not have the luxury of  
25 putting together a wish list, but we can be effective

1 working with the experts that are engaged."

2 Do you see that?

3 A I do.

4 Q And if we turn the next page, she -- she  
5 writes about some epidemiologists that maybe Monsanto  
6 ought to consider; right?

7 A I see that, yes.

8 Q She listed five there; correct?

9 A Correct.

10 Q We'll talk about Mr. Sorahan at length today,  
11 but the first one she lists is Tom Sorahan from over in  
12 Great Britain; right?

13 A Correct.

14 Q And he already was on the Monsanto payroll at  
15 the time; right?

16 A I wouldn't characterize that. Dr. Sorahan  
17 acted as an outside expert and gave us advice on various  
18 subject matters.

19 Q You all selected him to actually go to IARC  
20 and represent the company at the IARC meeting in March  
21 2015, didn't you?

22 A Yes, he was an observer, as IARC allows.

23 Q He got paid by the hour to get on a plane  
24 somewhere in probably London, I guess, and fly to the  
25 IARC meeting in France in March of 2015; right?

1           A       When you have a consultant, they need to be  
2 paid for their time, and we would have done what was a  
3 natural thing with Dr. Sorahan.

4           Q       Yeah, there's nothing wrong with that, is  
5 there, paying a credentialed expert like Tom Sorahan to  
6 get on a plane, fly somewhere, attend a conference, take  
7 notes, report back, and fly back home.

8                   That's done all the time by Monsanto; right?

9           A       It's done by a lot of different organizations,  
10 not just Monsanto.

11          Q       Yeah. And to make a big deal out of that is  
12 not really fair, is it?

13          A       No, I don't think it is.

14          Q       Okay. Now, the second person -- so we know  
15 Tom Sorahan went to IARC in March of 2015; right?

16          A       Yes.

17          Q       He actually got to participate in a meeting  
18 too, didn't he?

19          A       He had a publication that they wanted to  
20 discuss, and so they did have conversations with  
21 Dr. Sorahan.

22          Q       Well, he wrote emails back to you saying, hey,  
23 I think I've been pretty effective today at the IARC  
24 meeting, didn't he?

25          A       He did write back, but that is not what he

1 wrote.

2 Q We'll look at those in a minute.

3 We got Pam Mink, Emory in Atlanta. I guess  
4 that's the Emory School of Medicine.

5 Do you see that?

6 A I see that, yes.

7 Q She's listed there because she did a recent  
8 epidemiology review on glyphosate, one paid review on  
9 cancer, and one paid review on noncancer, and the  
10 Monsanto contact is Dan.

11 That's Dan Goldstein; right?

12 A Correct.

13 Q She was paid for her time by Monsanto to do  
14 those two papers; right?

15 A We asked her to do a review of the  
16 epidemiology out there on cancer and noncancer and we  
17 would pay her for her time, yes.

18 Q And then you mentioned John Acquavella. He  
19 was actually -- we talked about him on Tuesday. He was  
20 the former epidemiologist at Monsanto?

21 A Dr. Acquavella, yes.

22 Q Says he's very familiar with exposure. He did  
23 the Farm Family Exposure. "He also might be able to  
24 contact us to others."

25 And you were the contact for him?

1           A       I was.

2           Q       You got Elizabeth Delzell from the University  
3 of Alabama Birmingham. I'm assuming that's the  
4 University of Alabama School of Medicine which is  
5 located at UAB in Birmingham.

6           A       I don't remember exactly where she is, but  
7 she's with the University of Alabama in Birmingham.

8           Q       She's described as being reasonably familiar;  
9 right?

10          A       That's what's written there, yes.

11          Q       Dr. Goldstein is listed as her contact; right?

12          A       Correct.

13          Q       And then you mention another person at the  
14 University of Alabama Birmingham. And I'll garble this  
15 name, but it looks like Nalini Sathiakumar; right?

16          A       That's what it looks like. That's what Kelly  
17 has written there, yes.

18          Q       It says that that person, that doctor works  
19 with Elizabeth -- I'm assuming that's who Elizabeth in  
20 No. 4 -- and is reasonably familiar, and Dr. Goldstein  
21 again is the contact; correct?

22          A       Correct.

23          Q       Now, none of these people wrote the article  
24 that was talked about in this email Exhibit 746; right?

25          A       Not that I remember, no.



1 Q So Pam Mink did not, John Acquavella did not,  
2 Elizabeth Delzell did not, and Nalini Sathiakumar did  
3 not; right?

4 A I don't even know if they were contacted to do  
5 it so, you know.

6 Q Well, you're listed as a contact for  
7 Dr. Acquavella. Did you ask him to do it?

8 A Again, I don't remember contacting  
9 Dr. Acquavella about this.

10 Q Okay. And I skipped over Dr. Sorahan. He  
11 didn't do it either; right?

12 A I -- again, I wasn't involved in this, and  
13 this was Doctor -- this was Kelly's responsibility, and  
14 I would have just connected her with Dr. Sorahan to move  
15 forward on this.

16 Q And another bullet point in response is,  
17 "Toxicologists are tougher since we have not actively  
18 maintained our relationships with them."

19 Do you see that?

20 A I do.

21 Q And you say, Look, here are four we can  
22 identify, but they'd cost us about \$2,000 each; right?

23 A Again, when you hire experts, you pay for  
24 their time.

25 Q But those are the four you identified, and the

1 estimate was we're going to have to pay them 2K, which  
2 is \$2,000 each; right?

3 A Again, this is not my document. This is Kelly  
4 Clauss's document.

5 Q Yeah, I'm just saying that's what was written  
6 in this document. She's a Monsanto employee; right?

7 A That's what's written in this document, yes.

8 Q And you didn't write her back and say, hey,  
9 Kelly what you talking about? You're out of your mind?  
10 Don't suggest that at all.

11 You never said that, did you?

12 A This is all a proposal on how we're going to  
13 communicate a classification that we felt we would  
14 disagree with, and this is just a proposal that we were  
15 doing to be prepared.

16 Q And then you got four toxicologists listed:  
17 Mike Holland, Pennsylvania; Bill Banner, Oklahoma; Scott  
18 Phillips, Colorado and Washington, who knows; and  
19 Michael Greenberg, Pennsylvania.

20 Do you see that?

21 A I do.

22 Q You couldn't find one here in St. Louis?

23 A So, again, this wasn't my list, and these are  
24 medical toxicologists that Dr. Goldstein would have  
25 worked with.

1 Q And none of these people said yes and wrote an  
2 article that is contemplated by Exhibit 746; correct?

3 A Again, I'm not the one that followed up with  
4 them. I don't know what transpired.

5 Q Okay. Well, have you seen an article written  
6 by any of those people about glyphosate in your entire  
7 lifetime?

8 A Not that I remember.

9 Q Okay. Let's flip ahead just a teeny-weeny bit  
10 to the page 1650, the Bates number at the bottom  
11 right-hand corner, please, ma'am, of Exhibit 746.

12 Are you there?

13 A I am.

14 Q I guess that's what page we were on. At the  
15 bottom of the page, there's a draft suggested; right?

16 A I think this is how they're going to contact  
17 them, so these are drafts of how you would contact some  
18 of these outside experts.

19 Q Okay. All right. Let's turn ahead, and  
20 Dr. Goldstein responds to this email chain about the  
21 epidemiologists we just looked at from Dr. Sorahan on  
22 down to the two from UAB.

23 He says, quote, I think all the  
24 epidemiologists belong, and he puts that word in  
25 quotation marks, to Donna, even if you got the

1 suggestion from me; right?

2 A I see that.

3 Q Okay. Let's flip the next page back to the  
4 front here. And here we learn in your email at the  
5 bottom that "Tom Sorahan is going to be our observer at  
6 IARC, and John Acquavella and Elizabeth Delzell are  
7 consulting with us and working on projects for IARC."

8 Do you see that?

9 A Correct.

10 Q And Dr. Sorahan actually did go to IARC;  
11 right?

12 A Yes. He was an observer accepted by IARC,  
13 yes.

14 Q Okay. And then we look up there and we see  
15 that the last email or the top email Ms. Lord is  
16 explaining to you, because you weren't on some of the  
17 earlier emails, that Potomac Communications is a media  
18 house that is writing op eds and letters to editors in  
19 response to negative press surrounding glyphosate;  
20 right?

21 A They're to be prepared, yes, if they need to.

22 Q And Ms. Lord, who's again the head or at the  
23 top, I don't know if she's the head, for public affairs,  
24 public relations, she says that these would be, quote,  
25 Authored by those on the list and placed by Potomac in

1 media where needed. Potomac writers would do the heavy  
2 lift with the expert authors as the final editor; right?

3 A Yes. The Potomac writers would act as  
4 technical writers for the authors.

5 Q So Potomac, do you know if Potomac had any  
6 toxicologists in its company?

7 A I'm not aware.

8 Q They're a PR agency out of Washington, D.C.;  
9 right?

10 A Again, as you can see below, I was asking who  
11 is Potomac. I did not know who they were.

12 Q And after all this discussion about  
13 epidemiologists and oncologists and toxicologists and  
14 poison control center people, somebody to write  
15 something, we learn on this page, February 27, 2015,  
16 that the PR firm, Potomac, is going to write the  
17 article, do the, quote, heavy lift, and just let the  
18 expert pick be the final author; right?

19 A I wouldn't read it that way. They would work  
20 with those experts to draft what they want to say, and  
21 then those authorities would be the final editors of  
22 that piece.

23 Q She says Potomac writers would do the heavy  
24 lift; right?

25 A And the heavy lift is to get the words on the

1 paper. So they would have discussions with the experts,  
2 put down what the experts would like to say, and then  
3 the experts, as they say, would be the final editors.

4 Q Well, I've never written a scientific article,  
5 but I've had to write a few term papers, and the  
6 heaviest lift in doing the term paper is doing the  
7 research and getting the first draft of it; right?

8 A So, again, if you are very busy, it's very  
9 hard to take the time --

10 Q Is that right or wrong?

11 MS. COOK: Your Honor, I'm going to object and  
12 let the witness answer.

13 THE COURT: I'll sustain the objection. I'll  
14 let you ask another witness.

15 BY MR. FRAZER:

16 Q The heavy lift -- we can agree, on writing a  
17 term paper -- you've written a term paper before,  
18 haven't you?

19 A Yes.

20 Q All right. On writing a term paper is you got  
21 to do the research and you've got to get that first  
22 draft down; right? That's the heaviest lift involved;  
23 right?

24 A Yes.

25 Q And that's what Potomac is getting hired to do

1 right here; right?

2 A That's what I was saying. They're going to  
3 help get that information to the experts, and then they  
4 will write down what the experts want to say, and then  
5 the experts will be the final editor.

6 So the heavy lift here is how they would work  
7 with the experts and how they wanted them to help them.

8 Q And if you did a term paper for somebody else,  
9 the heavy lift part, the research and the first draft,  
10 and then you turned it in with your name on it, that  
11 would be academic fraud, wouldn't it?

12 MS. COOK: Your Honor, I'm going to object to  
13 argumentative.

14 THE COURT: I'll agree that it's  
15 argumentative. I'll sustain the objection.

16 BY MR. FRAZER:

17 Q It would be false if you researched and wrote  
18 a term paper for somebody else and that person submitted  
19 it as their own term paper; right?

20 MS. COOK: Same objection.

21 THE COURT: All right. I'll let her answer  
22 the question, and then I'll ask Mr. Frazer to move  
23 on.

24 THE WITNESS: As you said it, yes.

25

1 BY MR. FRAZER:

2 Q That would be acting as an imposter, would it  
3 not?

4 A So again, I don't know what term you want to  
5 use, imposter. It would be unethical to do that that  
6 you presented in that way.

7 Q It would be unethical to do it?

8 A As you presented it, yes.

9 Q We'll agree on that one.

10 All right. Going to hand you what's been  
11 marked as Plaintiff's Exhibit 2511. This is an email  
12 that you wrote; is that right?

13 A It is, but I haven't seen this in a while, so  
14 if I can take a chance to look at what it is.

15 Q You've never even been asked any questions  
16 about this in any of your prior testimony about this  
17 document, have you, ma'am?

18 MS. COOK: Your Honor, may we approach?

19 (Counsel approached the bench and the  
20 following proceedings were had:)

21 THE COURT: All right. Ms. Cook.

22 MS. COOK: Your Honor, this goes to the reason  
23 she hasn't been asked about it is because this is  
24 irrelevant and prejudicial and goes to our motion  
25 in limine about -- you see how it's talking about



1 estrogen levels and reproductive issues, which is  
2 the same, in the same motion as the endocrine  
3 motion that you granted.

4 THE COURT: Mr. Frazer.

5 MR. FRAZER: I'm willing to redact all of this  
6 document with the exception of the first email,  
7 your Honor. It doesn't say anything about that.

8 And it goes to her ghostwriting, your Honor.  
9 I'll connect it with another exhibit that relates  
10 to it in just about two minutes if you allow me to  
11 proceed.

12 MS. COOK: I mean, your Honor, to me, this  
13 email has no context except for the inappropriate  
14 context that shouldn't be admissible, so I would  
15 still object.

16 THE COURT: So I'll do this. I'll allow just  
17 the initial email in with him to tie it up, and if  
18 it doesn't get tied up, at a break we'll take  
19 whether or not I'm going to -- but we'll see where  
20 he's going on his impression that he's not --  
21 because there's also an article attached. So all  
22 we're talking about is the first email from the  
23 name "Donna" up; correct?

24 MR. FRAZER: Right.

25 THE COURT: I'll allow that and let you try to

1 tie up the loose end, and if it doesn't get tied up  
2 we'll take it up at the lunch break.

3 MS. COOK: Thanks.

4 (Proceedings resumed in open court.)

5 BY MR. FRAZER:

6 Q Okay. Do you have Exhibit 2511 in front of  
7 you, ma'am?

8 A Yes, I do.

9 Q And the Court's made a ruling. We're only  
10 going to look at the top, the first email on -- the  
11 first email in this chain at the top of the page 1.  
12 Okay?

13 A Okay.

14 Q So when it comes up on the screen, once it  
15 does, you'll know why the rest of it's blank. Okay?

16 A Okay.

17 Q Because the judge is the keeper of all  
18 evidence in this case.

19 Do you understand that?

20 A I do.

21 Q All right. This is an email that you wrote,  
22 ma'am?

23 A It was.

24 Q Wait just a minute, Ed.

25 And it's dated October 3, 2000?

1 A It is.

2 Q It predates all that IARC email stuff we were  
3 talking about earlier just now; right?

4 A Yes.

5 Q By 15 years; correct?

6 A Yes.

7 MR. FRAZER: Your Honor, I move this into  
8 evidence as consistent with the Court's ruling.

9 THE COURT: I'll admit it based on our  
10 conversation at sidebar for the limited purposes at  
11 this time.

12 BY MR. FRAZER:

13 Q All right. I want to focus you in on where it  
14 says, the third line down, Tom Caratto.

15 Do you see that?

16 A I do.

17 Q If you blow that up, just the rest of that  
18 paragraph there.

19 It says, "Tom Caratto wrote a letter. I  
20 helped write the technical stuff, but good ole Tom  
21 signed it."

22 Do you see that?

23 A I do.

24 Q "I wrote a letter. I helped write the  
25 technical stuff, but good ole Tom signed it, to an

1 editor of Lappe and Britts regarding errors in their  
2 prepublication book and boy, oh, boy did that set the  
3 wheels turning."

4 Right?

5 A Yes.

6 Q What you're saying there is that you got a guy  
7 named Tom Caratto -- he was outside Monsanto Company;  
8 right?

9 A No, he was one of our regulatory lawyers.

10 Q You got a lawyer to write a letter in the  
11 company?

12 A I didn't get him to. Tom wrote the letter,  
13 and then I helped with the technical aspects that Tom,  
14 as the lawyer, would not have known.

15 Q Okay. And you sent it to an editor of Lappe  
16 and Britts.

17 What's Lappe and Britts?

18 A I think they were -- it was an article they  
19 had -- as you can see, we're talking about errors in  
20 their publication. So Mr. Caratto sent this to the  
21 editors of the Lappe and Britts publication.

22 Q Okay. Set that aside.

23 Handing what's been marked as Plaintiff's  
24 Exhibit 78.

25 Do you have that in front of you, ma'am?

1 A I do.

2 Q All right. You're familiar with this email,  
3 aren't you?

4 A Yes, I am.

5 Q You've seen this one before, haven't you?

6 A I have.

7 Q And if we go to the -- this is written by, it  
8 would have been your boss at the time, Michael Koch,  
9 K-o-c-h; right?

10 A Yes, Dr. Koch was my boss.

11 Q And the subject matter is "Post IARC  
12 activities to support glyphosate"; right?

13 A Correct.

14 Q So this comes after IARC has met. They still  
15 haven't published their opinion, but they've met; right?

16 A No. They published their opinion on March  
17 20th in the Lancet. The monograph had not been  
18 published yet.

19 Q Yeah, the whole monograph hadn't been  
20 published. Lancet had done a -- pre-published part of  
21 it or something like that?

22 A No, that was --

23 Q The whole thing?

24 A Not the whole thing. Lancet came out with  
25 what those five pesticides were classified as with the

1 reasons why IARC did.

2 So this is between when the Lancet article  
3 came out and the full monograph on glyphosate.

4 Q Yes. And if we go down --

5 MR. FRAZER: I move this into evidence, your  
6 Honor.

7 THE COURT: Any objection?

8 MS. COOK: No, your Honor.

9 THE COURT: All right. It will be admitted.

10 BY MR. FRAZER:

11 Q Let's pull that up now, 78. Let's go to the  
12 first page.

13 All right. You see where Dr. Heydens, your  
14 colleague, you're copied on this one, he writes to  
15 everybody, including Michael Koch, Kimberly Hodge-Bell,  
16 and David Saltmiras.

17 Do you see that?

18 A I do.

19 Q Were all of the people in this email chain  
20 toxicologists in the company at the time?

21 A Yes.

22 Q Okay. Is that the entirety of the  
23 toxicologists or the only ones focused on glyphosate at  
24 the time?

25 A They were the ones that were working on

1 glyphosate at the time. There were others.

2 Q Okay. So Dr. Heydens is writing everybody  
3 who's a toxicologist at Monsanto that's focused on  
4 glyphosate on May 11, 2015; right?

5 A Yes, I see that.

6 Q And he says this, "Here's what I think I heard  
7 (and one question) at our meeting today."

8 So you had a meeting earlier that day, the  
9 same group of people?

10 A I believe that to be true, yes.

11 Q And he says, Hey, if you got any corrections  
12 or additions to what I'm about to write, send them to  
13 me; correct?

14 A Correct.

15 Q And he says the first thing went to do is  
16 conduct and publish a meta-analysis; right?

17 A Yes.

18 Q And he says that "We," I'm assuming the  
19 toxicologists in the company, people on this email,  
20 "will recommend proceeding with this"; correct?

21 A Yes.

22 Q Then he says, "Publish an updated AHS study."  
23 He's talking about the agricultural health  
24 study data; right?

25 A Correct.

1 Q The Agricultural Health Study is just this big  
2 database that you can go into and extrapolate and try to  
3 get meaning out of the data; right?

4 A The data, the Agricultural Health Study has  
5 collected data since 1993 that's publically available  
6 that you can also go in and request to evaluate the data  
7 the way the Ag Health Study authors do.

8 Q All right. So that's one of his suggestions.  
9 Then he says we need to set up a one-hour  
10 meeting with Gary Williams and Larry Kier -- we talked  
11 about Mr. Kier already, on genotox and mode of action;  
12 right?

13 That's MOA?

14 A Yes.

15 Q All right. Then the next topic is publication  
16 on animal data cited by IARC.

17 Do you see that?

18 A I do.

19 Q And the second bullet point says, "Manuscript  
20 is to be initiated by MON."

21 M-O-N, that's Monsanto; right?

22 A Correct.

23 Q As -- what does he write there?

24 A Ghostwriters.

25 Q Ghostwriters.



1           What's that mean?

2           A     Well, in the way that I would describe  
3 ghostwriters is that you have someone who wrote an  
4 article that someone else would put their name on it and  
5 publish it and never identify you. But this has to be  
6 put in context of how this was used in this particular  
7 situation, because it's not -- this doesn't represent  
8 what I just said.

9           Q     Ghostwriting would include where somebody else  
10 does all the heavy lifting, does the first draft, and  
11 their name doesn't go on the term paper; right?

12          A     It's one of the definitions. There's a number  
13 of definitions of ghostwriting, but that's not what is  
14 being referred to here.

15          Q     But we can agree that this is what Dr. Heydens  
16 calls it, not plaintiff's counsel; right?

17          A     That's not Dr. Heydens who put that in there.

18          Q     Well, in his email --

19          A     You see how it looks differently, it's grayed?  
20 It's comments from Dr. Koch from up above.

21          Q     Okay.

22          A     And again, the way that this is being used in  
23 here is not what we're talking about with not giving  
24 credit to the person who wrote it.

25          Q     Well, he said this is out of the meeting that

1 all had today; right?

2 A Yeah, I know he used the term, but I know what  
3 happened, and I know what he meant.

4 Q And he says, "Please send any corrections or  
5 additions"; right? We just read that.

6 A Again, that's not how it happened. He used  
7 those words, but that was not the intent.

8 Q I understand you're correcting it and adding  
9 to it today, but you never did that back in 2015.

10 A Because I understood what he meant by it.

11 Q You never did it in 2015, did you?

12 A No, because I knew what he meant by it.

13 Q Okay. And ghostwriting is not something that  
14 that some lawyer made up. This is something that you  
15 scientists were talking about; right?

16 A Again, the way this term is being used is not  
17 the way that we've used it as a definition of not giving  
18 credit to one of the authors.

19 Q Can you and I both agree that ghostwriting is  
20 not science?

21 A I would agree with you.

22 Q Thank you.

23 The very next bullet point, he says, he or  
24 somebody in a meeting, says, quote, It was noted that  
25 this would be more powerful if authored by nonMonsanto

1 scientists; e.g., Kirkland, Kier, Williams, Greim, and  
2 maybe Keith Solomon; right?

3 A Greim and Keith Solomon as well, yes.

4 Q That's what he writes; right?

5 A Yeah, that's what's written there.

6 Q Let's get somebody that doesn't have a  
7 Monsanto employment status and get them to write this  
8 article?

9 A We would like to engage with people who have  
10 worked with glyphosate before to write those articles,  
11 yes.

12 Q And let the manuscript that these folks  
13 hopefully will write be initiated by MON, Monsanto, as  
14 ghostwriters; correct?

15 A Again, it's not as ghostwriters. They would  
16 act as technical writers to help get these publications  
17 moving forward.

18 Q And actually, that happened, didn't it? We  
19 looked at the Kier -- is it Kier? I can't remember.

20 A Dr. Kier.

21 Q We looked at the Kier, two Kier articles that  
22 were in that EPA document; right?

23 A But Dr. Kier wrote those, and Dr. Kirkland.

24 Q Okay. We'll look at that in a little while.

25 But they're mentioned right here when you're

1 talking about Monsanto is going to initiate the  
2 manuscript as a ghostwriter; right?

3 A Again, ghostwriting as you're saying it is not  
4 what happened. This would have been technical writing.

5 Q Okay. The only person that responded to, sent  
6 my corrections or additions was the boss of the whole  
7 department, Michael Koch; right?

8 A In this email, yes.

9 Q And the boss of the whole department says,  
10 "Bill, I agree with everything you've written and have a  
11 couple of suggested additions. Please see green text  
12 below."

13 I don't have the green text, so I don't know  
14 what that is, but that's what he writes; right?

15 A Yes.

16 Q You didn't write in and make any corrections  
17 or additions, did you?

18 A As I said, there was a lot of discussion going  
19 on other than just this email, and we all had  
20 conversations, so we knew what was meant.

21 Q David Saltmiras didn't write in any  
22 corrections or additions?

23 A Again, we had all been in meetings, and we  
24 knew what was being written.

25 Q I guess that's no, he didn't, but we'll let

1 that stand.

2 And Kimberly Hodge-Bell did not send any  
3 additions or corrections?

4 A No. None of us did, because we were all in  
5 meetings together.

6 Q Dr. Farmer, I'm handing you what's been marked  
7 as Plaintiff's Exhibit 639.

8 Do you have that in front of you, ma'am?

9 A (No response.)

10 Q Have you seen that one before, ma'am?

11 A I have.

12 MR. FRAZER: Your Honor, we move 639 into  
13 evidence.

14 THE COURT: Any objection?

15 MS. COOK: None, your Honor.

16 THE COURT: It will be admitted.

17 BY MR. FRAZER:

18 Q Let's look at the front page there. This is  
19 pre IARC. We're going back and forth a little bit, but  
20 that's what you have to do in a case like this. I  
21 apologize.

22 But you see that Exhibit 639 is a February  
23 12th, 2015, email from Kimberly Link to you and  
24 Dr. Heydens.

25 Do you see that?

1 A I do.

2 Q Ms. Link, again, is somebody in the PR  
3 department at Monsanto; right?

4 A Yes.

5 Q In fact, any time we see anybody with an email  
6 address that says in parentheses, AG something or  
7 whatever, we know that that's a Monsanto employee  
8 correct? That's an internal email?

9 A It says @Monsanto.com. That was our email.

10 Q And the subject matter is "Revised IARC  
11 Reactive Messaging"; correct?

12 A Correct.

13 Q And still, just so we keep this time frame in  
14 our mind, February 12, 2015, there's nothing to react to  
15 from IARC; right?

16 A We are preparing for what might be some of  
17 their decisions. As a big company, we do our due  
18 diligence.

19 Q But there's nothing to react to because IARC  
20 hasn't even met yet at this date; correct?

21 A We -- I would disagree with you on that. We  
22 are aware of how IARC makes decisions and we are  
23 preparing for what outcome they would do.

24 Q IARC didn't meet until March of 2015; right?

25 A They did not.

1 Q This is dated February 2015; correct?

2 A It is. We wanted to be proactive versus being  
3 reactive.

4 Q You wanted to be proactive versus reactive?

5 A Yes. Because we want to be prepared for  
6 whatever they came out with, as a company would do. We  
7 were looking at all possible outcomes.

8 Q You just edited the subject matter of this  
9 email. It says reactive, doesn't it?

10 A It says reactive, but this is like a proactive  
11 plan so that we're not just waiting until a  
12 classification -- the misclassification comes out to  
13 react.

14 Q There's nothing that -- the word "proactive"  
15 is not in Exhibit 639, is it?

16 A No, it's not.

17 Q The word "reactive" is in Exhibit 639;  
18 correct?

19 A It is after the classification comes out how  
20 we will react, yes.

21 Q It's in the subject matter and it's actually  
22 in the last sentence there, "We should be in good shape  
23 for the reactive plan"; correct?

24 A Correct. This is proactively planning how to  
25 react after IARC makes its decision.

1 Q Okay. All right. Let's turn the page.

2 And we have a multipage document attached to  
3 this email that is entitled "Glyphosate Key Points  
4 Following IARC Decision"; right?

5 A Correct.

6 Q And the first sentence -- let's go to the  
7 second -- do you have the second page?

8 THE COURT: Do you want to switch to the ELMO?

9 MR. FRAZER: Your Honor, may I use yours?

10 Switch to the ELMO, s'il vous plait.

11 BY MR. FRAZER:

12 Q You see at the top of the first page of the  
13 attachment is a draft dated February 12th, 2015?

14 A I do.

15 Q And the title of it is "Glyphosate Key Points  
16 Following IARC Decision"; right?

17 A Correct.

18 Q And the first thing that's written there says,  
19 "This component represents the" what?

20 A Do you want me to read that?

21 Q Just those two words right there.

22 A Orchestrated outcry.

23 Q "Represents the orchestrated outcry that could  
24 occur following the March 3 - 10 IARC Monograph expert  
25 meeting. The following reactive communications efforts



1 would be deployed if glyphosate receives an unfavorable  
2 2B," all cap, "classification"; right?

3 A Correct.

4 Q Now, we know that IARC actually gave  
5 glyphosate technical, again, just pure glyphosate, a 2A  
6 classification; right?

7 A Yes. They misclassified it the 2A, yes.

8 Q Misclassified. That's a Monsanto position,  
9 right, misclassification?

10 A Not just Monsanto's, but regulators around the  
11 world also disagree with that classification.

12 Q Can you show me where they ever use the word  
13 "misclassification"?

14 A I use the word "misclassification."

15 Q Thank you.

16 Here you're predicting that glyphosate  
17 technical is probably going to get a 2B unfavorable  
18 classification from IARC; right?

19 A That was one of the premises that we were  
20 using at that time to prepare.

21 Q And what is a 2B classification?

22 A It is a possible human carcinogen.

23 Q Possible human carcinogen?

24 A Correct.

25 Q And IARC actually gave glyphosate technical a

1 2A classification, which is a probable human carcinogen;  
2 correct?

3 A That was their classification, yes.

4 Q All right. So just so the jury understands  
5 how this is all going to come out, you know, I don't  
6 like too much mystery in this stuff.

7 And the last sentence of that lead-in  
8 paragraph in italics says, "The proposed approach  
9 suggests industry associations and credible third  
10 parties lead and Monsanto plays a secondary role to  
11 defend its Roundup brand"; right?

12 A That's what she wrote there, yes.

13 Q Now it doesn't say defend glyphosate  
14 technical, does it?

15 A So if you're --

16 Q Does it? Just answer the question.

17 A No, it doesn't.

18 Q Okay. Thank you.

19 And then she says, "Here's some key industry  
20 points if we get a 2B decision."

21 That's basically how we should interpret that;  
22 right?

23 A I think that's fair.

24 Q Monsanto's -- if glyphosate technical is  
25 classified as a 2B possible human carcinogen, here are

1 some key industry points; right?

2 A Correct.

3 Q These are industry points.

4 A It's because we're the pesticide industry and  
5 we're not agreeing with what this classification would  
6 be, yes.

7 Q It doesn't say these are key scientific  
8 points; right?

9 A This is a public affairs document, and so to  
10 be able to make these statements, we would have to be  
11 able to back it up with science, and that's why Bill  
12 Heydens and I were involved in this document.

13 Q Okay. The first key industry point is, "We  
14 disagree with the decision made by IARC."

15 Right?

16 A Yes.

17 Q And, again, the decision hasn't been made yet?

18 A Again, we're preparing.

19 Q Okay. Key industry point No. 2 is, "The 2B  
20 classification does not establish a link between  
21 glyphosate and an increase in cancer. Possible simply  
22 means not impossible."

23 That's a key industry point; right?

24 A That's one of the points, yes.

25 Q Another key industry point is right there in

1 that sub-bullet: "Many common exposures are classified  
2 in 2B, including coffee, alcohol, and pickled  
3 vegetables"; right?

4 A That's written there, yes.

5 Q That's not a fair comparison, is it?

6 A I'm not -- I don't think she's trying compare  
7 anything. I think she's just saying that these are some  
8 of the things that IARC has put in Category 2B.

9 Q We drink coffee, alcohol, and we eat, some of  
10 us, pickled vegetables; right?

11 A But these are substances that IARC has  
12 categorized as Category 2B and, in fact, alcohol is in  
13 Category 1.

14 Q But there are a lot of other stuff that IARC's  
15 classified in 2B that sounds like a chemical; right?  
16 There's a ton of that stuff; right?

17 A Well, I think it's interesting to most of us  
18 in the public that they have classified alcohol and  
19 pickled vegetables and coffee, things that we're exposed  
20 to every day, in addition to some very serious  
21 chemicals, yes.

22 Q It wasn't coffee, was it? It was hot drinks.

23 A They changed it. At one point it was coffee,  
24 and then they reevaluated it and put it as hot drinks.

25 Q And it's super hot drinks that are consumed in

1 a particular part of South America; right?

2 A Again, they originally did --

3 Q Isn't that true?

4 A That's true, but they reclassified it.

5 Q And pickled vegetables are not like the  
6 pickled vegetables we go down to the IGA and buy for us  
7 or grandma does in her kitchen for us. They're pickled  
8 vegetables that are eaten exclusively in one little spot  
9 in Southeast Asia and they cause cancer because of the  
10 way they pickle the vegetables there; right?

11 A I don't know what pickled vegetables they used  
12 in their review.

13 Q You're on this email. Why would you let  
14 somebody -- why would you let an industry point talk  
15 about pickled vegetables if you didn't have any idea  
16 what pickled vegetables they were talking about?

17 A Again, it was taken off the IARC list, and so  
18 this is what she put on as a talking point.

19 Q We're going to look at the IARC list a little  
20 bit later today, and we'll see what they put there.  
21 These are the ones Monsanto suggested to make key  
22 industry points on; right?

23 A These are the ones that the public affairs  
24 people did, yes.

25 Q And we know that if you drink too much

1 alcohol, in some people, you're going to get liver  
2 cancer; right?

3 A It's more related to esophageal cancer.

4 Q But we know that if you drink too much alcohol  
5 you're going to get liver cancer.

6 A Again, a lot of these things are related to  
7 exposure. There are a lot of things that are  
8 carcinogens, like the sun that you're exposed all the  
9 time, and it's really related to your exposure.

10 Q Okay. Just want to make sure. You drink a  
11 can of Budweiser a day, you're probably not going to get  
12 liver cancer; right?

13 MS. COOK: Your Honor, this is argumentative  
14 and outside the scope.

15 MR. FRAZER: I'll withdraw the question.

16 THE COURT: Let's move on, Mr. Frazer.

17 BY MR. FRAZER:

18 Q All right. Let's go to that last bullet point  
19 on this page. It says, "There's no biological rationale  
20 for glyphosate presenting a chronic health risk because  
21 the herbicide targets an enzyme found in plants that  
22 does not exist in humans or animals."

23 Do you see that?

24 A I do.

25 Q That's a position -- that's a position you

1 can't even take publically in the United States; right?

2 You can't even make that claim, can you?

3 You've been told by the EPA not to do that?

4 A Scientifically, that is correct. The enzyme,  
5 the process that occurs in plants does not exist in  
6 humans or animals, so that's a technically correct  
7 statement.

8 Q But we looked at that first document on  
9 Tuesday when you wrote you can't say that Roundup  
10 formulated does not cause cancer because we don't have  
11 those studies, and what you mean by that are chronic  
12 long-term studies; right?

13 A Again, you need to put that back into context,  
14 that sentence.

15 Q That's what you mean, chronic long-term  
16 carcinogenicity studies; right?

17 A That we have not done that chronic  
18 carcinogenicity study on the formulated product, no.

19 MR. FRAZER: All right. Judge, you haven't  
20 got that text yet, have you?

21 THE COURT: No. Let's keep moving.

22 BY MR. FRAZER:

23 Q Dr. Farmer, I've handed you what's been marked  
24 as Plaintiff's Exhibit 662.

25 Do you have that in front of you?

1 A I do.

2 Q You're familiar with this exhibit?

3 A I am.

4 Q Your name is on there?

5 A With a lot of other people, yes.

6 Q And this is a year after, a year and a month  
7 after IARC met; right?

8 A Correct.

9 Q And the subject matter is, "Congratulations -  
10 Product Stewardship Spotlight"; right?

11 A Correct.

12 Q And it's an email to a lot of people in the  
13 company that if we turn --

14 MR. FRAZER: I move this into evidence, your  
15 Honor.

16 THE COURT: Any objection?

17 MS. COOK: No, your Honor.

18 THE COURT: It will be admitted.

19 BY MR. FRAZER:

20 Q Go to the last page where the email chain  
21 starts. Here's who it's to. And I just want to make  
22 sure we got it. Donna -- including. I'm not going to  
23 go through every name.

24 Donna Farmer, you're on there; right?

25 A I am, among a lot of different people, yes.



1 Q Daniel Goldstein is on there, Dr. Goldstein?

2 A Correct.

3 Q Christophe Gustin, who we haven't seen a  
4 document yet, we'll see a little bit later, he's on  
5 there; right?

6 A Dr. Gustin, yes.

7 Q Charla Lord is on here?

8 A Yes.

9 Q A guy named Daniel Jenkins is on here?

10 A Yes.

11 Q Samuel Murphey. We saw his picture on  
12 Tuesday. Do you remember that?

13 He's on here?

14 A We did, yes.

15 Q William Reeves. We saw his picture. He's on  
16 here?

17 A Correct.

18 Q And David Saltmiras. We saw his picture. We  
19 know he was in the toxicology department.

20 He's on here; right?

21 A Correct.

22 Q And it's product -- "Congratulations - Product  
23 Stewardship Spotlight."

24 Do you see that?

25 A Correct.

1 Q First paragraph, it says, "It's my pleasure to  
2 inform you that you have been selected to receive  
3 Monsanto's Stewardship Spotlight, a recognition awarded  
4 by product stewardship leaders for exceptional  
5 contributions by individuals and groups outside the  
6 traditional scope of the Product Stewardship Award of  
7 Excellence."

8 This is above and beyond the company's  
9 internal Product Stewardship Award of Excellence; right?

10 A That's what they said, yes.

11 Q It says, "Your efforts around," in bold  
12 letters, "defending glyphosate after IARC  
13 misclassification are a significant achievement, and you  
14 should be proud of this accomplishment"; right?

15 A Correct.

16 Q So these documents we've looked at that were  
17 pre IARC, how we're going to orchestrate outcry, a year  
18 later you get the highest award inside the company for  
19 doing whatever you did; right?

20 A Again, we disagreed with IARC's classification  
21 and we were going to speak publically and talk about the  
22 science that we knew behind it that talked to the safety  
23 of being not carcinogenic.

24 Q That wasn't my question. My question is you  
25 got the highest award in the company for doing all the

1 things we looked at about orchestrating outcry around  
2 the IARC decision; right?

3 A First of all, I don't think this is the  
4 highest award in the company. It's the highest award in  
5 the stewardship group.

6 And, yes, we did get recognized for trying to  
7 get the -- talk about why IARC misclassified glyphosate,  
8 yes.

9 Q It's actually higher than the highest award  
10 for stewardship is what the email says; right?

11 A In the stewardship group, yes.

12 Q And it includes all the people we talked  
13 about. In fact, all these people that get it are being  
14 recognized, commended for their efforts defending  
15 glyphosate after IARC misclassification; right?

16 A We agreed that IARC misclassified glyphosate  
17 and we were going to go out and speak publically and  
18 talk about the science that we knew that supported its  
19 safety, yes.

20 Q And did you get anything like a trophy or a  
21 medal or a bonus or anything? Can you remember  
22 whether -- a certificate? A plaque? Did you get  
23 anything that showed this?

24 A You know, I was just happy to do my job and to  
25 do my job well. This was a surprise. None of us asked

1 for this. We didn't file for this. This was given to  
2 us. Other people nominated us.

3 Q That wasn't my question.

4 My question was did you get anything besides  
5 this email?

6 A I don't remember.

7 Q Don't remember. Any stock options?

8 MS. COOK: Your Honor, asked and answered.

9 THE COURT: Okay. I believe she's said she  
10 doesn't remember so. I understand your point. You  
11 can move on.

12 MR. FRAZER: That's a good place to break,  
13 actually. Is that okay?

14 THE COURT: Yeah, we can take a break. It's  
15 about ten to noon. Your food is on the way. It's  
16 not quite here yet, but it will give you a chance  
17 to get a little bit set up before your food gets  
18 here.

19 We'll take a lunch break. It's ten to twelve.  
20 I'll say we'll plan on coming back right about one  
21 o'clock unless you guys haven't finished yet. So  
22 we'll check in with you around one and see how  
23 you're doing.

24 Once again, do not form or express any  
25 opinions about the case until it's finally given to

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
The Honorable Timothy J. Boyer

JOHN L. DURNELL,                    )  
  )  
      Plaintiff,                    )  
  )  
vs.                                    )  
  ) Cause No. 1922-CC00221  
MONSANTO COMPANY,                )  
  )  
      Defendant.                    )

TRIAL TRANSCRIPT

VOLUME 4B

Thursday, October 5, 2023



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23

24

25

1 this is the last time I heard this argument from your  
2 side.

3 (A short recess was taken.)

4 (The following proceedings were held in the  
5 courtroom in the presence of the jury:)

6 **THE COURT:** Everybody like their lunch  
7 today? That might be my favorite place that we order  
8 from. If you like it, just make sure you let  
9 Ms. Urban know. I'm going to turn it back over to  
10 Mr. Frazer to continue his examination of Dr. Farmer.

11 **MR. FRAZER:** Thank you, Your Honor. Good  
12 afternoon, ladies and gentlemen.

13 (The jury responds in unison.)

14 **DIRECT EXAMINATION**

15 **BY MR. FRAZER:**

16 Q. Did you have a good lunch?

17 A. I did, thank you. Did you?

18 Q. I think so. I can't hardly remember now.

19 A. Good afternoon.

20 Q. I think I've had the fourth turkey sandwich  
21 in a row this week.

22 **MR. FRAZER:** Counsel, may it please the  
23 Court, Your Honor.

24 Q. (By Mr. Frazer) We were talking a little  
25 bit about the preIARC meeting. I want to pull -- I



1 want to hand you 986. I think that's what --

2 You are familiar with Plaintiff's

3 Exhibit 986, correct?

4 A. I am.

5 Q. And it's the first page is actually an email

6 from you to a bunch of people, including Dr. Heydens,

7 right?

8 A. Correct.

9 Q. All right. Let's --

10 **MR. FRAZER:** Your Honor, I move this into  
11 evidence.

12 **THE COURT:** Any objection?

13 **MS. COOK:** No objection, Your Honor.

14 **THE COURT:** 986 will be admitted.

15 **MR. FRAZER:** Ed, if you don't mind, pull  
16 this up, please. Let's go to the next to the last  
17 page. That's really what I want to talk about. Let's  
18 blow up under "Strategies and Tactics."

19 Q. (By Mr. Frazer) By the way, this is dated,  
20 this draft here attached to this email is dated  
21 February 23, 2015, right?

22 A. It is, yes.

23 Q. And here we see what we've been kind of  
24 talking about preIARC, right?

25 A. Yes. I'm just trying to see which page.

1 Q. There are strategies and tactics involving  
2 preIARC and postIARC on this sheet, right?

3 A. Correct.

4 Q. And we see that preIARC, we seen earlier  
5 that we've seen words like orchestrate outcry preIARC,  
6 and here we skip down to Paragraph 4 at the bottom of  
7 the page, we see postIARC orchestrate outcry with IARC  
8 decision, right?

9 A. Yes, that's written there.

10 Q. So preIARC and postIARC, one of the  
11 strategies and tactics as listed on this page,  
12 Plaintiff's Exhibit 986, is to orchestrate outcry at  
13 both times before and after?

14 A. I think the preIARC, yes, we were going to  
15 talk about IARC in terms of their classification that  
16 we didn't agree with.

17 Q. So there is going to be outcry orchestrated  
18 before IARC meets and there is going to be outcry  
19 orchestrated after IARC meets. That's what post  
20 means, right?

21 A. Yeah. I think that the orchestrated outcry  
22 was for postIARC, but it came from the preIARC  
23 planning.

24 Q. Okay. Well, we looked at it earlier and it  
25 was preIARC orchestrate outcry where you were trying

1 to get an author out there, get them out there before  
2 IARC even meets. Do you remember that?

3 A. I think that was still for when IARC made  
4 its decision.

5 Q. You are telling me that preIARC is not  
6 orchestrating outcry, it was preorchestrating  
7 orchestrating outcry?

8 A. I think it has been used multiple times.  
9 And here, again, what we were talking about is that we  
10 were going to be very public in disagreeing with IARC  
11 in its classification, if it happened.

12 Q. You mean orchestrate is it literally like  
13 what a conductor does to conduct it, make it happen;  
14 point this direction, get the violins to play, point  
15 this direction, get the violas to play?

16 A. Orchestrate outcry weren't my words. They  
17 were the public affairs people. I would leave it to  
18 them to describe how they were going to do that.

19 Q. Okay. Let's go to 982. Skip 982. Can't  
20 find -- move on to something else.

21 Let's go to Plaintiff's Exhibit-- here we  
22 go.

23 **MR. FRAZER:** 982 is back in play, Your  
24 Honor.

25 Q. (By Mr. Frazer) Dr. Farmer, handing you

1 what has been premarked as Plaintiff's Exhibit 982.

2 This is an email that you wrote, at least the first  
3 page. At the top is an email from you to Dr. Heydens.

4 Well, it is to you with a copy to Dr. Heydens, and it  
5 is from Thomas Sorahan, right?

6 A. It is here at the top of the first page.

7 Q. Yes, ma'am.

8 A. Yeah. It looks like it's from Dr. Sorahan  
9 to me copying Dr. Heydens.

10 Q. It is dated March 3, 2015. Do you see that?

11 A. I do.

12 Q. And that was the last day that the IARC  
13 group met on glyphosate, right, March 10?

14 A. I believe it was.

15 Q. All right. So this email, if we go back to  
16 the very last page, you actually have to start at the  
17 next to last page to see who it is from. You can see  
18 it starts on Tuesday March 3rd --

19 A. Yes.

20 Q. -- from Tom Sorahan?

21 A. Yes.

22 Q. There is another one on March 4th from Tom  
23 Sorahan, very next one?

24 A. Correct.

25 Q. There is one on March 5th from Tom Sorahan?

1 A. Yes.

2 Q. There is one on March 6th from Tom Sorahan.

3 Go back to the first page. Do you see the email  
4 starts at the bottom?

5 A. Yes.

6 Q. And that was a Friday, so the next one comes  
7 on Monday March 9th?

8 A. Correct.

9 Q. The last one, as we saw, March 10th?

10 A. Correct.

11 Q. All right. And if we go back to the last --  
12 the first one in this email chain, the one dated  
13 March 3rd, that's the one I want to focus on to start  
14 with.

15 **MR. FRAZER:** Your Honor, can we move this in  
16 as Plaintiff's Exhibit No. 982?

17 **THE COURT:** Any objection?

18 **MS. COOK:** No, Your Honor.

19 **THE COURT:** It will be admitted.

20 **MR. FRAZER:** Your Honor, I never know how to  
21 stand. Everybody is spread out. I should probably  
22 get back here in deference to our alternates.  
23 Apologize for that.

24 Q. (By Mr. Frazer) Dr. Sorahan, again, was the  
25 gentleman that Monsanto picked and paid to attend the

1 IARC meeting, right?

2 A. Dr. Sorahan was our observer as is allowed  
3 by IARC to observe the meeting, yes.

4 Q. He's doing a lot more than observing as we  
5 see in these emails. Don't you agree with that?

6 A. He was observing and reporting on it, yes.

7 Q. Also, at the IARC 2015 meeting, there was a  
8 man there from the US Environmental Protection Agency  
9 by the name of Jess Rowland, right?

10 A. Yes. I do believe he was there, yes.

11 Q. There were other industry people at the  
12 meeting, right?

13 A. They were the observers as well.

14 Q. And the IARC meeting happens out in the  
15 open. It is not behind a closed door like in a jury  
16 room or anything like that, right?

17 A. I have not been, so I don't know. I know  
18 they have a panel and they have observers, but I've  
19 not been a panel member myself so.

20 Q. If they were meeting in a closed door,  
21 Dr. Sorahan couldn't be making these reports, could  
22 he?

23 A. Again, the IARC allows for panel members and  
24 then observers like Dr. Sorahan and others. They can  
25 observe the meeting, yes.

1 Q. Now, in his first report down there on  
2 March 3rd, 2015, he reports what happened at the end  
3 of day one, right? We see that, don't we?

4 A. I see it on my document.

5 **MR. FRAZER:** Ed, could you pull that page  
6 up. Should be the next to last page. Okay. Here we  
7 go.

8 Q. (By Mr. Frazer) In his --

9 **MR. FRAZER:** That's not it. March 3rd.  
10 Should be Bates 1561.

11 **THE COURT:** There it is.

12 **MR. FRAZER:** Yeah. There we go.

13 Q. (By Mr. Frazer) So this is the first report  
14 that you get from Dr. Sorahan, right?

15 A. It is the first one, yes.

16 Q. Previously you had sent him a summary on  
17 glyphosate that he could use; is that right?

18 A. It was also for Dr. Jensen and Dr. Strupp to  
19 be aware of the background on glyphosate, yes.

20 Q. Were Jensen and Strupp also there at IARC?

21 A. They were observers, yes.

22 Q. Were they also being paid by Monsanto?

23 A. No, they were not. They were not observers  
24 on our behalf.

25 Q. Why were you sending them material on

1 glyphosate?

2 A. Because they were going to be observers.

3 And with glyphosate, they may not have had had the  
4 background on what the toxicology profile looked like.  
5 I thought it would be beneficial when they were  
6 observing any of the discussions.

7 Q. Who was paying for them to be there?

8 A. Dr. Jensen, her company. She was there as  
9 an observer for some of the other molecules that IARC  
10 was reviewing. And Dr. Strupp was there for the  
11 European Crop Protection Association.

12 Q. So you said the European Crop Protection  
13 Association, that's an industry group?

14 A. He was representing that group, yes.

15 Q. He was being paid by the glyphosate industry  
16 to be there?

17 A. He was the association, and I wouldn't  
18 characterize it that way. All of us in the  
19 agricultural group put money in ECPA, and he was there  
20 then as a representative for them.

21 Q. He was being paid/compensated to be there by  
22 that industry-sponsored group, right?

23 A. Yes.

24 Q. And how about the other person, Jensen, who  
25 was paying for her?



1           A.    As I mentioned, Dr. Jensen was there because  
2   two of her molecules were being reviewed by IARC as  
3   well, so she was there for -- on her company's behalf  
4   to observe.

5           Q.    What company was she working for?

6           A.    I don't remember at the time.  Maybe Quim  
7   Nova or FMC, but I don't remember exactly which  
8   company.

9           Q.    Not Monsanto?

10          A.    No.

11          Q.    But you chose to send something to  
12   Dr. Jensen, which was the same thing you sent to  
13   Dr. Sorahan, right?

14          A.    Yes, I did.

15          Q.    So would it be fair for the jury to assume  
16   you previously communicated with both Dr. Jensen and  
17   is it Dr. Strupp?

18          A.    Yes.

19          Q.    So you already knew they were going to be  
20   there?

21          A.    We knew who the observers were.

22          Q.    And Quim Nova, at the time they were a  
23   manufacturer of glyphosate-based herbicides, right?

24          A.    They were, but she was not there for that.  
25   She was there for FMC.  She wasn't there for

1 glyphosate. She was there for two other molecules.

2 Q. But you send her a summary on glyphosate,  
3 right?

4 A. I did.

5 Q. You were trying to get her on your side  
6 since she was going to be there. That's fair to say,  
7 isn't it?

8 A. No. I wouldn't characterize it that way.

9 Q. Well, she was focused on two molecules that  
10 didn't have anything to do with glyphosate. Why in  
11 the world were you sending her a summary on  
12 glyphosate?

13 A. She's going to be observing, and I wanted  
14 her to see what kind of data that we have looked at,  
15 other regulatory agencies have looked at, in the use  
16 of glyphosate discussions she was observing with IARC.

17 Q. Okay. So you write to these three people.  
18 You ask them how the first day of the meeting is  
19 going, right?

20 A. I do.

21 Q. And you say, "Have you seen any drafts yet?"

22 Right?

23 A. I did.

24 Q. The only person that responds to you is  
25 Dr. Sorahan, right?

1 A. Correct.

2 Q. You don't see an email back from Dr. Jensen  
3 or Dr. Strupp?

4 A. No.

5 Q. And -- but we do have one from Dr. Sorahan  
6 dated March 5, 2015, right?

7 A. March 5 or March 3?

8 Q. March 3. I'm sorry. I'm getting ahead of  
9 myself a little bit.

10 Right?

11 A. Yes.

12 Q. And he talks about who is on IARC. The  
13 first person he points out is that a gentleman by the  
14 name of Aaron Blair is chair of the, quote, whole  
15 thing, right.

16 A. Yes. I see that.

17 Q. And you know Aaron Blair worked where at the  
18 time?

19 A. He was with the Agricultural Health Study.

20 Q. Who was his employer?

21 A. I don't know if he was with National Cancer  
22 Institute or NIHS.

23 Q. He was a very well-respected scientist in  
24 the world, especially the United States at the time,  
25 right?

1 A. At the time, yes, he was.

2 Q. So he was the chair. Then Dr. Sorahan talks  
3 about a subgroup. Do you see that?

4 A. I do.

5 Q. And in addition to Dr. Blair, there is a  
6 Dr. McLaughlin from Canada, right?

7 A. I see that.

8 Q. Dr. Baldi from France?

9 A. Correct.

10 Q. Dr. Forastiere from Italy?

11 A. I see that.

12 Q. And a Dr. Mannetje from New Zealand?

13 A. I see that.

14 Q. That's what Dr. Sorahan talks about as being  
15 a epi subgroup, right?

16 A. Correct.

17 Q. Then in the second paragraph he says in  
18 response to your question that drafts of glyphosate  
19 have been circulated, right?

20 A. Yes.

21 Q. Okay. And he says at the end: "I suspect  
22 that the glyphosate epi" -- that's epidemiology,  
23 right?

24 A. Correct.

25 Q. -- "section was written by Andrea M., but

1 this hasn't been announced yet."

2 Do you see that?

3 A. I do.

4 Q. Who is Andrea M.?

5 A. I think she is the one that you wrote above  
6 that you spoke for New Zealand that is part of the  
7 subcommittee.

8 Q. Some doctor of some science degree from New  
9 Zealand?

10 A. I don't know her.

11 Q. And then we see the next report is on  
12 Wednesday March 4th. Do you see that?

13 A. I do.

14 Q. He says: "Donna and Bill,

15 We are at the end of day two. Some good  
16 news and some bad news. The good news. Maria Leon  
17 from the IARC meta-analysis came in to the epi  
18 subgroup to discuss what parts of their review could  
19 go into the monographs. This gave me a suitable  
20 opportunity to mention the problems that Elizabeth  
21 Delzell had identified about selection of RRs."

22 That's relative risk, right?

23 A. Correct.

24 Q. For glyphosate, correct?

25 A. Correct.

1           Q.    So during day two the Monsanto  
2   representative, Tom Sorahan, is claiming he had some  
3   success talking with somebody that was involved in the  
4   epidemiology section of the IARC review of glyphosate,  
5   correct?

6           A.    I wouldn't call it a success. He said he  
7   had an opportunity to mention some problems that  
8   Elizabeth Delzell identified on her paper, and she  
9   said she came back to me and said that errors have  
10  been made and she's going to rerun the programs  
11  tomorrow. So I think it's just an opportunity to  
12  point out some errors to this author.

13          Q.    She says good news bad news. The bad news  
14  starts in the second paragraph. I'm assuming he meant  
15  that was good news, what he was able to do there, that  
16  he describes in that first paragraph?

17          A.    Well, I think if you see an error in your  
18  publication, you would want someone to point that out  
19  to you. And he said that was an opportunity to  
20  mention it to her, and she obviously took it  
21  seriously.

22          Q.    So he was involved in the process at that --  
23  insofar as that is concerned?

24          A.    Some observers pay to come and share. The  
25  subgroup will let you be more or less involved, yes.

1 Q. Then he reports again on Thursday, March the  
2 5th, right? You see that?

3 A. I do.

4 Q. So he says: "We are at the end of day  
5 three."

6 He says some other stuff.

7 He says down at the bottom: "The important  
8 thing is that Aaron" -- that's Aaron Blair -- "is not  
9 arguing that the AHS paper is positive for multiple  
10 myeloma. I proposed that the Landgren, et al. 2009  
11 paper on MGUS also should be included. Aaron was keen  
12 for this which again argues against a positive  
13 multiple myeloma classification."

14 Right?

15 A. Correct.

16 Q. So on the day three, Dr. Sorahan there from  
17 Monsanto is reporting he has had some more success  
18 that day, right?

19 A. Again, I think it's been being about  
20 complete. If you are in the room and can ask  
21 additional science to complete the information, I  
22 think that's what you should do.

23 Q. He was being helpful?

24 A. Dr. Sorahan is a very well-known  
25 epidemiologist. He knows the literature, and he was

1 working with them to make it a good outcome.

2 Q. Excuse me. I didn't ask what his background  
3 was at all. We talked about that earlier. My simple  
4 question is he was reporting he had success today?

5 A. He was contributing to the discussion of the  
6 science, yes.

7 Q. Okay. Thank you.

8 All right. The next day he reports, do you  
9 see that? You've got to kind of go to the first page  
10 to see where it starts. Monday, March 9th. Do you  
11 see that?

12 A. I do.

13 Q. And he starts off on Monday, March 9th. It  
14 says: "We are at the end of the day."

15 And then second paragraph he says: "Human  
16 data for glyphosate classified today as limited for  
17 NHL (on unanimous vote) and final classification  
18 tomorrow is likely to be a 2A. The working group  
19 seemed to believe in those early Swedish case-control  
20 studies even though the NHL hypothesis gets no support  
21 from the AHS."

22 That's what he writes, correct?

23 A. Correct.

24 Q. I actually skipped a day. We see that  
25 actually that was the report from Monday, March 9th.



1 I skipped over Friday. Friday starts at the bottom of  
2 the page, but goes over to the next page, right?

3 It says at the top of Bates Page 1560:

4 "Donna and Bill,

5 We are at the end of day four. A lot of bad  
6 news which will not be consistent with what you know  
7 about glyphosate and a small amount of good news. I  
8 will start with the bad news. The subgroups have now  
9 made their preliminary proposals to the whole group  
10 and prepared revised documents of their summaries of  
11 the data. These recommendations are to be discussed  
12 by the whole group (glyphosate on Wednesday (sic)) and  
13 things can move up or down."

14 Did I read that right?

15 A. You did.

16 Q. He says: "Current proposals.

17 Glyphosate. Humans: Limited for NHL (based  
18 on case-control studies not AHS). Animals: Limited  
19 are inadequate. Mechanisms: Strong data that an  
20 agent is genotoxic, can induce oxidative stress and  
21 can induce chronic inflammation."

22 Right?

23 A. That's what it says there, yes.

24 Q. We will look at this a little bit later, but  
25 that last conclusion right there is exactly what a guy

1 named Dr. Parry had concluded 15 years earlier in the  
2 year 2000, right?

3 A. That wasn't his ultimate conclusion.

4 Q. That was one of Dr. Parry's conclusions,  
5 wasn't it?

6 A. Initial conclusion.

7 Q. Dr. Parry, again, was a consultant that  
8 Monsanto hired and paid to get an opinion from, right?

9 A. We always try to get outside opinions from  
10 people to look at the data and have discussion with  
11 them, yes.

12 Q. Okay. Now, if we go to -- I skipped ahead  
13 on -- did Monday. Let's go to his report on -- you  
14 wrote him back on Monday right away and you said:

15 "What is the basis for 2A, Swedish studies?"

16 Right?

17 A. I did.

18 Q. First time anybody responded at least in  
19 this email chain to any of his reports, correct?

20 A. It appears to be, yes.

21 Q. And he wrote back and said that same day:

22 "They have said that there are enough positive  
23 findings in the US, Canadian, and Swedish case-control  
24 studies to warn a limited evaluation. I would have  
25 given much more weight to the negative age "S" study.

1 Other votes haven't been taken, but the experimental  
2 animals group have recommended limited. This would  
3 give a 2B, but the mechanistic group are saying they  
4 can't support a higher evaluation which would give it  
5 a 2A. We will see tomorrow."

6 That's what he said, right?

7 A. Correct.

8 Q. The very next day, tomorrow March 10th, the  
9 last day, he says: "You will have received my earlier  
10 Blackberry email with the final evaluation. The  
11 initial recommendation of the experimental cancer  
12 subgroup was inadequate/limited. This morning they  
13 brought forward a revised document recommending  
14 'limited.' On questioning from the mechanism subgroup  
15 as to why they were circumspect on certain studies,  
16 they came back with a final recommendation of  
17 'sufficient.'"

18 This was voted in with no votes against Tom,  
19 right?

20 A. That's what it says, yes.

21 Q. All right. Now we are going to go back in  
22 time. Back to the future, I guess.

23 I just mentioned Dr. Parry. Dr. Parry was  
24 an English man. He lived in the United Kingdom,  
25 right?

1 A. Correct.

2 Q. He was a -- he is a geneticist, right?

3 A. No.

4 Q. No. He is a toxicologist?

5 A. He was a genotoxicity expert.

6 Q. A genotoxicity expert?

7 A. Yes.

8 Q. And he was somebody that Monsanto had never  
9 worked with before?

10 A. I know that Dr. Martens knew him. I don't  
11 remember working with him before. Maybe Dr. Martens  
12 had.

13 Q. There were studies that had come out  
14 starting in was it '98, '99 that reported on  
15 genotoxicity of glyphosate, right?

16 A. There were four publications that had some  
17 findings in their studies that they concluded that to  
18 be, yes.

19 Q. Four, right?

20 A. There were four.

21 Q. They didn't all come out at once, but they  
22 kind of came out close in time over a two-year period,  
23 right?

24 A. I believe that to be true, yes.

25 Q. And because those reports were talking about

1 genotoxicity due to glyphosate, that was a big deal  
2 for Monsanto, right?

3 A. Well, the reason why is it was different  
4 than the studies that we had done. The studies that  
5 we had done showed that there was no genotoxicity, so  
6 we were interested in how were the studies conducted  
7 and why they were coming up with results that were  
8 different than what we have seen typically.

9 Q. Well, but you decided to hire Dr. Parry to  
10 take a look at these studies, right?

11 A. We had our own genotox expert but we also,  
12 as we talked about earlier, like to get third parties  
13 to also review things and talk with us about what we  
14 are thinking about those studies.

15 Q. When you say we had our own genotox studies,  
16 were those Monsanto studies?

17 A. Yes. The regulatory agency requires us to  
18 do genotoxicity studies, and we had those and we had  
19 our own genotox expert in Dr. Kier.

20 Q. Those were studies done by Monsanto in a  
21 Monsanto laboratory, right?

22 A. Some were done in a Monsanto laboratory.  
23 Others we use a contract facility that does studies  
24 for pharmaceuticals and chemical companies as well.

25 Q. All of them are on salmonella bacteria,

1 right?

2 A. No.

3 Q. Most of them?

4 A. No.

5 Q. Some of them?

6 A. Some of them. It's the AIDS study which is  
7 done with salmonella bacteria. It's one of the  
8 mutation studies that you look at, and it is very  
9 common. It is one of the very first studies that just  
10 about everybody does.

11 Q. None of those have been published in  
12 peer-reviewed literature, right?

13 A. No. Because they are considered what we  
14 consider proprietary studies that you submit to  
15 regulatory agencies.

16 Q. I didn't ask what they were considered. The  
17 truth of the matter is not a single one of them were  
18 anywhere in the peer-reviewed publication scientific  
19 article world at all, right?

20 A. Not at that time, no.

21 Q. And just to refresh our recollection, to get  
22 something published in a journal that is  
23 peer-reviewed, you have to take it in there and show  
24 them exactly everything that you did and they have to  
25 conclude, okay, this looks good enough to publish,

1 right?

2 A. It goes to the editor side to be reviewed  
3 and they look to see if it is quality to be accepted  
4 into that journal, yes.

5 Q. Of the four studies, do you remember the  
6 names of them?

7 A. Rank, Lioi, Bolognesi and Peluso.

8 Q. Rank, Bolognesi, Peluso and --

9 A. Lioi.

10 Q. How do you spell that one?

11 A. L-I-O-I.

12 Q. And there were also other studies not  
13 mechanistic, but there were also other studies coming  
14 out, too, on other epidemiological issue on glyphosate  
15 during this time period?

16 A. I don't know what one you are referring to.

17 Q. Hardell?

18 A. Hardell came out in 1999, that small  
19 case-control study, uh-huh.

20 Q. Hardell 2?

21 A. I don't remember Hardell 2.

22 Q. Eriksson?

23 A. That was one that came out around that same  
24 time as well.

25 Q. Schinasi?

1 A. I don't recognize Schinasi.

2 Q. Schinasi. You don't recognize it, but you  
3 know how to pronounce it.

4 A. But it did come out during that time.

5 Q. De Roos?

6 A. Which De Roos?

7 Q. The one that's going to put fuel on the  
8 fire.

9 A. So --

10 Q. That one.

11 A. So which one? You've got the 2003 where  
12 only one analysis found an association with  
13 non-Hodgkin's lymphoma, and then 2005 from the  
14 agricultural study with De Roos which showed no  
15 association with non-Hodgkin's lymphoma.

16 Q. Let's look at that. Here you go, ma'am.

17 Dr. Farmer, I'm handing you what has been  
18 marked as Plaintiff's Exhibit 718. Do you see that?

19 A. I do. It is kind of small.

20 Q. If you go -- you are on this email dated  
21 September 2003, right?

22 A. I am.

23 Q. And on the email down at the bottom --

24 **MR. FRAZER:** I move this into evidence, Your  
25 Honor.



1           **THE COURT:** Any objection?

2           **MS. COOK:** No, Your Honor.

3           **THE COURT:** It will admitted.

4           Q.    (By Mr. Frazer) Let's go to the bottom  
5 there. Not the bottom, but right above "regards,  
6 John." Do you see that? By the way, this email is  
7 from John Acquavella, the epidemiologist at Monsanto  
8 at that time?

9           A.    He was, yes.

10          Q.    He is talking about the De Roos paper there  
11 at the top that is going to be coming out, right?

12          A.    He is talking about the De Roos 2000 paper,  
13 yes.

14          Q.    And saying that this is a paper from  
15 investigators at the National Cancer Institute?

16          A.    I see that.

17          Q.    And then he says at the bottom, he says,  
18 about De Roos, "I'm afraid this could add more fuel to  
19 the fire for Hardell and others."

20                    Right?

21          A.    I'm -- to Hardell, et al.

22          Q.    Et al. is a fancy way to say and others,  
23 right?

24          A.    No. It is Hardell and et al. are the other  
25 authors on that paper.

1 Q. And others?

2 A. On that paper.

3 Q. Okay. That's what I meant. It is just a  
4 shortcut way to say and others, right, we know that,  
5 right?

6 A. But it's typically I think when we talk  
7 about it here, it is referring to publication and  
8 thinking about the authors.

9 Q. Et al. is Latin for "and others," isn't it,  
10 ma'am?

11 A. I will give you it is for others.

12 Q. Okay. And then the last sentence,  
13 Dr. Acquavella from Monsanto, epidemiologist, says:  
14 "It looks like NHL and other lymphopoietic cancers  
15 continue to be the main cancer epidemiology issues  
16 both for glyphosate and alachlor. We are assembling a  
17 panel of experts to work on this."

18 Right?

19 A. Correct.

20 Q. What's a lymphopoietic cancer?

21 A. It is cancers of your blood cells.

22 Lymphopoietic is your lymphatic and blood cells.

23 Q. Okay. All right. Now let's just go right  
24 to Dr. Parry. 138.

25 Dr. Farmer, I handed you what has been

1 marked as Plaintiff's Exhibit 148. Do you have that  
2 in front of you? Do you have that in front of you,  
3 ma'am?

4 A. I do.

5 Q. You are familiar with this document, are you  
6 not?

7 A. I am.

8 Q. You are in the email chain and you actually  
9 had a lot to say here, didn't you?

10 A. I was taking minutes of the -- meeting  
11 minute notes is what was going on down there.

12 **MR. FRAZER:** Your Honor, we move Exhibit 148  
13 into evidence.

14 **THE COURT:** Any objection?

15 **MS. COOK:** No objection.

16 **THE COURT:** It will be admitted.

17 Q. (By Mr. Frazer) Dr. Farmer, I want to  
18 direct your attention to the bottom of the first page.  
19 It runs on to the second page, but I need to give the  
20 jury some context here. Do you see it's dated  
21 December 27, 1998?

22 A. I do.

23 Q. '98. And do you see that you're writing  
24 that these are actions from the December 17 meeting on  
25 mutagenicity -- I can't say it -- mutagenicity; is

1 that right? Did I say that right?

2 A. Yes.

3 Q. Okay. Thank you. And you say: "Below  
4 please find: 1) Actions from the December 17  
5 meeting" -- on what I just said -- "and  
6 2) Recommendations for the Lioi papers."

7 Right?

8 A. Correct.

9 Q. Lioi was one of those four studies that had  
10 come out, right?

11 A. Yes.

12 Q. And you mentioned further down that "Actions  
13 from today's conference call: Agreed to conduct  
14 guideline AMES and Mouse Micronucleus Tests."

15 Right?

16 A. Correct.

17 Q. And you said you were going to do it on the  
18 following formulation blanks, right?

19 A. Correct.

20 Q. And in there we see some of the formulations  
21 that we talked about earlier today, MON 35050, MON --  
22 next page MON 52276. That's 52,276, right?

23 A. Correct.

24 Q. And MON 35012, correct?

25 A. Correct.

1 Q. What is a formulation blank?

2 A. So what we were looking at is we were taking  
3 out glyphosate in the formulation and looking at just  
4 testing the surfactant.

5 Q. So you're just looking at testing the  
6 surfactant and not the formulated product?

7 A. Because we believe a lot of what you see in  
8 these studies is secondary to toxicity due to the  
9 surfactant.

10 Q. But you didn't know that, right?

11 A. We had a lot of information that would lead  
12 us in that direction.

13 Q. At this point in time, at 1998 at the end of  
14 the year there, Roundup had been on the market for  
15 over 25 years, right?

16 A. Correct.

17 Q. And after 25 years, you are having a meeting  
18 on mutagenicity, right?

19 A. On these formulations. We actually had  
20 other genotox studies were conducted on other  
21 glyphosate-based formulations. We were just talking  
22 about these in particular.

23 Q. The next page you say we are going to  
24 develop a detergent molecule testing, right?

25 A. Yes. I can explain why.

1 Q. Well, when you say you're going to develop  
2 one, to my unlearned brain that means you hadn't  
3 developed one yet, right?

4 A. So what we were talking about, again --

5 Q. Just answer my question. Did you have one?

6 A. No. We were going to develop one, yes.

7 Q. All right. Thank you.

8 So Sub C down there you said, "Hey, here is  
9 what we are going to do, we are going to get Mark  
10 Martens to contact Dr. Parry next week to discuss with  
11 him his participation and support of glyphosate."

12 Right?

13 A. Yes, we did.

14 Q. This is your writing, correct?

15 A. Again, these are my minute notes from the  
16 meeting.

17 Q. But it is what you wrote as the minute  
18 keeper of the meeting, right?

19 A. Yes.

20 Q. And here you are saying that Mark Martens,  
21 remember he was on the chart of people we looked at,  
22 he was your European toxicologist, right?

23 A. Dr. Martens was our European toxicologist.

24 Q. And he was someone in Germany, right?

25 A. Brussels.

1 Q. Brussels, Belgium. Dr. Parry was England.  
2 So Dr. Martens was picked to talk to Dr. Parry, right?

3 A. Dr. Martens recommended Dr. Parry because  
4 they are in Europe and they worked together before.

5 Q. You write that Mr. Martens, Dr. Martens, is  
6 going to call, contact Dr. Parry the next week to  
7 discuss with him his participation, not as an  
8 independent scientist, as somebody to support  
9 glyphosate, right?

10 A. We wanted him to look at those studies and  
11 give us some support on how we interpret them, yes.

12 Q. He was being called because these other four  
13 studies come out, Monsanto had to have something put  
14 out there into the public to try to counter those four  
15 studies you just talked about, right?

16 A. No. These studies were available to the  
17 regulatory agencies at the time. They were being  
18 picked up by the media and some of the regulators in  
19 Europe. And we thought it would be a good idea to  
20 have a toxicologist in Europe, a gene tox expert to  
21 discuss these studies with the media and regulators.

22 Q. .You just told the jury that these other  
23 studies you already had were things that regulators  
24 already had, that you'd submitted to them. Isn't that  
25 what you just testified to?

1           A.    No.  We didn't submit these studies to  
2 regulators, they were publicly available, but there  
3 were questions about them.  We thought it would be  
4 good to have Dr. Parry to be able to answer questions  
5 from people that were interested in them in Europe.

6           Q.    You didn't send him a single one of those  
7 studies, did you?

8           A.    Send Dr. Parry what?

9           Q.    Any of those internal studies that you just  
10 talked about?

11          A.    We did, yes.

12          Q.    You did?

13          A.    Yes.

14          Q.    I thought his first assignment was to look  
15 at four papers that had come out?

16          A.    That was our mistake.  We should have given  
17 him those studies, but we did give him all of those  
18 proprietary studies, yes.

19          Q.    After you got his first report?

20          A.    Because we realized that we had --

21          Q.    Just please answer my question.

22          A.    Yes.

23          Q.    Okay.  Thank you.  At this point in the  
24 company's history going back to my earlier question,  
25 Dr. Parry had not gotten one thin dime from Monsanto



1 for any consulting work, correct?

2 A. As I said, I had not worked with Professor  
3 Parry before. Maybe Dr. Martens did. I don't know.

4 Q. No. 2, right there on 6897 of Exhibit 148  
5 you say: "Unfortunately our time rain (sic) out."

6 I'm sure you meant ran, right?

7 A. Clearly it is a typo.

8 Q. Ran. By the way, to clean up a typo, that's  
9 typical in the toxicology business, right?

10 A. I'm sorry.

11 Q. You just made a typo here. If you were  
12 going to run out and publish that you'd want to make  
13 sure that typo got cleared up, right?

14 A. This is an internal email, yes. We would  
15 want to get typos taken out of a publication.

16 Q. You got copywriters that help you with that,  
17 people that are trained to look for grammar,  
18 misspellings, sometimes word checks will check that  
19 something is the right word but it's spelled right but  
20 it's not the word you would use. That is part of the  
21 process, right?

22 A. It is part of the process.

23 Q. All right. Now, you write that about the  
24 Lioi paper, L-I-O-I, is that one or two? That's  
25 plural. Did you mean to write plural?

1           A.    I don't remember.

2           Q.    You say: "It may be extremely difficult to  
3   refute based simply on the contents of the paper."

4                    Right?

5           A.    Yeah.  But you need to read the whole  
6   sentence.  You are just reading the back half of that.

7           Q.    I'll read the whole sentence.  That's fine.  
8   "The data are very unusual and suspect (i.e. the  
9   results may reflect an artifact of some procedural  
10   error and/or inexperience in scoring) but may be  
11   extremely difficult to refute based simply on the  
12   contents of the paper."

13                   Right?

14          A.    Correct.

15          Q.    Then you write: "It is a real concern that  
16   these papers may create an even bigger problem for us  
17   than the Peluso paper.  Therefore we need to do some  
18   things quickly, explanation point."

19                   Right?

20          A.    Correct.

21          Q.    Now, the quickest thing you could have done  
22   was don't call Dr. Parry and pay him money to look at  
23   these studies, you could have just taken all the  
24   studies you have and say, hey, here they are.  That  
25   would have been real quick, wouldn't it, boom, they

1 are out, right?

2 A. I'm not sure what your question is.

3 Q. Well, you say in the minutes of your meeting  
4 that you need to do this quickly. You told this jury  
5 that you already had studies, but yet you are going to  
6 pay an expert to look at these studies that you say  
7 you don't even need because you already had studies?

8 A. When you have data that differs from what  
9 you know, you take time to try to understand it. For  
10 example, the next one says the results of the human  
11 lymphocyte test by Lioi do not agree with the toxicity  
12 and data in the human lymphocyte study conducted by  
13 Agrichem at NOTOX.

14 So when you get conflicting results, as a  
15 scientist you want to try to understand that. So it  
16 is not as simple as putting out another study. It is  
17 trying to understand why did that other study get a  
18 different result than yours.

19 Q. All right. You can put that one aside.

20 **MR. FRAZER:** Your Honor, I wish I had my  
21 iPhone on me so I could see how many steps I walk when  
22 I'm trying one of these cases.

23 Q. (By Mr. Frazer) All right. Dr. Farmer, I  
24 handed you Exhibit 757. Do you have that in front of  
25 you?

1           A.    I do.

2           **MR. FRAZER:** Your Honor, I've been informed  
3 that Mr. Conner fixed the clock during the lunch time.

4           **THE COURT:** Someone fixed the clock, yes.

5           **MR. FRAZER:** He is tall enough to reach it.

6           Q.    (By Mr. Frazer) Do you have Exhibit 757 in  
7 front of you, Dr. Farmer?

8           A.    I'm sorry, what? This looks like beginning  
9 on second page. Looks like it is kind of out of  
10 order.

11          Q.    Well, it might be out of order, but this  
12 is -- these are emails that you are on, correct?

13          A.    Correct.

14          **THE COURT:** Dr. Farmer, I think if you go to  
15 the last page, I think is where it starts.

16          **THE WITNESS:** Okay.

17          Q.    (By Mr. Frazer) This is about Dr. Parry,  
18 correct?

19          A.    Some of it is and some of it is about  
20 different testing, so there are a lot of different  
21 things that are going on here.

22          Q.    Now, if we start on the bottom of the second  
23 page, do you see that, dated January 27, 1999?

24          A.    The second page of the email?

25          Q.    Yes, ma'am.

1           A.    Is that 2108?

2           Q.    Yes.  Bates No. 2110.  Are your pages  
3 jumbled up?

4           A.    Yeah.  The first page of this email is on  
5 the back page, and then the second page is the first  
6 page and third page.  If you go to the MONGLY, I can  
7 be on the same page with you.

8           **THE COURT:**  Mr. Frazer, come up for a  
9 second.  I think ours are in the wrong order.  This is  
10 the first page of ours.  I think the last page might  
11 be the first page.

12          **MR. FRAZER:**  Let me --

13          **THE WITNESS:**  Thank you.

14          **THE COURT:**  I was confused as well, Doctor.  
15 All the information is there, just in the wrong order.

16          **MR. FRAZER:**  I'm sorry.  Apologize.  The  
17 exhibit sticker is going to be in the wrong place now,  
18 Your Honor.

19          **THE COURT:**  That's okay.  We will make due.

20          **MR. FRAZER:**  The Bates numbers are out of  
21 order.

22          **THE COURT:**  Bates numbers appear to be out  
23 of order as well.

24          **MR. FRAZER:**  I think it is 1209 is first.  
25 1210 is second right there.  And then 07, 08.  Follow

1 me, Your Honor?

2 **THE COURT:** I do.

3 Ms. Cook, did you follow that as well? You  
4 might have it out of order.

5 **MS. COOK:** I'll figure it out.

6 **THE COURT:** Fair enough.

7 **MR. FRAZER:** You want this?

8 **THE COURT:** No. I'm good. Thank you.

9 Q. (By Mr. Frazer) All right. So you have 757  
10 in front of you in at least what appears to be the  
11 right order of pages?

12 A. I do.

13 Q. All right. If we look on that very first  
14 page, we see that there -- you are on this email  
15 chain, right?

16 A. I am.

17 **MR. FRAZER:** We move this into evidence,  
18 Your Honor.

19 **THE COURT:** Any objection?

20 **MS. COOK:** No objection.

21 **THE COURT:** It will be admitted.

22 Q. (By Mr. Frazer) And we turn to where it  
23 starts in the back here is where I want to go to. The  
24 middle of the second page. It has got Bates 2110.  
25 Are you there?

1 A. Draft minutes of the 1/15 meeting?

2 Q. Yes, ma'am. You are listed as the author of  
3 these minutes, correct?

4 A. I am.

5 Q. All right. So you -- in attendance were  
6 you, Bill Heydens, Dr. Heydens, Larry Kier, Dr. Kier  
7 here, Mark Martens, Dr. Martens, Alan Wilson. Who is  
8 Alan Wilson? We haven't heard his name.

9 A. Dr. Wilson was head of our metabolism group.

10 Q. In Europe or St. Louis?

11 A. St. Louis.

12 Q. Turn to the next page. Look at Paragraph 3.  
13 Says the group. That's the group you are writing to,  
14 including yourself, correct?

15 A. Correct.

16 Q. Recommended testing for the full  
17 formulations, plural, right?

18 A. Correct.

19 Q. That would be what we call formulated  
20 Roundup, right?

21 A. Correct.

22 Q. And it would include every MON number that  
23 you had as of that date 1999, correct?

24 A. No. It was referring to the three below.

25 Q. Three below. Okay. So only three?

1           A.    Yes.

2           Q.    All right.  But then the very next sentence  
3   says:  "However, before any testing begins on a  
4   formulation generation and/or review of the  
5   mutagenicity data on each of the individual components  
6   must be completed first."

7                    Right?

8           A.    Correct.

9           Q.    So the goal is, look, before we even think  
10   about testing a formulation, let's do tests on the  
11   individual components first, right?

12          A.    I think that's a good thing to do.

13          Q.    Yeah.  So you would be testing technical  
14   glyphosate, that would be one of the components?

15          A.    That would have already been tested.

16          Q.    You test the surfactant, whatever the  
17   surfactant was at the time?

18          A.    If it didn't have any data on it, we would  
19   do that.

20          Q.    I'm just -- you keep saying that, but that  
21   is not in your memo here, is it?

22          A.    It says individual components is not  
23   sufficient.  It was recommended that studies be  
24   conducted on the individual components prior to  
25   initiating any test on the full formulation.



1 Q. So it would include any surfactant. There  
2 are multiple surfactants being used at different  
3 concentrations, right?

4 A. There were different surfactants used in  
5 different formulations and you could have different  
6 concentrations, yes.

7 Q. Were you going to test the defoaming agent  
8 that was in a bottle of Roundup?

9 A. That may not have been a part of this, but  
10 we would have been looking at that components as well.

11 Q. I'll just say were you going to test that?  
12 Did you do that?

13 A. I don't remember the defoaming agent was  
14 part of this, no.

15 Q. What about the formaldehyde in the bottle?  
16 Were you going to test that at this time?

17 A. So again, formaldehyde is not added to the  
18 bottle. It would be part of the glyphosate and it  
19 would have been tested in the glyphosate technical  
20 material.

21 Q. All right. But it would be in the  
22 formulated product, right?

23 A. There would be a small amount. When we did  
24 the test of formulated material, it would be in there  
25 as well, yes.

1 Q. What about the 1,4 dioxane in there? Is  
2 that going to be tested?

3 A. So the 1,4 dioxane, a big dataset on that.  
4 It is an impurity within our surfactant. So if you  
5 test the surfactant you're testing the 1,4 dioxane.

6 Q. What about the arsenic?

7 A. So arsenic, again, is a contaminant. There  
8 is a lot of data on arsenic. If we do these tests, if  
9 there is a small minute of arsenic in there, we have  
10 considered it being tested in those assays as well.

11 Q. What about the NNG that might be in there?

12 A. Again, it is a relevant impurity that we  
13 know. We have a specification for it. And if you are  
14 going to test glyphosate, you will be testing some NNG  
15 in there. If you are testing the formulation, that  
16 would also be accounted for. And we found out that --  
17 it turns out all of those components would be  
18 recommended in a genotoxicity or any other test that  
19 we do.

20 Q. You just went through everything and we  
21 didn't learn anything. My question is: Did you do  
22 any of this testing at all?

23 **MS. COOK:** Objection. Argumentative.

24 **THE COURT:** I don't think -- might have  
25 started argumentative, but the question is the

1 question. I'll let her answer the question.

2 **THE WITNESS:** Disagree that we didn't learn  
3 anything because, again, remember, we are doing a  
4 proposal. We are doing a lot of data gathering, a lot  
5 of evaluation. And, yes, I think we got a lot done.

6 Q. (By Mr. Frazer) Well, you skipped down  
7 there to MON 35,012? By the way, there is a space  
8 between MON and the number, correct?

9 A. I see that now, yes.

10 Q. This is your writing, correct?

11 A. We've established that I think, yes.

12 Q. I think you told me earlier this morning you  
13 didn't think there was a space?

14 A. I forgot.

15 Q. And on MON 35012 you said, quote, as no  
16 mutagenicity data could be found on the cocoaamine  
17 surfactant, right?

18 A. Correct.

19 Q. So a surfactant you were using on  
20 formulation 35012 Roundup, you didn't have any data on  
21 it in 1999?

22 A. So this would --

23 Q. Just yes or no?

24 A. We could not find any, no.

25 Q. Okay. All right. Let's turn to the next

1 page. All this is relating to why Dr. Parry  
2 ultimately gets hired by the company, right? Correct?

3 A. It is about the four different publications  
4 we talked about.

5 Q. So if we jump down there, we see Paragraph  
6 No. 6. It says: "While Dr. Parry is a recognized  
7 genotox expert, what is not known is how he views some  
8 of the nonstandard endpoints."

9 Correct?

10 A. Correct.

11 Q. And then you say that we're evaluate -- you  
12 mentioned some of them. I don't want to go into  
13 those. "Evaluated in the genotox articles by Rank,  
14 Bolognesi, et cetera."

15 Right?

16 A. Correct.

17 Q. The four articles?

18 A. Correct.

19 Q. So, therefore, it was recommended that  
20 before we ask him to get more deeply involved  
21 reviewing all the literature, glyphosate data,  
22 represent us as a consultant with regulators, et  
23 cetera, we would ask him to review a subset of the  
24 articles, right?

25 A. Correct.

1           Q.   Now, earlier you said you made a mistake not  
2   only giving him four articles, but the truth of the  
3   matter that was the intention from day one, right?

4           A.   So what I'm saying is --

5           Q.   Is that right, that was your intention?

6           A.   Our intention originally was to have him  
7   just give us a quick review of those four studies --

8           Q.   And that's --

9           A.   -- and we should learn --

10          Q.   And that's exactly what happened?

11                   **MS. COOK:** Your Honor, I just ask that the  
12   witness not be interrupted.

13                   **THE COURT:** She did answer the question.  
14   Let Mr. Frazer move on.

15          Q.   (By Mr. Frazer) And that's exactly what  
16   happened, right, you only sent the four studies?

17          A.   Again, we were just going to him to give us  
18   a critical review of the four studies. When we got  
19   his response back, we realized that we should have  
20   given him more and we did. We worked with Dr. Parry  
21   for actually over a two-year period.

22          Q.   Let's look at that because we have one more  
23   little hyphenated point that you put down here. You  
24   say: "Based on his critique of the genotox papers, a  
25   decision would be made as to expanding or terminating

1 his involvement."

2 Right?

3 A. Yes.

4 Q. Kind of you're going to kick the tires a  
5 little bit before you decide to buy the car, right?

6 A. Well, I wouldn't use that example. I think  
7 when you are going to hire a consultant, you want to  
8 know if they are a high quality consultant. That's  
9 why we asked him to do critical reviews of those four  
10 papers.

11 Q. What you really want to know is if he is  
12 going to agree with you on your views, Monsanto's  
13 views of those four papers, right?

14 A. We wanted his opinion of those four papers,  
15 and we did want to see if he agreed or disagreed with  
16 those.

17 Q. You wanted to determine whether to expand  
18 his role or terminate him, right?

19 A. I think that perfectly makes sense when you  
20 are working with a consultant.

21 **THE COURT:** Ms. Collins, I think some of the  
22 jurors are getting some glare. While we are moving  
23 on.

24 It is okay. You have some questions before  
25 anything goes up on the screen, so go ahead. I wanted

1 to get her working on that glare.

2 Q. (By Mr. Frazer) Dr. Farmer, I'll hand you  
3 what has been marked as Plaintiff's 758.

4 **MR. FRAZER:** Is that better? Think so.  
5 Might cool it down in here, too. Been a little warm  
6 this afternoon. I've been cold in here, but today is  
7 a little warm.

8 **THE COURT:** It is an old building, hard to  
9 cool.

10 Q. (By Mr. Frazer) Dr. Farmer, you've seen  
11 Exhibit 758, haven't you, ma'am?

12 A. I have.

13 Q. This is well-known to you?

14 A. It is.

15 Q. This is Dr. Parry's first report based upon  
16 the four studies that you all sent him to look at,  
17 right?

18 A. It is.

19 **MR. FRAZER:** Your Honor, we move 758 into  
20 evidence.

21 **THE COURT:** Any objection?

22 **MS. COOK:** No, Your Honor.

23 **THE COURT:** 758 will be admitted.

24 Q. (By Mr. Frazer) This goes back a little bit  
25 in time. We see a Monsanto telefax transmittal sheet

1 there at the top, right? Some of us are old enough in  
2 this courtroom to know what a telefax transmittal  
3 sheet is, right?

4 This is coming from the Monsanto technical  
5 center in Belgium, right?

6 A. Correct.

7 Q. And the date is -- because it is a European  
8 date the day comes first. Looks like 15th of  
9 February, 1999, right?

10 A. It does, yes.

11 Q. And the subject is Professor Parry's Report,  
12 P-A-R-R-Y, apostrophe S, right?

13 A. Correct.

14 Q. It is called a report?

15 A. Correct.

16 Q. And Mr. Martens, Dr. Martens, writes on the  
17 cover in his handwriting: "Dear Alan, Donna and Bill,

18 Please find herewith Professor Parry's  
19 evaluation of the four papers I sent him on  
20 genotoxicity of glyphosate and Roundup."

21 Right?

22 A. Correct.

23 Q. He asked you to look at this carefully and  
24 formulate comments, right?

25 A. Correct.



1 Q. And then we will have a conference call with  
2 Larry. I'm assuming that is Dr. Kier?

3 A. Correct.

4 Q. All right. Let's look at the very next  
5 page, what Dr. Parry writes. We see that Dr. Parry,  
6 again sort of old school, has written a letter, right?

7 A. Correct.

8 Q. At the top -- let's go to the letterhead at  
9 the top.

10 It is on -- I can't even pronounce it. It  
11 is on University of Wales Swansea, Singleton Park,  
12 Swansea, and that's in Britain, right?

13 A. Correct.

14 Q. From the School of Biological Sciences,  
15 correct?

16 A. Correct.

17 Q. And he is writing to Dr. Mark A. Martens,  
18 the toxicology director of Monsanto Europe in Belgium,  
19 right?

20 A. Correct.

21 Q. The date of his letter is February 11, 1999,  
22 right?

23 A. Correct.

24 Q. We saw earlier that the fax transmittal  
25 sheet was four days later on the 15th of February,

1 right?

2 A. Correct.

3 Q. So Dr. Martens sat on this for a few days  
4 before he sent it to -- by fax over to the good old  
5 United States of America, right?

6 A. I wouldn't characterize it he sat on it.  
7 Who knows why Dr. Martens didn't send that over.

8 Q. What he says, Dr. Parry says here, he says:

9 "Dear Dr. Martens,

10 You will find enclosed my evaluation of the  
11 four papers you provided concerning the potential  
12 genotoxicity of glyphosate and Roundup."

13 Did I read that properly?

14 A. You did.

15 Q. It says: "Although each of the papers have  
16 weaknesses, I have avoided a report which attempts to  
17 focus upon these weaknesses."

18 Dr. Parry is kind of recognizing you're not  
19 really supposed to focus on the weaknesses too much,  
20 right?

21 A. What we wanted was a critical review. And  
22 in a critical review, you look at strengths and  
23 weaknesses of something.

24 Q. Yeah. He says: "Rather I've attempted to,  
25 in quotation marks, pull out, end of quotation marks,

1 the data which provided aid to the understanding of  
2 the potential mechanisms of glyphosate genotoxicity  
3 and indicated how you might clarify these mechanism.  
4 It has been my experience with regulatory agencies  
5 that a positive attitude to published data is a more  
6 productive approach than just criticizing individual  
7 studies."

8 Right?

9 A. That's what he wrote.

10 Q. We can agree Dr. Parry did what he was  
11 supposed to do?

12 A. No. We asked Dr. Parry to do a critical  
13 analysis. And in our mind, critical analysis was  
14 evaluation of the strengths and the weaknesses.  
15 Basically, all Professor Parry did was summarize what  
16 the authors reported in their papers. So, no, he did  
17 not do what we asked him to do.

18 Q. Did you ask for your money back?

19 A. No. Because we continued to work with  
20 Professor Parry, as we talked about, for over two  
21 years.

22 Q. We will see a document later where  
23 Dr. Martens was supposed to turn Dr. Parry around,  
24 right? We will see that in a minute.

25 **MS. COOK:** Objection, Your Honor.

1           **THE COURT:** I'll sustain the objection.

2 We'll look at the document when you bring it up.

3           Q.    (By Mr. Frazer) You know that from your own  
4 personal knowledge, you testified about it multiple  
5 times, there is a document, we will look at it, where  
6 Dr. Martens was told to turn Parry around, right?

7           A.    You are misrepresenting that. We can talk  
8 about it when we get there.

9           Q.    I'm misrepresenting it?

10          A.    You are misrepresenting that.

11          Q.    We will let the jury decide that one, okay?

12          A.    That's fair enough.

13          **MS. COOK:** Your Honor, objection.

14          **MR. FRAZER:** Well, she just accused me of  
15 misrepresentation.

16          **THE COURT:** I understand. Let's keep  
17 moving, Mr. Frazer.

18          **MR. FRAZER:** I'm not even allowed to do  
19 that, Your Honor.

20          Q.    (By Mr. Frazer) Anyway, take it in stride  
21 and we will move on.

22                    So let's look at the next page. Dr. Parry  
23 on the next page and the page after that, he lists all  
24 of his -- what -- all of his qualifications, right?

25          A.    Yes.

1 Q. He is a chairman of genetics and  
2 microbiology, he's a chairman of molecular biology,  
3 he's a chairman of The Centre for Molecular Genetics  
4 and Toxicology; he's got teaching experiences in  
5 general genetics, human genetics, molecular and  
6 microbial genetics, basic toxicology, environmental  
7 and aquatic toxicology, right?

8 A. That's what it says, yes.

9 Q. There was nobody working at Monsanto that  
10 was as qualified as Dr. Parry, correct?

11 A. I had other people that were highly  
12 qualified as well.

13 Q. There was no one at Monsanto who had this  
14 kind of background in genetics and molecular testing  
15 as Dr. Parry?

16 A. Dr. Parry had a very high quality  
17 background, yes.

18 Q. Yeah. We see his research interest.

19 **MR. FRAZER:** Let's turn to the next page,  
20 please, Ed.

21 Q. (By Mr. Frazer) We all see what he has done  
22 out in public. He has been president of  
23 organizations, vice president, editors, editorial  
24 board members, chairmen, all of it relating to the  
25 carcinogenicity and mutagenicity of chemicals,

1 correct?

2 A. Correct.

3 Q. And talking about when you get exposed to  
4 this stuff what happens to the human body, right?

5 A. To the genetic material of the human body.

6 Q. Carcinogenicity, the mutagenicity, and the  
7 mechanism of injury, right?

8 A. I see those there.

9 Q. Let's go to the next page. We will see the  
10 first study he looked at. You mentioned this was  
11 Rank, which was published in 1993, right?

12 A. Right.

13 Q. I'm not going to bore the jury with going  
14 through this whole thing, but his conclusion was --  
15 his view of the Rank study conclusion was: "In vitro  
16 evidence of genotoxic effect for Roundup mixture,  
17 inadequate in in vivo studies."

18 Right?

19 A. That's what he said, yes.

20 Q. Do you disagree with that?

21 A. Yes.

22 Q. Okay. Let's look at the next one. He  
23 looked at the Bolognesi study. And by the way, that's  
24 what the Rank study said, though, that was his  
25 conclusion, right?

1 A. That's what the Rank study said, yes.

2 Q. Let's look at the next one you had --  
3 Monsanto had him look at, Bolognesi 1997. Do you see  
4 that?

5 A. I do.

6 Q. If we turn the page again, we see that his  
7 conclusion, his expert conclusion, is that there was a  
8 positive response in vitro SCE. What does SCE mean?

9 A. Sister chromatid exchange.

10 Q. That is a DNA issue?

11 A. It's a chromatid issue. If you look at the  
12 chromatids, you are exchanging sister chromatids.  
13 It's not used anymore anyway.

14 Q. Okay. He says: "Positive response in vitro  
15 SCE for both compounds, response at 10 times lower  
16 concentration for Roundup mixture. Both glyphosate  
17 and Roundup mixture produced positive response in  
18 mouse bone marrow micronucleus assay. Both glyphosate  
19 and Roundup mixture produced increase in DNA strand  
20 breaks in mouse, liver and kidney. Glyphosate  
21 increased 8-OHdG in mouse liver. Roundup mixture  
22 increased 8-OHdG in mouse liver and kidney."

23 Right?

24 A. That's what they said.

25 Q. Do you agree with Dr. Parry's conclusion

1 there?

2 A. Those were the findings in that study.

3 Q. Do you agree with the findings in the study,  
4 Bolognesi?

5 A. The study findings are the result of how the  
6 study was conducted. It conflicts with data that we  
7 have on other studies. Those are the findings of the  
8 Bolognesi.

9 Q. So you don't disagree with them?

10 A. What I'm saying is these are their findings.  
11 I can't disagree with what they recorded in their  
12 publication.

13 Q. I'm just asking you as one of the top  
14 toxicologists at Monsanto, do you agree with those  
15 findings?

16 A. I agree that they reported them in their  
17 study. We don't agree that this is representation of  
18 genotoxicity or oxidative stress.

19 Q. Okay. We will parse that out later.

20 No. 3, turn the page. This conclusion on  
21 the Peluso study, that's one of the four, 1998 Peluso,  
22 right?

23 A. Correct.

24 Q. Dr. Parry, the guy you guys hired to look at  
25 this, the geneticist, he concludes, "Roundup mixture



1 produced increase in DNA adducts in mouse, liver and  
2 kidney."

3 Right?

4 A. That's what they reported in this study, and  
5 that's what he was reporting there.

6 Q. What is a DNA adduct?

7 A. So you can have segments of DNA that can be  
8 either put in through DNA damage or other mechanisms,  
9 and they did not identify where the DNA adducts came  
10 from in the mouse, liver and kidney.

11 Q. There was an increase in DNA adducts in  
12 mouse, liver and kidney. And Dr. Parry put that here  
13 in his conclusion, right?

14 A. That's what he reported in the study, yes,  
15 and he repeated that here.

16 Q. The fourth and last study that Dr. Parry was  
17 asked to look at was Lioi. Is that the way you  
18 pronounce that?

19 A. That's how I pronounce it. I think there is  
20 an "I." I think there's a typo in there.

21 Q. Looks like a typo, doesn't it? It's usually  
22 L-I-O-I, right?

23 A. That's what I remember.

24 Q. It is also one of the four studies that you  
25 sent him and it is dated 1998, right?

1           A.    Correct.

2           Q.    If we flip the page, we see what Dr. Parry's  
3 conclusion was on his review of the Lioi study. He  
4 said: "Increase in chromatid aberrations of SCE  
5 following glyphosate exposure. Increase in G6PD  
6 activity following glyphosate exposure. An increase  
7 in G6PD reduced by presence of anti-oxidant."

8                    Right?

9           A.    That's what he said, that's what was in the  
10 paper, yes.

11          Q.    And G6PD, he is talking about what his  
12 expertise is at the geno level, right?

13          A.    I believe these are markers for oxidative  
14 stress.

15          Q.    Yeah. Okay. Thank you. Okay.

16                   Then if we turn the page, sounds like an old  
17 Bob Seger song. We see at the top of the page  
18 Dr. Parry has a heading that says, "Comparison of  
19 results obtained in the analysis of the effects of  
20 glyphosate and Roundup."

21                   Right?

22          A.    From those publications.

23          Q.    From those published. So what he is doing  
24 is taking all the data from all four publications and  
25 putting them into a nice little package here that they

1 can understood well, right?

2 A. He is reporting them, yes.

3 Q. Yeah. His first report is that mouse  
4 micronucleus assay positive for both, right?

5 A. I see that, yes.

6 Q. He says the SCE in vitro human lymphocytes  
7 both positive, Roundup more potent, right?

8 A. Formulation secondary, yes.

9 Q. He says there are DNA strand breaks positive  
10 with both, right?

11 A. I see that, yes.

12 Q. And by both, he means glyphosate and  
13 Roundup?

14 A. A Roundup formulation, correct.

15 Q. He says that there are also non-concorded  
16 results. Do you see that?

17 A. I do.

18 Q. In other words, he sees some in Roundup and  
19 some in glyphosate, right?

20 A. Correct.

21 Q. Concorded views, the ones we just looked at  
22 is when both of them match up, right?

23 A. That's what he says.

24 Q. So for non-concorded he lists the results  
25 Allium cytogenetics positive only with Roundup

1 mixture, right?

2 A. Which is interesting because that's like an  
3 onion cell, so that's kind of interesting that Roundup  
4 would have effective glyphosate. Kind of interesting.

5 Q. Yeah. That's very interesting, isn't it?

6 Allium is another word for an onion, right?

7 A. I don't know. That may be. You may know it  
8 better than I.

9 Q. Then he looks at something called 8-OHdG.  
10 Do you know what that is?

11 A. It's another marker for oxidative stress.

12 Q. Another marker for oxidative stress. He  
13 says: "Roundup caused it in kidney. Non-significant  
14 increase in liver. Glyphosate positive only in  
15 liver."

16 Right?

17 A. That's what he wrote, yes.

18 Q. Then he has "P-postlabelling." What is  
19 that?

20 A. I don't remember exactly what that is for.

21 Q. Whatever it is, it was Roundup positive in  
22 the liver and kidney and for glyphosate it was  
23 negative, right?

24 A. Correct.

25 Q. So for technical glyphosate, which no

1 Roundup Ready-To-Use customer at Ace Hardware can buy,  
2 it was negative, right?

3 A. It was yes.

4 Q. And then he lists conclusions. And he says:  
5 "Roundup mixture induced frameshift mutations in  
6 salmonella typhimurium TA98 in the absence of S9 mix.  
7 Roundup mixture induce base substitution mutations in  
8 salmonella typhimurium TA100 in the presence of S9  
9 mix."

10 Right?

11 A. Correct.

12 Q. Is that something he did on his own?

13 A. No. He was just, again, reporting what they  
14 were doing in the studies. What he did differently is  
15 he then put that next paragraph in there. So that was  
16 just a repeat of what was in the studies.

17 Q. I'm going to have to ask you to speak up.

18 A. He didn't do that on his own. Just  
19 repeating what is found in the studies.

20 Q. Okay. Then he has a topic down there called  
21 "In Vitro Cytogenetics."

22 Do you see that?

23 A. I do.

24 Q. He says that "Glyphosate induces a  
25 dose-dependent increase in chromatid aberrations in

1 vitro in bovine lymphocytes over a concentration range  
2 of 17 to 170uM solution."

3 Right?

4 A. Micromolar, yes.

5 Q. The bovine lymphocyte, that's what?

6 A. Cal.

7 Q. Cal.

8 Then he says in B, "Sister chromatid  
9 exchanges induced in human lymphocytes by both  
10 glyphosate and Roundup mixture. Roundup mixture  
11 produced a positive result at lower concentrations."

12 Right?

13 A. That's what he wrote, yes.

14 Q. And then we turn the page and he is a little  
15 more descriptive of what we talked about, Allium.

16 "In Allium root tips positive result  
17 produced by Roundup mixture, no response with  
18 glyphosate. Predominant aberrations were indicative  
19 of spindle damage."

20 Right?

21 A. That's what he said, yes.

22 Q. And do you know why researchers picked  
23 Allium to look at when they are doing these kinds of  
24 tests?

25 A. Well, I think it is interesting when you

1 have glyphosate, which is a herbicide to choose that  
2 in these assays, because herbicide is going to have  
3 effect on plant tissue.

4 Q. But they are testing the root --

5 A. The growing region.

6 Q. They are not testing the shikimic, whatever  
7 it is, pathway, right?

8 A. So, again --

9 Q. Right?

10 A. I don't know, but it is a plant cell. And  
11 all plant cells have shikimic pathway. But it is just  
12 interesting, if you have a plant as a subject matter  
13 you can use herbicides to test it.

14 **THE COURT:** Mr. Frazer, I'm going to stop  
15 you for a second. We have a juror that needs a break.  
16 I'm going to send you upstairs for ten minutes. Get a  
17 drink of water or get soda, caffeine.

18 Remember, do not form or express any  
19 opinions about the case. Don't talk to each other or  
20 anybody else about the case, do your own research.  
21 See you back here in a few minutes and we'll finish  
22 off the afternoon.

23 (A short recess was taken.)

24 **THE COURT:** Folks, before we get started, I  
25 just want to give you a little bit of an update. I've

1 talked to the attorneys and I've made the decision.  
2 One of the things that I was going to do tomorrow has  
3 sort of gotten out of order, so rather than have you  
4 guys come in tomorrow for a very short day, instead we  
5 are going to take tomorrow off and then we are going  
6 to come back Tuesday.

7           You guys get a four-day weekend. Monday is  
8 a government holiday. Tomorrow, for our records, you  
9 will still be on jury duty tomorrow. So if you want  
10 to not go to work, you get your slip at the end and it  
11 is still going to say you were on jury duty tomorrow,  
12 okay.

13           That being said, it is just before three.  
14 To maximize our time, I've told the attorneys that  
15 unless someone gives me another high sign they need a  
16 break, I'm going to try to take us right up to five  
17 o'clock today to maximize our time. So that's my  
18 plan. If one of you needs a break before then, give  
19 me a little wave or let the sheriff know, okay?

20           Yes, sir.

21           **JUROR:** Just want to thank you in advance  
22 for the days.

23           **THE COURT:** Appreciate it. Thank you very  
24 much. I'll turn it back over to Mr. Frazer.

25           **MR. FRAZER:** Your Honor, do I have to tell



1 my wife we don't have court?

2 **THE COURT:** That is between you and your  
3 wife, Mr. Frazer.

4 **MR. FRAZER:** That is just a joke.

5 Q. (By Mr. Frazer) All right. Let's look  
6 at --

7 **MR. FRAZER:** Let's take that one down, Ed.

8 Q. (By Mr. Frazer) Let's go to No. 151. Also,  
9 Dr. Farmer, I want to hand you what has been marked as  
10 Plaintiff's Exhibit 151.

11 A. Okay.

12 Q. You've seen this document before, haven't  
13 you, ma'am?

14 A. I have.

15 Q. And this is another email chain that you are  
16 on, right?

17 A. Correct.

18 Q. And it is dated -- at least the first one on  
19 the first page of Exhibit 151 is dated April 19, 1999,  
20 right?

21 A. Yes.

22 Q. Okay.

23 **MR. FRAZER:** Your Honor, move this into  
24 evidence.

25 **THE COURT:** Any objection?

1           **MS. COOK:** No, Your Honor.

2           **THE COURT:** It will be admitted.

3           Q.    (By Mr. Frazer) Pull the first page there  
4    and we're going to look at right under your name  
5    Donna, the third sentence. This is coming from Mark  
6    Martens. This is the guy who was in touch with  
7    Dr. Parry. He says: "I received from Professor Parry  
8    the signed secrecy agreement."

9           Do you see that?

10          A.    I do.

11          Q.    Before Dr. Parry was going to issue his next  
12    report, it was determined that let's get this guy to  
13    sign a secrecy agreement, right?

14          A.    No. That's not the reason. It is a  
15    confidentiality agreement. Because some of the  
16    studies that are listed below there are proprietary,  
17    so that was a confidential agreement to receive those  
18    reports.

19          Q.    These reports that you've already given a  
20    regulator that you said the public can see?

21          A.    No. What I said was that those four studies  
22    were in the open literature, and that was available to  
23    the regulators and the public. But these are our  
24    proprietary studies that the regulators require us to  
25    conduct and give to them, so the public does not see

1 those. And that's why we asked Dr. Martens to sign a  
2 confidentiality agreement.

3 Q. Call it what you like, but it was -- what  
4 Dr. Martens calls it is a signed secrecy agreement,  
5 right?

6 A. English is not Dr. Martens' first language,  
7 so he might be translating confidentiality into  
8 secrecy.

9 Q. Well, that's another explanation I guess for  
10 why somebody writes what they write when they write  
11 it. Dr. Martens, who speaks English, wrote secrecy  
12 agreement, right?

13 **MS. COOK:** Objection. Argumentative.

14 **THE COURT:** He asked it several times. I  
15 will let the witness give one final answer and move  
16 on.

17 **THE WITNESS:** Again, it's about the  
18 confidentiality of those reports.

19 Q. (By Mr. Frazer) Bayer is a German company  
20 and you still have difficulty communicating with all  
21 of them over there in Germany?

22 A. No, we don't.

23 Q. Okay. All right. Let's move to  
24 Exhibit No. 969. Hand you what has been marked as  
25 Plaintiff's Exhibit 969, Dr. Farmer. Got that?

1 A. I do.

2 Q. And 969 is an email at the top from you to  
3 you, right? Is that right?

4 A. It is kind of interesting how it comes  
5 because it is actually from Mark to me, but it looks  
6 like from me to me, but can I take a minute to look at  
7 this?

8 Q. Well, let's --

9 **MR. FRAZER:** Your Honor, I'll move this into  
10 evidence. We will see what it says.

11 **THE COURT:** Do you have an objection,  
12 Ms. Cook?

13 **MS. COOK:** No, Your Honor.

14 **THE COURT:** All right. We will admit it.

15 Q. (By Mr. Frazer) You see right here  
16 Exhibit 969 at the very top it says from Donna Farmer  
17 to Donna Farmer, right?

18 A. Agreed.

19 Q. And it is dated June 3rd, 1999?

20 A. It is.

21 Q. And in here you are telling yourself, and  
22 looks to me like you just copy and pasted a Mark  
23 Martens email that you'd gotten from somewhere else;  
24 is that a fair statement?

25 A. I can't explain it. It looks like it says

1 Donna. Down below it says, "Below are the references  
2 that Bill suggested." Then it says, "Donna, thanks  
3 for the reference which we will include." And then  
4 there is paragraph that says regards to Mark.

5 Q. Yeah. And Mark is Mark Martens, that's who  
6 this kind of sounds like it's from. He is talking  
7 about Germany?

8 A. I do believe it would be Dr. Martens.

9 Q. And he says: "Regarding the statement, you  
10 have to know why it was made. The Germans accused us  
11 of introducing our new formulations because we knew  
12 that classic Roundup was mutagenic, explanation  
13 point."

14 Right?

15 A. Correct.

16 Q. All right. Let's move on to the next  
17 exhibit, 152. I'll try to go a little faster.

18 **THE COURT:** Mr. Frazer, I didn't say you had  
19 to go fast.

20 Q. (By Mr. Frazer) Dr. Farmer, I handed you  
21 what has been marked as Plaintiff's Exhibit 152. Do  
22 you have that?

23 A. I do.

24 Q. And you are in this email chain. Again, it  
25 is involving Dr. Parry, right? Right?

1           A.    I'm trying to look.  I don't think it is  
2 specifically involving Dr. Parry.  This is another  
3 discussion.

4           Q.    This is --

5           A.    It does say, yes.

6           Q.    I'm sorry.  Didn't mean to interrupt you.  
7 Apologize very much.

8           A.    It's not about Dr. Parry.  It's about a lot  
9 of other stuff, but Dr. Parry is mentioned in this  
10 email.

11          Q.    Yeah.  It's about mutagenicity in general,  
12 right?

13          A.    It is.

14          Q.    And we can see that email -- that the first  
15 email that starts on the back page just says:  "I got  
16 the official record of the Pesticide Committee."

17          A.    Can you tell me where you are?

18          Q.    Second page, bottom of the page?

19               **THE COURT:**  Are you moving to admit this?

20               **MR. FRAZER:**  I move to admit it.

21               **THE COURT:**  Any objection?

22               **MS. COOK:**  No objection, Your Honor.

23               **THE COURT:**  It will be admitted.

24               **MR. FRAZER:**  Is that 152, Ed?

25          Q.    (By Mr. Frazer)  Says there at the bottom of

1 the second page, you with me right there?

2 A. I am now.

3 Q. Okay. It says from Gabriele Fontana. Is he  
4 in the European Monsanto office or US office?

5 A. Gabriele Fontana?

6 Q. Yes.

7 A. He was our regulatory affairs manager in  
8 Italy.

9 Q. He is writing on July 29, '99. "I have just  
10 got the official record of the Pesticide Committee  
11 meeting where the RUP case was discussed."

12 And he says No. 1 on the next page:  
13 "Italian experts, Ms. Bolognesi and Mr. Crebelli, will  
14 attend the ECCO meeting when glyphosate mutagenicity  
15 data will be discussed."

16 Right?

17 A. Correct.

18 Q. He says: "A study of DNA reparation for  
19 both active and G3 formulation will be required,  
20 without prejudice of current registrations."

21 Right?

22 A. Correct.

23 Q. In this mutagenicity, information is being  
24 wanted by the Italian regulators to look at and that's  
25 another reason you're talking to Dr. Parry at this

1 time, right?

2 A. Again, Italian regulators Dr. Peluso and  
3 Bolognesi and the regulators had questions about them,  
4 so yes, this is part of why we wanted Dr. Parry to  
5 discuss the results with them.

6 Q. We go on up in the chain back to the second  
7 page, the middle part of the page, Dr. Heydens writes  
8 to Mark Martens he says, "I don't think an in vivo UDS  
9 is reasonable for glyphosate."

10 Do you see that?

11 A. I do.

12 Q. Then the next paragraph Dr. Heydens writes:  
13 "Formulations are obviously another issue. While I  
14 won't argue that the request is unreasonable, I would  
15 not be anxious to run right out and generate the data,  
16 either. As you point out, liver toxicity with  
17 formulations could be a confounding factor, and we  
18 would have to design and conduct the study very  
19 carefully (using our alachlor and acetochlor  
20 experience) if we are ultimately forced to do it."

21 Do you see that?

22 A. I do see that.

23 Q. And then you weigh in on the very -- you  
24 respond to that email. That's your email at the top  
25 of the page. You want to look at the first page to



1 confirm? Please free to do that.

2 A. It is.

3 Q. But you write back, you say: "It is to  
4 premature to discuss conducting any studies. I will  
5 not support doing any studies on glyphosate  
6 formulations or other surfactant ingredients at this  
7 time with the limited information we have on the  
8 situation."

9 Right?

10 A. Yeah.

11 Q. That's what you wrote?

12 A. I did write it because, as I was indicating  
13 in there, we had limited information. I felt before  
14 we moved forward, we needed to do more analysis and  
15 investigation.

16 Q. You are saying, no, don't do anymore.  
17 That's what you are saying. You are not saying move  
18 forward ahead and do more. You are saying don't do  
19 anything?

20 A. I didn't say that. I said -- I said it is  
21 too premature to discuss them. It's right here. "I  
22 will not support doing any studies on glyphosate,  
23 formulations or other surfactant ingredients at this  
24 time with the limited information we have on the  
25 situation."

1           Q.    At this time, okay.  Then you're recalling  
2   Mr. Martens writes back in response to that on the  
3   first page.  and he says:  "You all seem to think this  
4   is about action.  Actually it isn't.  It was  
5   just and" -- I think he meant an -- "evaluation of an  
6   opinion of Italian mutagenicists."

7                    I don't even know what that word is.

8                    "We of course will defend the current  
9   database but if such testing would become unavoidable  
10  it is of very low risk if conducted properly.  We will  
11  see with what suggestions Parry, Dr. Parry, will come  
12  up with."

13                   Right?

14           A.    Correct.

15           Q.    Okay.  Let's now move to Exhibit 154.  
16  Before we do that, I'm going to look at -- what's that  
17  number?  153.  Hand you what has been marked 153.  
18  Simple question to you.  Is that Dr. Parry's second  
19  report?

20           A.    Yes.

21           Q.    And it's *Bates* number on the back is 283 and  
22  one on front is 233.  It is a 50-page report, right?

23           A.    It is.

24           Q.    And this is the last report Dr. Parry gave  
25  to Monsanto, right?

1           A.    Yes.

2           Q.    And if we -- I'm not going to go through the  
3 whole thing because it is going to be in evidence, but  
4 if we go --

5           **THE COURT:** That being said, Mr. Frazer, are  
6 you moving --

7           **MR. FRAZER:** Yeah. Moving this into  
8 evidence.

9           **MS. COOK:** No objection.

10          **THE COURT:** Admitted.

11          **MR. FRAZER:** I apologize to counsel on that.  
12 That's what happens when you get -- John Wooden said  
13 be quick, but don't hurry.

14          Q.    (By Mr. Frazer) You get to the overall  
15 conclusions here. Dr. Parry has in this 50-page  
16 report, Plaintiff's Exhibit 153 is listed --

17          A.    Can you let me know what page you are on?

18          Q.    On his conclusion pages. 242 at the bottom  
19 right. The heading of that page is "Overall  
20 Conclusions."

21                    Right?

22          A.    Thank you. Yes.

23          Q.    Okay. And he has one through -- turn the  
24 next page, the third page -- 19 of them, right?

25          A.    Yes.

1 Q. Nineteen conclusions. I just want to run  
2 through a few of them. This is after you've given  
3 everything you think he ought to have that you failed  
4 to give him the first time around, right?

5 A. I wouldn't say failed to give him. We were  
6 doing it in a stepwise fashion.

7 Q. Things you decided not to give him the first  
8 time around?

9 A. Again, we were doing it in a stepwise  
10 fashion. And then we gave him everything, yes.

11 Q. Stepwise fashion, one step at a time. Is  
12 that what you mean by that?

13 A. We talked about Professor Parry critically  
14 reviewed those four studies. When we got his first  
15 report back, we realized we needed to give him more  
16 information. That's why we gave him all the other  
17 studies that we saw earlier.

18 Q. Let's just look at a few of them. Not going  
19 to go through all of them. No. 2 says, "There is  
20 published in vitro evidence that glyphosate is  
21 clastogenic and capable of inducing sister chromatid  
22 exchange in both human and bovine lymphocytes."

23 Correct.

24 A. Based on that Lioi study, yes.

25 Q. That's his No. 2 conclusion here of the 19

1 he lists?

2 A. Based on the Lioi study, yes.

3 Q. Right. And clastogenic means what?

4 A. That there is a structural change in the  
5 chromatid structure.

6 Q. A structural change?

7 A. Well, remember we talked about the sister  
8 chromatid exchange. So you have -- this assay is not  
9 used anymore by the way, but -- it's not reliable.  
10 But what they did is you have chromosomes like this  
11 and you have exchange between different chromosomes  
12 with different parts of chromosomes from one  
13 chromosomes to another. That's why it's called a  
14 sister chromatid exchange.

15 Q. Is it the DNA ladder that has changes to it?

16 A. No. The DNA ladder would be mutation. This  
17 is talking about the actual structure of the  
18 chromosomes.

19 Q. So the actual structure of human  
20 lymphocytes, that's stuff in your blood, right?

21 A. Human in bovine lymphocytes, and again, we  
22 had other studies that showed there was no effect on  
23 human lymphocyte. Again, we had contrasting results  
24 from different studies.

25 Q. I'm going to have to start doing my pivoting

1 here. You are blocking and bridging again.

2 **MS. COOK:** Your Honor.

3 Q. (By Mr. Frazer) Please don't do that.

4 **THE COURT:** Mr. Frazer, ask questions. I

5 know what you are doing, but ask the questions.

6 **MR. FRAZER:** I didn't ask any of the stuff

7 she just answered.

8 **THE COURT:** You are both jousting. Let's

9 keep jousting.

10 **MR. FRAZER:** It's very nonresponsive.

11 Q. (By Mr. Frazer) His next overall conclusion

12 No. 3 is, "In vitro cytogenetic data on glyphosate

13 mixtures are inadequate for evaluation?"

14 A. That's what he said, yes.

15 Q. He then said that -- turn the page. No. 10

16 he said: "Following larval feeding, Roundup and

17 Pondmaster mixtures containing glyphosate produced

18 some positive results in spermatocyte broods."

19 Rights?

20 A. Those are fruit flies.

21 Q. They have an effect on those?

22 A. Not predicted for humans, but there was an

23 effect. It was secondary to toxicity.

24 Q. Well, the very next one is for humans,

25 right? "Glyphosate induced G6PD activity in both

1 bovine and human lymphocytes and the production of  
2 8-OHdG in mouse liver."

3 Right?

4 A. Again, that is an oxidative stress marker,  
5 yes.

6 Q. He says: "Both observations indicate that  
7 glyphosate may be capable of inducing a pro-oxidant  
8 state leading to the formation of the oxidative damage  
9 lesion on 8-OHdG."

10 Right?

11 A. He said it may be capable. He did say that,  
12 yes.

13 Q. Then he in Conclusion No. 12, he says: "A  
14 Roundup mixture containing glyphosate was shown to  
15 produce 8-OHdG in both the liver and kidneys in mice.:

16 Correct?

17 A. He did.

18 Q. No. 14 he says: "Glyphosate induced single  
19 strand breaks in vivo in the liver and kidneys of  
20 mice."

21 Correct?

22 A. In the Bolognesi.

23 Q. That's what he wrote as a conclusion,  
24 correct?

25 A. He did.

1 Q. In 15 he wrote as a conclusion: "Roundup  
2 mixture produced single strand breaks in vivo in the  
3 liver and kidneys of mice."

4 Correct?

5 A. In the Bolognesi.

6 Q. No. 16 he said: "Glyphosate mixture but not  
7 glyphosate produced an increase in uncharacterized DNA  
8 adducts in vivo in the liver and kidneys of mice."

9 Correct?

10 A. In the Peluso study.

11 Q. Then we turn to the next page and it say:  
12 "Specific evaluation of the genotoxicity of  
13 glyphosate." He's says, "On the basis of the study of  
14 Lioi, I conclude that glyphosate is a potential  
15 clastogenic in vitro."

16 Right?

17 A. That's what he wrote, yes.

18 Q. His next conclusion: "Specific evaluation  
19 of genotoxicity of glyphosate mixtures." Very last  
20 sentence under that heading says: "The studies of  
21 Bolognesi and others suggests that glyphosate mixtures  
22 may be capable of inducing oxidative damage in vivo."

23 Right?

24 A. May, yes.

25 Q. And we turn to Page 264. He lists some key



1 questions that he had, right?

2 A. He did.

3 Q. And he lists eight of them, questions that  
4 he had after he reviewed everything that you guys had  
5 sent him, right?

6 A. Correct.

7 Q. And he said he wanted to know can you  
8 reproduce the Lioi study so we can see if glyphosate  
9 is an -- truly is an in vitro clastogen, right?

10 A. Correct.

11 Q. He asked if the Bolognesi studies can be  
12 reproduced, right?

13 A. And they actually were.

14 Q. That's the question. He asked that, right?

15 A. He did.

16 Q. He asked in 4 does glyphosate produce  
17 oxidative damage, correct?

18 A. He did ask that, yes.

19 Q. Then skip down to the last one. He says:  
20 "Do any of the surfactants contribute to the reported  
21 genotoxicity of glyphosate formulations?" He wrote  
22 that, didn't he?

23 A. Yes.

24 Q. That was back in 1999?

25 A. Yes.

1           Q.   Then if we turn to the next page, he has a  
2 series of actions that he recommends, correct?

3           A.   He did, yes.

4           Q.   These are all recommendations that he makes  
5 to Monsanto that he believes in his expert opinion as  
6 a geneticist Monsanto ought to do, correct?

7           A.   Correct.

8           Q.   And I'm not going -- again, I'm not going to  
9 go through all of them, but I just want to go to the  
10 last -- turn to the next page, the very bottom one,  
11 Subparagraph I. Do you see that?

12          A.   I do.

13          Q.   He says: "Produced (sic) comprehensive in  
14 vitro data on the surfactants." Then he says: "My  
15 overall view is that if the reported genotoxicity of  
16 glyphosate and glyphosate formulations can be shown to  
17 be due to the production of oxidated damage then a  
18 case could be made that any genetic damage would be  
19 threshold. Such genetic damage would only be  
20 biologically relevant under conditions of compromised  
21 antioxidant status. If such an oxidative damage  
22 mechanism is proved then it may be necessary to  
23 consider the possibility of susceptible groups within  
24 the human population."

25                   Did I read that properly?

1           A.    You did read that correctly.

2           Q.    And what he is saying is in layman's terms,  
3 he is just thinking there might be some people out  
4 there in the world that might be particularly  
5 susceptible to either a glyphosate technical or  
6 glyphosate-based formulation, right?

7           A.    Well, what he is saying there are a  
8 compromised antioxidant status is what he is referring  
9 to.

10          Q.    Yeah.  And one of the compromised oxidative  
11 statuses that you can get in, according to his report,  
12 is if you've been exposed to Roundup, right?

13          A.    No.  He said it may act through a mechanism  
14 of oxidative stress.

15          Q.    He reported that there was evidence in the  
16 literature that glyphosate and glyphosate-based  
17 herbicide like Roundup caused oxidative stress, right?

18          A.    He did.  And we've done some studies to show  
19 it's secondary to toxicity.

20          Q.    Okay.  All right.  I want to talk a little  
21 bit more about that, but I won't.  Put it in the box  
22 there.  154.

23                    Dr. Farmer, I'm handing you what has been  
24 marked as Plaintiff's Exhibit 154.  Do you have that,  
25 ma'am?

1 A. I do.

2 Q. You are familiar with this email?

3 A. I am.

4 Q. You are on this email?

5 A. I am.

6 **MR. FRAZER:** Your Honor, we move 154 into  
7 evidence.

8 **THE COURT:** Any objection?

9 **MS. COOK:** No, Your Honor.

10 **THE COURT:** It will be admitted.

11 Q. (By Mr. Frazer) Now, again, it is another  
12 chain of emails?

13 **MR. FRAZER:** Let's put that up, Ed, 154.

14 Q. (By Mr. Frazer) Let's go to the second  
15 page. I think you are there. This is from somebody  
16 we haven't talked about yet, Steven Wratten,  
17 W-R-A-T-T-E-N. He is a Monsanto employee, right?

18 A. Dr. Wratten was the glyphosate regulatory  
19 affairs manager.

20 Q. In the United States or worldwide?

21 A. As we talked about yesterday -- the other  
22 day, he is in the US, but he did interact with all of  
23 our regulatory affairs managers worldwide.

24 Q. Was he like the chief regulatory affairs guy  
25 among all the other regulatory affairs people in the

1 world for Monsanto?

2 A. No. He was the regulatory affairs manager  
3 for glyphosate.

4 Q. For glyphosate, period, worldwide?

5 A. Not worldwide. He worked with other regular  
6 affairs managers on glyphosate worldwide.

7 Q. Worldwide?

8 A. Yeah.

9 Q. All right. By this time somebody has sent  
10 Dr. Parry's report to Steven Wratten, right?

11 A. To Dr. Wratten, yes.

12 Q. He is not very happy about it, is he?

13 A. He was disappointed in the quality of the  
14 report.

15 Q. Well, he said a lot about it. We will go  
16 through some of it. He starts that way out, he says,  
17 "I was somewhat disappointed in the Parry report, not  
18 particularly from his conclusions, but just the way  
19 they were presented."

20 That's what he writes, correct?

21 A. Then he goes on to explain why.

22 Q. Yeah. But he says he is not particularly  
23 disappointed with the conclusions that Dr. Perry came  
24 to?

25 A. They were Dr. Parry's opinions.

1           Q.    I understand that.  But your regulatory  
2    affairs guy for glyphosate worldwide says he's not  
3    particularly disappointed with Dr. Perry's conclusions  
4    that we just read?

5           A.    Because --

6           Q.    Right?  Just yes or no.  That's what he  
7    writes.

8           A.    That's what he wrote, yes.

9           Q.    Okay.  Then he goes and he starts  
10   criticizing the entire report, right?

11          A.    He is making comments about that they  
12   thought it was not complete and not precise and hard  
13   to follow.

14          Q.    In fact his conclusion, if we turn to the  
15   next page is, "I do not see that he has stuck his neck  
16   out on anything at all controversial."

17                 Right?  That's what he said?

18          A.    That's what Dr. Wratten wrote.

19          Q.    And in No. 8 on the previous page he said,  
20   "Of course we know there were no data of the type  
21   listed in Points 2, 3 and 4 on Page 3.  We didn't need  
22   him to tell us that.  The key point is whether the  
23   conclusions of Bolognesi and Rank can be discounted."

24                 That's what he wrote, correct?

25          A.    He writes some other things after that as

1 well, yes.

2 Q. Yeah. And he -- up in 5 he says: "It would  
3 have been more powerful if Dr. Parry said there was  
4 convincing evidence that glyphosate does not act as a  
5 XXX mutagen."

6 Right?

7 A. Correct.

8 Q. That's the conclusion that Dr. Wratten  
9 wanted Dr. Parry to reach, that there wasn't any  
10 convincing evidence that glyphosate acted as any kind  
11 of mutagen, fill in the blank, right?

12 A. That's our -- that was our opinion, that it  
13 wasn't mutagenic, yes. And we hoped he'd come to the  
14 same conclusion.

15 Q. In those Paragraphs 2, 4 and 4, he is  
16 talking about, hey, maybe he could rewrite the report,  
17 correct?

18 A. No. He is making suggestions on how the  
19 report could benefit from some suggestions.

20 Q. Well, he says, look, here is what the report  
21 needs to do. Needs full citations, it needs test  
22 material clearly identified, it needs MON numbers  
23 identified, brand names identified. He is talking  
24 about rewrite the whole report, right?

25 A. I think what you are doing --

1 Q. Yes or no?

2 A. He is making some very relevant suggestions  
3 on how to improve the report.

4 Q. In fact, in Paragraph 2 he says the whole  
5 report could benefit from some introductory paragraphs  
6 about what he was asked to do, what he received as far  
7 as reports, et cetera, et cetera, right?

8 A. Dr. Wratten was asked to give his opinion of  
9 the report and he did.

10 Q. And then you write back on the first page of  
11 Exhibit 154, you forward this to Alan Wilson, he is  
12 another toxicologist. You identified him earlier,  
13 right?

14 A. No. He's a metabolism expert.

15 Q. Metabolism. Is he a toxicologist?

16 A. No.

17 Q. So he's like a doctor of metabolism?

18 A. He has a Ph.D in metabolism. Basically it's  
19 biochemistry.

20 Q. Okay. You sent this to him and you say:

21 "Alan.

22 One option. I agree we need someone else to  
23 interface with Parry. Right now the only person I  
24 think that can dig us out of this, and you put in  
25 quotes genotox hole, end quote, is the capital "G"



1 good Dr. Kier."

2 Right?

3 A. I did. And I can explain what that meant.

4 Q. We'll let your lawyers get you to explain  
5 that. And you said at the last there, the last thing  
6 you wrote to your colleague Dr. Wilson, Steve -- you  
7 are referring to Steve Wratten, correct?

8 A. Yes.

9 Q. You are saying Steve's opinion of the report  
10 was pretty clear. He also suggested as an option to  
11 drop Parry, right?

12 A. Yes.

13 **MR. FRAZER:** Sorry, Your Honor.

14 **THE COURT:** Take your time, Mr. Frazer.

15 Q. (By Mr. Frazer) All right. Let's go to  
16 156. Dr. Farmer, I'm handing you what has been marked  
17 as Plaintiff's Exhibit 156. This is an email from  
18 Dr. Heydens; is that right?

19 A. Correct.

20 Q. And it is to Mark Martens and you?

21 A. It is.

22 Q. And --

23 A. And Dr. Kier.

24 Q. The good Dr. Kier?

25 A. Dr. Kier.

1 Q. He is the one that you referred to earlier  
2 as capital "G" good Dr. Kier?

3 A. Dr. Kier.

4 Q. And Dr. Heydens says in response to Mark  
5 Martens' email --

6 **MR. FRAZER:** Move this into evidence, Your  
7 Honor.

8 **THE COURT:** Any objection?

9 **MS. COOK:** No, Your Honor.

10 **THE COURT:** It will be admitted.

11 Q. (By Mr. Frazer) If we look at the first  
12 email, which is from Mr. Martens, it says:

13 "Larry and Donna,

14 I would like to get some feedback to Jim  
15 Parry on his report. I sent you my comments but  
16 didn't get a reaction. Can I get your opinions and  
17 then have a discussion on what action to take?"

18 Did I read that right?

19 A. You did.

20 Q. And Dr. Heydens responds with a copy to you:  
21 "I have read the report and agree with the comments --  
22 there are various things that can be done to improve  
23 the report."

24 Right?

25 A. Correct.

1           Q.   Dr. Heydens further writes: "However let's  
2   step back and look at what we are really trying to  
3   achieve here."

4                    Right?

5           A.   Correct.

6           Q.   And he says: "We want to find, slash,  
7   develop someone who is comfortable with the genetox  
8   profile of glyphosate/Roundup and who can be  
9   influential with regulators and scientific operations  
10   when genetox issues arise."

11                   Correct?

12          A.   Correct.

13          Q.   "My read is that Parry is currently not such  
14   a person."

15                   Right?

16          A.   That's what he wrote, yes.

17          Q.   Dr. Heydens is saying I looked at this  
18   report, this is not the guy I want to do what we need  
19   them to do?

20          A.   He's saying right now Perry is not currently  
21   such a person.

22          Q.   It says: "It would take quite some time --  
23   and he has got three dollar signs/studies -- to get  
24   him there."

25                   Right?

1 A. That's what he wrote, yes.

2 Q. And then he writes: "We simply are not --  
3 aren't going to do the studies Parry suggests."

4 Correct?

5 A. That's what he says there.

6 Q. Dr. Heydens is making an executive decision  
7 on behalf of Monsanto Company that we are not going to  
8 do anything that Dr. Parry is suggesting in his report  
9 that we just looked at, right?

10 A. At that moment he said we are simply not  
11 going to do them.

12 Q. Then he says: "Mark, do you think Parry can  
13 become a strong advocate without doing this work  
14 Parry."

15 Do you see that?

16 A. I do.

17 Q. It says: "If not, we should seriously -- in  
18 bold letters underlined -- start looking for one or  
19 more other individuals to work with. Even if we think  
20 we can eventually bring Parry around closer to where  
21 we need him, we should be currently looking for a  
22 second/backup genetox supporter."

23 That's what he writes?

24 A. That's what he wrote.

25 Q. "We have not made much progress and are

1 currently very vulnerable in this area."

2 That's what Dr. Heydens writes?

3 A. That's what he wrote.

4 Q. He says: "We have time to fix that, but  
5 only if we make it a high priority now, Bill."

6 Correct?

7 A. That's what he said, yes.

8 Q. Nowhere in here does Dr. Heydens say, hey,  
9 this guy is an independent guy, we got his opinion,  
10 hey, let's just role with what he is saying, right?

11 A. Again, because we didn't agree with  
12 Dr. Parry's conclusions, we had our own genetox expert  
13 and other studies that were in conflict with those  
14 four studies of Dr. Parry's opinion.

15 Q. If Dr. Parry would have simply been given a  
16 draft of what you wanted him to do and he had signed  
17 his name to it, this email, Exhibit 156, would be a  
18 180-degree difference, wouldn't it? You'd love him  
19 and you'd cheer him and you'd be singing his praises  
20 all day long, right?

21 A. We wouldn't have done that.

22 Q. You wouldn't have?

23 A. No.

24 Q. You would have gotten what you wanted  
25 according to Dr. Heydens?

1           A.    We were working with Dr. Perry looking at  
2   the data.  Sometimes experts disagree.  And we had  
3   data that we felt supported that glyphosate wasn't  
4   genotoxic.  And we just disagreed with Professor  
5   Parry.

6           Q.    You got an independent expert, did a  
7   preliminary report, did a second 50-page report, and  
8   didn't say what you wanted him to say, he never got  
9   another job from Monsanto the rest of his life,  
10   correct?

11          A.    So --

12          Q.    Just yes or no.

13          A.    So Professor Parry, I don't know if he did  
14   work with us again or not.

15          Q.    You never worked with him, did you?

16          A.    He was in Europe.  Dr. Martens was the main  
17   contact for Professor Parry.

18          Q.    Dr. Martens was in Europe, you worked with  
19   him after this?

20          A.    Because we were in the same company.

21          Q.    There were people in Europe outside your  
22   company you worked with.  We saw you write one of them  
23   when the IARC meeting was going on 15 years later,  
24   right?

25          A.    So, again, each of us have our different

1 interactions. And Dr. Martens had contact with  
2 Professor Parry. Those were Professor Parry's initial  
3 conclusions, not his final conclusions.

4 Q. Dr. Farmer, I'm going to hand you what has  
5 been marked as Plaintiff's Exhibit No. 10. Are you  
6 familiar with this email, ma'am?

7 A. I'm sorry?

8 Q. Are you familiar with this email, Exhibit  
9 No. 10?

10 A. Yes, I am.

11 Q. Your name is on it dated July 30, 1999?

12 A. It is.

13 Q. It is going on about the same time this  
14 whole Dr. Parry stuff is going on, right?

15 A. It is.

16 Q. Different topic, though, right?

17 A. It is.

18 Q. And the topic is "Glyphosate Mammalian  
19 Manuscript," right?

20 A. Correct.

21 **MR. FRAZER:** Your Honor, I move this into  
22 evidence.

23 **THE COURT:** Any objection?

24 **MS. COOK:** No, Your Honor.

25 **THE COURT:** It will be admitted.

1 Q. (By Mr. Frazer) Dr. Heydens writes to a  
2 gentleman named Ian Munro; is that right?

3 A. Correct.

4 Q. Ian Munro is with a company called Canadian  
5 Toxicology or something like that, right?

6 A. It was called Cantox, and he was with them.  
7 He has unfortunately passed away.

8 Q. But it's Can for Canada, or is it Cantox?

9 A. It's Cantox.

10 Q. In Canada or US?

11 A. It was in Canada.

12 Q. Okay. Last thing you want to do if you are  
13 a company, you want to can tox somebody, right?  
14 That's not a very good name, is it?

15 A. I think it is representing a toxicology  
16 company in Canada.

17 Q. Cantox. Should be cannot tox, right, if you  
18 are naming a company today?

19 A. I don't have any opinion on that. Sorry.

20 Q. It says: "Ian.

21 Finally! Attached are the text, tables, and  
22 references. I've sprouted several new gray hairs  
23 during the writing of this thing, but as best as I can  
24 tell, at least they have stayed attached to my head."

25 That's what Dr. Heydens is writing, right?



1           A.    That's what he wrote, yes.

2           Q.    He is copying you on this manuscript, right?

3           A.    Yes.

4           Q.    And what he is saying, this is my work  
5 product, I'm sending it to you, Ian Munro, right?

6           A.    No.  That's mischaracterizing this.

7           Q.    Well, he says attached are the text, tables,  
8 and references.  I've sprouted several new gray hairs  
9 during the writing of this thing, but as best I can  
10 tell at least they stayed attached to my head, right?

11          A.    He wrote that, but what Dr. Heydens was  
12 doing was acting as an editor in helping to get this  
13 publication ready for being submitted to a journal.

14          Q.    Acting as an editor.  Editor in chief, or  
15 copyright editor, or just plain old editor with a  
16 little "E" in front of it?

17          A.    To be honest, he was just trying to help out  
18 to get -- as you can see, he is talking about text,  
19 tables, references.  He is just trying to help get it  
20 together to send it out.

21          Q.    Now, this Munro fellow, he hadn't written  
22 one letter in the article, had he?

23          A.    So the actual person who actually drafted  
24 this paper was a Dr. Douglas Bryant.  He was a  
25 technical writer, and Dr. Munro was one of the three

1 authors who were speaking when Dr. Bryant were putting  
2 their words on paper.

3 Q. Wait a minute. Dr. Munro didn't write one  
4 word of this article, did he?

5 A. Yes. He didn't write it on paper, but  
6 Dr. Bryant -- there were three men, scientists, in a  
7 room discussing the data. And Douglas Bryant was  
8 acting as a scribe and putting on a paper what they  
9 were saying as discussing studies and results and  
10 conclusions. Dr. Munro was the author, and he was the  
11 one who had responsibility for this publication.

12 Q. Let's see what Dr. Heydens wrote when no  
13 jury was around at that time, right?

14 A. I was around at this time.

15 Q. No jury was around --

16 **MS. COOK:** Your Honor.

17 Q. (By Mr. Frazer) -- right?

18 **THE COURT:** Your objection.

19 **MS. COOK:** My objection is that it's  
20 argumentative and he's interrupting the witness.

21 **THE COURT:** I think the witness occasionally  
22 gives difficult answers. I do think it is  
23 argumentative. So I'll have you ask another question  
24 and move on.

25 Q. (By Mr. Frazer) Let's just read what

1 Dr. Heydens wrote. Quit trying to explain why and  
2 bridge into something else, okay. Let's do that. Can  
3 we do that? We only got an hour and 15 minutes to go  
4 today.

5 **MS. COOK:** Objection. Argumentative.

6 **THE COURT:** Overruled.

7 Q. (By Mr. Frazer) Would you try to do that  
8 the remainder of the day?

9 A. Yes.

10 Q. All right. What Dr. Heydens writes to Ian  
11 Munro at this company called Cantox. "As I told you  
12 on the phone, the text and tables have been" -- what?  
13 What did he write?

14 A. QA approved.

15 Q. QA approved. That is QA approved at  
16 Monsanto, right?

17 A. QA is making sure that numbers and things  
18 that have been transcribed from one place to another  
19 are correct. So it's a quality assurance group.

20 Q. At Monsanto?

21 A. Yes.

22 Q. Then he says: "The documents (text and most  
23 of the tables) show the" -- what?

24 A. The numerous changes.

25 Q. "Numerous changes (in revisions mode) that

1 have been made as part of this lengthy and painful  
2 process."

3 Right?

4 A. Correct.

5 Q. That's what your -- Dr. Heydens was your  
6 boss back. In 1999, right?

7 A. He was.

8 Q. That's what your boss in 1999. He then  
9 writes: "There are also a couple of enhancements."

10 Enhancements, what's that? An enhancement,  
11 making something even better, right?

12 A. That's what the word that is there.

13 Q. That's the word your boss chose to put on  
14 the piece of paper here back in July 30, 1999, which  
15 is 24 years ago, right? Is that right?

16 A. I think so.

17 Q. Think so.

18 "There are a couple of -- "There are also a  
19 couple of enhancements made in the genetox section.  
20 Larry" -- that's the good Dr. Kier again, right,  
21 capital "G," right?

22 A. Dr. Kier, yes.

23 Q. That is the one you referred to as the good  
24 Dr. Kier, right?

25 A. Yes.

1           Q.    "Larry and I feel very strongly about them,  
2    so we will need to discuss if you don't want to add  
3    them as is."

4                    Right?

5           A.    Correct.

6           Q.    That sounds much more than an editor to me,  
7    doesn't it to you?

8           A.    As I'm saying, the major part that he was  
9    doing was editing. He did provide some suggestions  
10   that he could discuss with them if they wanted to  
11   include them or not.

12          Q.    This sounds more like a man that is in  
13   control of the situation, doesn't it?

14          A.    No.

15          Q.    Well, what does he say next? He says:  
16   "Everyone at Monsanto has agreed with adding you as an  
17   author, so please do so."

18                   Do you see that?

19          A.    I do.

20          Q.    He has got control over whose name goes on  
21   the manuscript as an authority, right?

22          A.    You have to come back to what the original  
23   agreement was with Dr. Munro.

24          Q.    This is what we learned earlier is  
25   ghostwriting, right, ma'am?

1           A.    No.  This is not ghostwriting.

2           Q.    Okay.  Not ghostwriting?

3           A.    No.

4           Q.    Not taking somebody else's term paper and  
5   having a group at Monsanto decide who is going to be  
6   added as an author to a paper that is going to be  
7   published?

8           **MS. COOK:**  Your Honor, may we approach.

9                   (Counsel approached the bench and the  
10                   following proceedings were held:)

11           **MR. SHAW:**  Yes, Judge.  This is ridiculous  
12   and unprofessional.  What he does is he testifies and  
13   makes argument and puts a question mark on the end.  
14   That does not make it proper cross-examination.

15                   Rather than us moving along with questions  
16   he repeats and repeats and argues and argues and then  
17   adds the question mark at the end to avoid an  
18   argumentative objection, but it is still  
19   argumentative, Your Honor.

20           **THE COURT:**  Would you care to respond,  
21   Mr. Frazer?

22           **MR. FRAZER:**  I didn't hear an argumentative  
23   objection to any question.

24           **MR. SHAW:**  The objections have been made and  
25   overruled because you keep adding a question at the

1 end.

2 **THE COURT:** Mr. Frazer, it's a colorful way  
3 of asking questions. I'm going to encourage him to  
4 keep asking questions, keep this moving forward.

5 Let's be honest, it's not like your witness  
6 is giving straightforward answers to sometimes simple  
7 yes and no questions. So there is give and take here.  
8 It is cross-examination. We are all trial lawyers.  
9 We are going to keep moving on, okay.

10 **MR. SHAW:** Thank you.

11 **MR. FRAZER:** Thank you, Your Honor.

12 (The proceedings returned to open court.)

13 Q. (By Mr. Frazer) Dr. Heydens and other  
14 people at Monsanto, assume you are one of them because  
15 you are on the email, are the ones that are making the  
16 decision who the authors are going to be on this  
17 article, right?

18 A. If you let me explain, I think it would  
19 clear what was going on with this.

20 Q. Just the answer's either yes or no, ma'am.  
21 If you say, no, we will move on.

22 A. Yes.

23 Q. Yes. Okay. Thank you.

24 I want to hand you, Dr. Farmer, what has  
25 been marked as Plaintiff's No. 11. You are familiar

1 with this email, aren't you, ma'am?

2 A. I am.

3 Q. You are on this email, aren't you, ma'am?

4 A. I am.

5 **MR. FRAZER:** We move Plaintiff's Exhibit 11  
6 into evidence, Your Honor.

7 **THE COURT:** Any objection?

8 **MS. COOK:** No, Your Honor.

9 **THE COURT:** It will be admitted.

10 Q. (By Mr. Frazer) This is still talking about  
11 what we were talking about, isn't it?

12 A. We are still talking about the Williams, et  
13 al. 2000 paper, yes.

14 Q. And in the first email a guy named Douglas  
15 Bryant at Cantox is writing to Dr. Heydens, he says:  
16 "This draft includes all the changes that were  
17 discussed today and during calls last week."

18 Correct?

19 A. Correct.

20 Q. So the Cantox people agree to make all the  
21 changes that had been suggested by Monsanto and put  
22 those into the paper, right?

23 A. That's not specifically saying that because  
24 there were a lot of other suggestions from the  
25 authors, and then they may have considered those by



1 Dr. Kier and Dr. Heydens.

2 Q. Well, okay. He says right down there in the  
3 fourth paragraph: "I would like to thank you all for  
4 your effort (undoubtedly there will be more) and  
5 consideration as we have made our way to this point.  
6 Of course, I do not forget the input from the many  
7 sources that have been included in this task. I  
8 certainly hope that everyone involved, including  
9 Dr. Williams and Kroes, appreciates the many  
10 contributions, hard work, and fine craftsmanship that  
11 I believe this work exhibits."

12 Do you see that?

13 A. Yes.

14 Q. That's coming from Cantox, right?

15 A. It's coming from Dr. Bryant.

16 Q. Coming from Dr. Bryant at Cantox?

17 A. Correct.

18 Q. Now, in that little paragraph, he doesn't  
19 even reference the guy down the hall from him, Dr. Ian  
20 Munro, right?

21 A. Dr. Munro is his boss and he is up in the  
22 first paragraph, so he does mention him in that email.

23 Q. I didn't -- that wasn't my question. My  
24 question where he is talking about who worked on this,  
25 he does not mention Dr. Ian Munro, his boss, right?

1           A.   Not in that paragraph, no.

2           Q.   In fact, Mr. Heydens, Dr. Heydens, I'm  
3   sorry, he forwards this to you that same day, and he  
4   says: "FYI -- in case you want to see how it all  
5   ended up (hopefully, that is) I'll strangle Kroes or  
6   Williams if they ask for any re-writes, two  
7   explanation points."

8                    Right?

9           A.   That's what is written there, yes.

10          Q.   He is going to strangle Kroes and Williams.  
11   He doesn't even mention Munro, does he?

12          A.   Because at that point maybe Dr. Munro wasn't  
13   asking for re-writes, just Drs. Kroes and Williams.

14          Q.   Or maybe Munro was just on there because he  
15   was with Cantox, right?

16          A.   You are mischaracterizing that. That's not  
17   true.

18          Q.   I'm just reading what is on the page, ma'am.

19          A.   You are reading into it. I was there. I  
20   know what happened.

21          Q.   Okay. Thank you. Let's look at --  
22   Dr. Farmer, I'm handing you what has been marked as  
23   Plaintiff's Exhibit 65.

24                    By the way, before we talk about this, these  
25   scientific articles, when they get out there in the

1 publication world, they are designed so that people,  
2 whoever is interested in them, can read them and  
3 believe that they have independent veracity to them,  
4 right?

5 A. Yes.

6 Q. I mean, if I'm reading an article by a  
7 scientist that's located in Poughkeepsie, New York,  
8 and he is at Cornell University and he writes it and I  
9 see it, I as any member of the public am saying, hey,  
10 this guy wrote this article, researched this article  
11 and it was peer-reviewed as an independent research  
12 article before it ever got published so that I could  
13 read it, right?

14 A. Okay.

15 Q. And if I got any help from anybody, I should  
16 say that I got help from them, right?

17 A. Well, what kind of help?

18 Q. Well, if I wrote it for Coca-Cola and I  
19 talked about how great Coca-Cola tastes and that  
20 everybody should try Coca-Cola, and I didn't disclose  
21 that somebody at Coca-Cola wrote it for me, that  
22 wouldn't be fair to the public, would it?

23 A. No, it wouldn't.

24 Q. And if I got paid by Coca-Cola to do it,  
25 that wouldn't be fair if I didn't disclose that to the

1 public, right?

2 A. Correct.

3 Q. Okay. You understand why this stuff is  
4 important. None of these emails that we looked at for  
5 the Munro situation -- by the way, that ended up being  
6 a published paper named Williams, Kroes, K-R-O-E-S,  
7 and Munro, right?

8 A. Correct.

9 Q. It ended up getting in a peer-reviewed  
10 public outlet, right?

11 A. Yes.

12 Q. In fact, your boss, Dr. Koch, in 2010 called  
13 it something that has served us well for over ten  
14 years, did he not?

15 A. I don't know if that was Dr. Koch, but I can  
16 tell you that it was a review of all the Monsanto  
17 studies on glyphosate, the formulations, and the  
18 surfactants. It was a very good review article, yes.

19 Q. It was very good because like Dr. Heydens  
20 said he got a bunch of gray hairs while he was writing  
21 it, right?

22 A. He didn't say he got gray hairs while he  
23 wrote it. He said he got gray hairs during the  
24 writing.

25 Q. Dr. Heydens was never listed as an author in

1 that article, was he?

2 A. No. Because he wasn't an author.

3 Q. Never listed, was he?

4 A. He was not listed as an author because he  
5 didn't write it.

6 Q. You were never listed as author in that  
7 article?

8 A. Because our involvement never rose to the  
9 level of authorship, no.

10 Q. None of the other people we saw in those  
11 emails we were talking about, the Munro article, were  
12 listed as authors, correct?

13 A. There is a way that you --

14 Q. Correct? Correct?

15 A. Yes. Correct.

16 Q. Now, Mr. Munro ultimately was listed as an  
17 author, right?

18 A. And I can explain why.

19 Q. We saw why, because Monsanto agreed he could  
20 be?

21 A. But there is background behind that.

22 Q. Okay. We will talk about that.

23 **COURT REPORTER:** I'm sorry, I can't hear  
24 you.

25 **MS. COOK:** Your Honor --

1           **THE COURT:** We will just move on.

2           Q.    (By Mr. Frazer) You have 65 in front of  
3 you?

4           A.    I do.

5           Q.    Now, this is 15 years later, right?

6           A.    It is.

7           Q.    And it relates to IARC planning, correct?

8           A.    It does.

9           Q.    And it's by one of the scientists in your  
10 department, the first one Dave Salmiras?

11          A.    He is.

12          Q.    Dr. Heydens is on these emails?

13          A.    Yes.

14          Q.    Your boss, Dr. Koch, is on this email?

15          A.    He is, yes.

16          **MR. FRAZER:** Your Honor, move this into  
17 evidence.

18          **THE COURT:** Any objection?

19          **MS. COOK:** No objection.

20          **THE COURT:** It will be admitted.

21          Q.    (By Mr. Frazer) Turn to the second page of  
22 Plaintiff's Exhibit 65. Let's see what Dr. Heydens  
23 said 15 years later after these emails we just saw; is  
24 that fair?

25          A.    Yeah.

1 Q. Okay. The top of the page he says Donna,  
2 right? You see that?

3 A. I do.

4 Q. Then we skip down to one, two, three --  
5 fourth paragraph. He is talking about a new paper,  
6 right, something that should come out to help this  
7 whole IARC situation that you were facing, right?

8 A. It is going to be looking at the same things  
9 that IARC did and all the data they didn't look at.

10 Q. He says, "A less expensive, slash, more  
11 palatable approach might be to involve experts only  
12 for the areas of contention, epidemiology and possible  
13 MOA, mode of action, M-O-A, (depending on what comes  
14 out of the IARC meeting) and we ghostwrite the  
15 exposure tox and genetox sections."

16 Did I quote that properly?

17 A. You did.

18 Q. The very next sentence he says:  
19 Dr. Heydens -- by this time you are kind of co-equals  
20 in 2015, right, in the company?

21 A. I'm sorry, what?

22 Q. You and Dr. Heydens are co-equals at this  
23 time in the company?

24 A. Correct.

25 Q. Dr. Heydens says: "An option would be to

1 add" -- I can't remember if he says Greim or Greim.

2 A. Greim.

3 Q. "Add Greim or Kier" -- that's the good  
4 Dr. Kier, right?

5 A. Kier.

6 Q. "Kier or Kirkland to have their names on the  
7 publication, but we would be keeping the cost down by  
8 us doing the writing and they would just edit and sign  
9 their names so to speak. Recall that is how we  
10 handled Williams Kroes and" -- who?

11 A. Munro.

12 Q. Munro in 2000. That's what Dr. Heydens  
13 said, right?

14 A. That's what he said.

15 Q. Let's go to -- I'm going to hand you what's  
16 been marked as Plaintiff's Exhibit 994, Dr. Farmer.  
17 You have that in front of you, ma'am?

18 A. I do.

19 Q. You are familiar with that paper, are you  
20 not?

21 A. I am.

22 Q. You can see the authors are Williams,  
23 DeSesso and Alder Biopharmaceuticals, correct?

24 A. I'm sorry. I can't hear you.

25 Q. I'm sorry. I get tired this time of day.



1 I've been trying to keep my voice down a little bit  
2 because I get too excited. So I apologize.

3 This article is one that is published by Amy  
4 Williams, John DeSesso and Rebecca Watson. Do you see  
5 that?

6 A. I do.

7 Q. Ms. Williams is with a company called  
8 Exponent; is that right?

9 A. Correct.

10 Q. John DeSesso is with a company called  
11 Exponent?

12 A. Yes.

13 Q. Rebecca Watson is with a company called  
14 Alder Biopharmaceuticals, right?

15 A. Correct.

16 Q. And it was published in the Journal of  
17 Toxicology and Environmental Health Part B in January  
18 2012, right?

19 A. Correct.

20 Q. And the title of the article is  
21 Developmental and Reproductive Outcomes in Humans and  
22 Animals after Glyphosate Exposure: A Critical  
23 Analysis, right?

24 A. Correct.

25 **MR. FRAZER:** I'm marking that for ID

1 purposes only, Your Honor.

2 **THE COURT:** Okay.

3 Q. (By Mr. Frazer) Dr. Farmer, I'm handing you  
4 what has been marked as Plaintiff's Exhibit 28. Do  
5 you see that it is just a small email chain here?

6 A. I do.

7 Q. And the first email is from you to  
8 Dr. Daniel Goldstein and Katherine Carr, right?

9 A. Correct.

10 Q. That's the first time we heard about  
11 Ms. Carr. What was her job at Monsanto in 2008?

12 A. She was one of our leader toxicologists, but  
13 she also served as a glyphosate resource manager for  
14 documents.

15 Q. And this email is dated -- the first one  
16 May 13, 2008, right?

17 A. Correct.

18 **MR. FRAZER:** Your Honor, move this into  
19 evidence.

20 **THE COURT:** Any objection?

21 **MS. COOK:** None, Your Honor.

22 **THE COURT:** It will be admitted.

23 Q. (By Mr. Frazer) We see down at the bottom  
24 just a short -- you attach a document called  
25 glyphosate draft RV032008drf.doc. Do you see that?

1 A. I do.

2 Q. DRF are your initials?

3 A. Correct.

4 Q. And glyphosate draft, I'm assuming it  
5 relates to something with regard to a draft or  
6 glyphosate paper, right?

7 A. These were some of the reviews that we  
8 talked about earlier about cancer and non-cancer  
9 epidemiology reviews.

10 Q. And dot doc indicated it is a Microsoft Word  
11 document that you can make changes to it. It is not  
12 in a PDF format, right?

13 A. That would be my guess.

14 Q. And you are saying this to Dr. Goldstein and  
15 Katherine Carr and you say: "I have put in some  
16 suggested edits to the Mandel/Mink glyphosate epi  
17 critical review study -- mostly in the intro section.  
18 If you have the time, I would appreciate your review.

19 Donna."

20 A. Yes.

21 Q. Mandel/Mink glyphosate epi, that was an  
22 epidemiological study, correct?

23 A. No. It was a review paper of the existing  
24 literature.

25 Q. A review paper of existing literature and it

1 says it is Mandel/Mink, right?

2 A. Correct.

3 Q. Those were the two authors?

4 A. I don't know if there were others, but it  
5 was called the Mink paper, yes.

6 Q. Called the Mink paper. You were not listed  
7 as an author in that paper, were you?

8 A. No. I should not have been. And I can  
9 explain why.

10 Q. You see where you are making suggested edits  
11 in a Word document? That's all I want to ask you.  
12 I'm not asking you for an explanation. That's what  
13 you wrote?

14 A. Yes. You asked if I was an author and I  
15 said no, and I can explain why.

16 Q. Let's look at 727. Dr. Farmer, I'm handing  
17 you what has been marked as Plaintiff's Exhibit 727.  
18 You are familiar with this email, aren't you?

19 A. I am.

20 Q. All right.

21 **MR. FRAZER:** Your Honor, I move this into  
22 evidence.

23 **THE COURT:** Any objection?

24 **MS. COOK:** No, Your Honor.

25 **THE COURT:** It will be admitted.

1 Q. (By Mr. Frazer) It is multiple pages, but I  
2 just want to look at the first page. Are you there  
3 with me, ma'am?

4 A. I am.

5 Q. On the first page, this is an email from  
6 Dr. Acquavella. At this time, he is working as a  
7 consultant for the company, right?

8 A. Correct.

9 Q. That's why his email address is  
10 acquajohn@gmail.com, correct?

11 A. Correct.

12 Q. He's writing this November 4, 2015, this is  
13 after the IARC paper has come out, right?

14 A. Correct.

15 Q. Same year, right?

16 A. Correct.

17 Q. And he says: "Hi Bill/Donna --

18 Well, first of all, he says -- the subject  
19 it references: "John, Glyphosate Expert Panel Poster  
20 at 2015 SRA Annual Meeting."

21 Do you see that?

22 A. I do.

23 Q. What is the SRA?

24 A. I don't remember what that was.

25 Q. All right. He says: "Hi Bill/Donna.

1           The time is fine for me. It's 11:30 Arizona  
2 time. Arizona is on Mountain time in fall/winter and  
3 Pacific time in spring/summer. You guys know me. I  
4 can't -- can't -- be a part of deceptive authorship on  
5 a presentation or publication. Please note the ICJME  
6 guidelines below that everyone goes by to determine  
7 what is honest, slash, ethical regarding authorship."

8           That's what Dr. Acquavella writes on  
9 November 4, 2015, correct?

10          A. He did, yes.

11          Q. And the -- the acronym stands for, as we can  
12 see right here, the International Committee of Medical  
13 Journal Editors, right?

14          A. Correct.

15          Q. He actually attaches that organization's  
16 recommendation for the conduct reporting, editing and  
17 publication of scholarly work in medical journals,  
18 right?

19          A. Yes.

20          Q. He says -- and by the way, it says editing  
21 in there, right?

22          A. I'm sorry, what?

23          Q. The International Committee of Medical  
24 Journal Editor's recommendation for the conduct,  
25 reporting, editing, right?

1 A. Correct.

2 Q. And he listed here, and the one that I want  
3 to look at, is the one he bolded, which says, "All  
4 persons designated as authors should qualify for  
5 authorship and all those who qualify should be  
6 listed."

7 Correct?

8 A. Correct.

9 Q. Dr. Farmer, I've handed you what has been  
10 marked as Exhibit 2561. Do you have that in front of  
11 you, ma'am? This is an email you wrote, isn't it,  
12 Dr. Farmer.

13 A. Yes.

14 **MR. FRAZER:** Your Honor, I move this into  
15 evidence?

16 **THE COURT:** Any objection?

17 **MS. COOK:** None, Your Honor.

18 **THE COURT:** It will be admitted.

19 Q. (By Mr. Frazer) You write this to a bunch  
20 of people at Monsanto, correct?

21 A. Yes. I sent this attachment, yes.

22 Q. And the date of this we are going a little  
23 bit back in time again, is November 15, 2002, right?

24 A. Yes.

25 Q. We looked at Dr. Parry's report around years

1 '99 to 2001. We looked at the Williams Kroes and  
2 Munro article that was published in 2000, right?

3 A. Yes.

4 Q. And in 2002, you write to a gentleman named  
5 Jerry Hjelle. Who is Jerry Hjelle back in 2002?

6 A. It is Jerry Hjelle. And he was the director  
7 of our regulatory science group.

8 Q. And the subject you write is the excellence  
9 award, right?

10 A. I did, yes.

11 Q. And you say: "I am pleased to submit a  
12 Monsanto Excellence Awards application for the  
13 Glyphosate Global Advisory Network."

14 Right?

15 A. Correct.

16 Q. So let's look at your attachment. We turn  
17 the page and we see a form that you filled out, a  
18 company form you've got to fill it out to apply for  
19 this award, right?

20 A. Correct.

21 Q. We can see the title of the achievement is  
22 the Glyphosate Global Advisory Network, right?

23 A. Correct.

24 Q. No. 2 you describe the achievement in one  
25 sentence as: "Monsanto's Glyphosate Stewardship Team



1 (GST) developed a multidisciplinary global advisory  
2 network of nationally and internationally recognized  
3 experts (see Appendix 1) -- which we look at -- from  
4 the fields of toxicology, ecotoxicology, clinical  
5 toxicology, epidemiology, exposure assessment, and  
6 environmental fate to openly discuss issues and  
7 scientific data."

8 Do you see that?

9 A. I do.

10 Q. Now, if we go back to your appendix, we see  
11 some familiar names listed, don't we? That would be  
12 Appendix 1, it's got a double 07 James Bond  
13 designation down there. Do you see that?

14 A. I see that.

15 Q. You list on this Global Advisory Network  
16 Members that network that you're applying for the  
17 Monsanto Excellence Award you list Tom Sorahan, right?

18 A. Correct.

19 Q. So Dr. Sorahan, even though he didn't go to  
20 the IARC meeting in 2015 -- until 2015, in 2002 he is  
21 going on this Global Advisory Network Board Excellence  
22 award application you list, right?

23 A. He was one of the scientists that  
24 participated in some of our network meetings, yes.

25 Q. Paid to participate, right?

1           A.    We paid them for their travel and their  
2 time, yes.

3           Q.    All right.  Then if we turn to the next  
4 page, we see Dr. Elizabeth Delzell.  We know we've  
5 seen her name before from UAB in Birmingham?

6           A.    Correct.

7           Q.    We see Jack Mandel, that was in the  
8 Mandel/Mink paper document we saw earlier, right?

9           A.    Correct.

10          Q.    We see Dr. Robert Kroes, K-R-O-E-S, right?

11          A.    Yes.

12          Q.    That was the Williams Kroes Munro article we  
13 looked at, right?

14          A.    Correct.

15          Q.    And, in fact, there are Dr. Williams and  
16 Dr. Munro listed there, right?

17          A.    Yes.

18          Q.    We turn the page and you've got Dr. Greim  
19 listed, right?

20          A.    Correct.

21          Q.    And we've got Dr. John DeSesso.  We saw his  
22 name earlier, right?

23          A.    Yes.

24          Q.    We've got Dr. Holson, we see him a little  
25 bit later, but he is listed on here, right?

1 A. Correct.

2 Q. We've got Dr. Jenny Chang-Claude, correct?

3 A. Yes.

4 Q. She wrote an industry study a little bit  
5 later, didn't she?

6 A. I don't remember.

7 Q. We will look at that again. Then we see on  
8 the next page a Dr. Camargo. You see his name?

9 A. I do.

10 Q. And then at the bottom of that page there is  
11 a Bill Banner from the Oklahoma Poison Control Center,  
12 right?

13 A. Yes.

14 Q. We'll talk about him later, too.

15 If you turn the page there is Scott  
16 Phillips, a doctor from the University of Colorado  
17 Health Sciences Center. Do you see that?

18 A. Yes, I do.

19 Q. And we will talk about him a little bit  
20 later, too. And then the final page we see two that  
21 we will talk about, Dr. Pete Solomon from Ontario  
22 Canada and Dr. John Geisy from Michigan State  
23 University in East Lansing, Michigan, right?

24 A. Yes.

25 Q. We don't see Dr. Parry on here, do we?

1           A.   No.  Dr. Parry wasn't part of these advisory  
2 work groups.

3           Q.   Now let's go back now that we know who the  
4 awardees are.  We see what you wrote about what the  
5 Glyphosate Global Advisory Network did, right?  You  
6 list that in 2, 3, 4, 5, 6, 7, et cetera, right?

7           A.   Yes.

8           Q.   If we turn to Page 004, we see that the  
9 first workshop took place in August 1999 in Oxford,  
10 England hosted by Tom Sorahan from the Institute of  
11 Occupational Health at the University of Birmingham,  
12 right?

13          A.   Correct.

14          Q.   That is University of Birmingham England,  
15 not University of Alabama Birmingham, right?

16          A.   Correct.

17          Q.   Then if we turn the next page, the second  
18 full paragraph from the top starting with the Advisory  
19 Network, do you see that?

20          A.   Yes.

21          Q.   You write:  "The Advisory Network has  
22 already proven effective in generating both new  
23 opportunities and substantial business value for  
24 Monsanto."

25                   Right?

1 A. Yes.

2 Q. Then you write: "The business value for  
3 Monsanto has been demonstrated by the involvement of  
4 network participants in addressing applicator exposure  
5 concerns in Newfoundland, Canada; public concerns in  
6 the global press regarding glyphosate cancer  
7 allegations and widespread media coverage of  
8 glyphosate use for cocaine eradication in Colombia."

9 You wrote that, right?

10 A. I did.

11 **MR. FRAZER:** Your Honor, these next four  
12 exhibits are for ID only. I'm handing the witness  
13 995. I'll do it all at once so we don't keep coming  
14 back up here. 996, 756 and 997.

15 Q. (By Mr. Frazer) Before I talk about those,  
16 I want to just briefly go back to Exhibit 2561. Do  
17 you still have that in front of you?

18 A. Yes.

19 Q. I want to go to Page 004 again. Last one we  
20 were on. Mr. Labar [ph] reminded me I left something  
21 out, which I'm prone to do that.

22 On that Page 004 at the top it says:

23 "Monsanto has been a leader in supporting the  
24 publication of peer-reviewed scientific literature  
25 concerning the human and ecological safety of

1 glyphosate -- the active ingredient in Roundup  
2 herbicides."

3 That's what you wrote in Exhibit 2561,  
4 right?

5 A. I did, yes.

6 Q. And you have a footnote there, right?

7 A. I do.

8 Q. The Williams Kroes and Munro article, right?

9 A. It's one of them, yes.

10 Q. It cites the Acquavella Cowell Cullen and  
11 Farmer article, right?

12 A. Yes.

13 Q. It cites the Implications of Glyphosate  
14 Toxicology and Human Biomonitoring Data for  
15 Epidemiologic Research, right?

16 A. Correct.

17 Q. And it cites the Giesy Dobson and Solomon  
18 article, correct?

19 A. Correct.

20 Q. That's published in 2000, right?

21 A. Correct.

22 Q. Okay. Now, let's -- I'm not going to pull  
23 up -- yeah, let's pull up 995 first, just the first  
24 page. This is going to not be too long.

25 I want to pull up the name of the article.

1 Here we see Exhibit 995, which has been marked for ID  
2 purposes only. An article that was published in the  
3 Critical Review in Toxicology by former Monsanto  
4 employee John Acquavella. He is the first named  
5 author, right?

6 A. Correct.

7 Q. And then one of the authors included is Tom  
8 Sorahan, correct?

9 A. Correct.

10 Q. Go to 996. 996 is an article that is  
11 published by the good doctor Larry Kier, right?

12 A. Yes.

13 Q. Dr. Kirkland, we looked at him earlier,  
14 right?

15 A. Yes.

16 Q. And Dr. Williams, correct?

17 A. Correct.

18 Q. All of those -- all of these people I'm  
19 mentioning are on this excellence award global network  
20 team, right?

21 A. They were our -- part of our expert global  
22 network, yes.

23 Q. Again, it is published in the same journal,  
24 Critical Reviews in Toxicology, right?

25 A. Yes.

1 Q. Same one as the previous one, right?

2 A. Yes.

3 Q. Pull up 756. Here we have another article.

4 Dr. Williams, he is listed there, right?

5 A. Correct.

6 Q. And we see this Dr. Camargo and Dr. Greim

7 listed, correct?

8 A. Correct.

9 Q. They were on your global advisory network

10 team that was going for the excellence award at

11 Monsanto, right?

12 A. They were not going for the award with us,

13 but they were part of our network, yes.

14 Q. Part of your going for the award that you

15 got these guys, right?

16 A. No. It was part of the developing a network

17 to communicate science and discuss science, not to get

18 those guys.

19 Q. And, again, it is published in the same

20 journal, right, Critical Reviews in Toxicology?

21 A. Yes.

22 Q. Let's pull up 997. This one is published by

23 Dr. Keith Solomon, right?

24 A. Correct.

25 Q. He was one of those guys that was mentioned



1 in the award that we just talked about, right?

2 A. He was a member of our global network, yes.

3 Q. Dr. Farmer, I'm going to hand you what has  
4 been marked as Plaintiff's Exhibit 710. Are you  
5 familiar with 710?

6 A. I am.

7 Q. 710 is entitled "Expression of Concern,"  
8 right?

9 A. Correct.

10 Q. And this is published again in the Critical  
11 Reviews in Toxicology, right?

12 A. Correct.

13 Q. And it relates to the Camargo article, Gary  
14 Williams, Collin Berry, Michele Burns, Camargo and  
15 Greim article that we talked about, right?

16 A. It is related to those four publications,  
17 yes.

18 Q. That article that we talked about was  
19 published in 2016. Do you see that?

20 A. Where are you reading?

21 Q. The original 756.

22 A. I'm sorry. Okay, yes.

23 Q. And this Expression of Concern is published  
24 two years later in 2018, right?

25 A. Still trying to figure out -- so, there,

1 yes.

2 Q. And Expression of Concern, this has come out  
3 two years after the article has been out in the whole  
4 scientific literature community, right?

5 A. That was my understanding.

6 Q. And in this Expression of Concern, this  
7 journal writes the Critical Reviews in Toxicology  
8 says: "We have requested corrigenda from the authors  
9 to provide additional disclosure as to contributions  
10 to the articles. We have not received an adequate  
11 explanation as to why" --

12 **MS. COOK:** Your Honor, this is not in  
13 evidence and it is hearsay.

14 **THE COURT:** Let me ask you this: Do you  
15 wish to offer this in evidence?

16 **MR. FRAZER:** I'll move it into evidence.

17 **THE COURT:** Do you have an objection?

18 **MS. COOK:** Yes. Hearsay.

19 **MR. FRAZER:** I'm not offering it for the  
20 truth of the matter asserted. I'm offering it for  
21 comment on the articles we have been talking about.

22 **THE COURT:** I'll overrule it. I will admit  
23 the evidence.

24 Q. (By Mr. Frazer) Okay. Let me start over.

25 In this Expression of Concern it says we've

1 requested corrigenda from the authors. Corrigenda is  
2 where the authors who make a mistake in the study, no  
3 matter what the. Study says, it might be a typo or  
4 might be a table that was missing or something, they  
5 have to file it with the journal to correct an error;  
6 is that right?

7 A. That's my understanding.

8 Q. And right here on this article that Camargo  
9 wrote and one of the authors, Gary Williams, and  
10 Greim, who were all in your application for the  
11 excellence award, it says: "We've requested  
12 corrigenda from the authors to provide additional  
13 disclosure as to contributions to the articles."

14 Right?

15 A. It says that, yes.

16 Q. It says: "To date we've only received  
17 corrigenda from three of the five articles that have  
18 been agreed by all authors."

19 Do you see that?

20 A. I do.

21 Q. In fact, if you look ahead of that, they  
22 also list the Williams article that had Dr. Acquavella  
23 in it, they list the Keith Solomon article we talked  
24 about, they list the Acquavella Sorahan article we  
25 talked about, they list the Williams Berry Burns

1 Camargo article, and they list the Brusick Aardema  
2 article and the good Dr. Kier in there, right?

3 A. I see that.

4 Q. They say that we asked for this and we've  
5 only got information back from three of these five  
6 articles, correct?

7 A. That's what it says at the time, yes.

8 Q. Then it says: "We have not received an  
9 adequate explanation as to why the necessary level of  
10 transparency was not met on the first submission."

11 Did I read that properly?

12 A. You did.

13 Q. It says: "When reading the articles we  
14 recommend that readers take this into account."

15 Correct?

16 A. That's what they say, yes.

17 Q. Thank you. All right. Want to go back to  
18 what we started, seems like a century ago, but it was  
19 actually this morning. Do you remember we looked at  
20 the reference table for Defense Exhibit 25? Do you  
21 remember that?

22 A. No, I don't remember what that was. I'm  
23 sorry.

24 Q. That's okay. It has been a long day.

25 A. Should I look for it in this pile?

1 Q. I'll put it up here if you just want me to,  
2 but it should be up there. It might not be up there,  
3 I don't know. Go to the references page. Let's go to  
4 the ELMO.

5 These articles that we just talked about,  
6 some of them are listed in this reference table by the  
7 EPA, correct?

8 A. Correct.

9 Q. The other thing that is kind of curious to  
10 me, that I forgot to talk about this morning, is on  
11 the references there are 1, 2, 3, 4, 5, 6, 7, 8, 9,  
12 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
13 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,  
14 36, 37, 38, 39, 40, 41, 42, 43, 44 unpublished  
15 articles listed.

16 A. I don't know what you are referring to.

17 Q. On this reference list on 25, you want to  
18 count them you can, I don't care. Let's just pick  
19 one. See where the first one listed at the very top,  
20 very first one says unpublished.

21 A. Yes, those are the proprietary studies of  
22 the registrants.

23 Q. Then there is three more on that page,  
24 including one at the bottom that are unpublished. So  
25 any time we see unpublished on here, that is something

1 that has not been published, right?

2 A. The results of those studies have been  
3 published. They are all publicly available, but the  
4 actual reports themselves have not been published.

5 Q. I'm just writing what the EPA wrote. They  
6 wrote -- where is it right here at the top. Right  
7 there. They wrote unpublished.

8 A. Again, because those are the proprietary  
9 studies that we are required to submit them, but the  
10 information that is in them can be found in a variety  
11 of publications.

12 Q. So it is unpublished but it is published.  
13 The EPA doesn't know what the heck it is talking about  
14 here?

15 A. No, they know. These are the studies they  
16 require us to do. But you can find -- if you read  
17 through here you find the results of the studies that  
18 are referenced in here.

19 Q. Okay.

20 **MR. FRAZER:** Judge, I'm going to take you at  
21 your word and take us to five o'clock.

22 **THE COURT:** Unless I get a word from the  
23 jurors they can't make it, we got about 20 minutes to  
24 go.

25 Q. (By Mr. Frazer) Dr. Farmer, I'm going to

1 hand you what has been marked as Plaintiff's  
2 Exhibit 991. We are going to talk about the TNO  
3 studies. You are familiar with that, right?

4 A. I am.

5 Q. The TNO studies were studies on human skin,  
6 right?

7 A. No.

8 Q. They weren't?

9 A. No.

10 Q. Not a single one of them was on human skin?

11 A. We didn't do it. It was rat skin. We  
12 didn't do it on human skin TNO.

13 Q. Never did human skin.

14 A. At TNO. There is a lot of human studies  
15 that have been done but not at TNO.

16 Q. Let's talk about TNO and rat skin, right?  
17 Had some studies done in a laboratory called TNO on  
18 rat skin, right?

19 A. Dermal penetration studies, yes.

20 Q. Dermal penetration studies. Dermal is your  
21 skin, right?

22 A. Correct.

23 Q. So if I say skin penetration, we are talking  
24 about the same language, right?

25 A. We are.

1 Q. We see dermal in a document, it means skin.  
2 We all kind of know what dermal is, right?

3 A. Yes.

4 Q. And you had contracted, you, Monsanto, had  
5 contracted a lab over in Europe, right?

6 A. Yes.

7 Q. For studies of formulated Roundup?

8 A. Correct.

9 Q. So you got a lab to do some studies to see  
10 what would happen if you took a rat, took their skin  
11 and dropped formulated Roundup on it, right?

12 A. Simple way to describe the test, but it is  
13 essentially that.

14 Q. The first design thing of the study or one  
15 of the firsts, of course you got the rat, picked the  
16 lab, was got to pick the formulation to use, right?

17 A. Correct.

18 Q. And the formulation you picked was one that  
19 you were no longer selling, right?

20 A. I don't know if that's true or not.

21 Q. You don't remember that?

22 A. I don't remember that.

23 Q. In fact, you picked a formulation you  
24 weren't selling because if you got a bad result, don't  
25 have nothing to report here, nothing to see, right?



1 A. I don't remember that, no.

2 Q. Okay. We'll look at it. We got a little  
3 time left for that today. You are on this  
4 Exhibit 991, correct?

5 A. I am. I'm one of a number of people, yes.

6 **MR. FRAZER:** Your Honor, I move it into  
7 evidence.

8 **THE COURT:** Any objection?

9 **MS. COOK:** No, Your Honor.

10 **THE COURT:** 991 admitted.

11 Q. (By Mr. Frazer) Let's start with the last  
12 email. Let's just go in time. Last one to the most  
13 recent one at the end, which is all -- like reading a  
14 book backwards, kind of?

15 A. It is.

16 Q. And we see that the first email is dated  
17 April 4, 2002, right? Down at the bottom of the first  
18 page of Exhibit--

19 A. Yes.

20 Q. -- 991, right?

21 A. Yes.

22 Q. It's from Fabrice Broeckaert?

23 A. Broeckaert, yes.

24 Q. Is it Mr. or Ms. Broeckaert?

25 A. Doctor.

1 Q. Male or female?

2 A. It is a male.

3 Q. Male. Dr. Broeckaert is with Monsanto over  
4 in Europe, yes?

5 A. Yes, he was in Brussels as well.

6 Q. In Brussels where Mr. Martens is located?

7 A. Yes.

8 Q. Broeckaert, what was his expertise?

9 A. He was a regulatory toxicologist like  
10 myself.

11 Q. And he writes and says, the subject matter  
12 of his email is: TNO, all caps, dermal penetration  
13 studies, plural, with an importance of high.

14 Right?

15 A. Yes.

16 Q. And if we flip the page we see that he says:  
17 "Thanks for the good discussion we had on dermal  
18 penetration issues. Please find below the main  
19 actions which have been decided.

20 Glyphosate: Although we agreed to repeat in  
21 vitro dermal penetration study with rat skin as  
22 proposed by TNO, we came to the conclusion that the  
23 penetration of glyphosate would have been probably  
24 greater than the 3 percent already imposed by the  
25 German authorities. We decided thus to stop the study

1 effective today morning."

2 Right?

3 A. That's what he wrote. There is more behind  
4 this.

5 Q. We are going to look at the whole thing,  
6 yeah. I agree with that. There is a whole lot more,  
7 right?

8 A. Yes.

9 Q. And what he is talking about there is that  
10 in Germany, Germany had set a standard where any  
11 chemical, if it penetrates human skin at a 3 percent  
12 level or more, you have to get it off the market,  
13 right?

14 A. I don't believe that is the case but they  
15 have a limit of 3 percent dermal absorption.

16 Q. He's saying if we did a test right now we  
17 are going to flunk it, so let's don't do it?

18 A. We can explain why it would have came out  
19 greater.

20 Q. This is before any test is done, right?

21 A. No. Because it talks about we agreed to  
22 repeat the in vitro dermal study. We have a study  
23 that's flawed and that's what we can talk about.

24 Q. .Okay. All right. So they stopped the  
25 study effective that day, right?

1 A. That's what he wrote, yes.

2 Q. All right. Now, you write back that same  
3 day:

4 "Fabrice,

5 For clarification a decision was made not to  
6 repeat the rat skin study and to stop any further  
7 dermal penetration studies with MON 35,012 with and  
8 without surfactant -- correct, question mark."

9 You wrote that?

10 A. I did.

11 Q. Then you asked this question: "Are any  
12 other glyphosate-based formulations going to be  
13 tested? Or has the whole program been dropped?"

14 Correct?

15 A. Correct.

16 Q. He write back the next day:

17 "Donna,

18 We dropped the program for glyphosate" --

19 A. Fabrice didn't write back, Dr. Garnett.

20 Q. Dr. Garnett. He is here in the United  
21 States.

22 A. No. He was regulatory affairs manager in  
23 Europe, Brussels.

24 Q. In Europe at the time?

25 A. He has always been in Europe.

1 Q. I thought he was over here for a while. I  
2 didn't know that.

3 He writes you back from Belgium,  
4 Dr. Garnett, says:

5 "Donna,

6 We dropped the program for glyphosate  
7 because a further study is not likely to help us meet  
8 the project objective. We initiated the studies from  
9 a regulatory angle to help meet the requirements for  
10 operator exposure given that the Annex" -- I don't  
11 know that is 1 or L?

12 A. One.

13 Q. "one end point for dermal absorption for  
14 glyphosate was set at 3 percent, which we believe was  
15 a high value based upon a weight of evidence  
16 approach."

17 Did I read that properly?

18 A. You did.

19 Q. Then he says: "The results of the rat skin  
20 study show levels of absorption for glyphosate of a  
21 similar order to the Annex 1 end point; also confirm  
22 our expectation that surfactant concentration affects  
23 the dermal absorption."

24 Correct?

25 A. He did write that, but unfortunately he is

1 regulatory affairs manager, not a toxicologist.

2 Q. He's just another Monsanto guy that doesn't  
3 know what he is writing about?

4 A. Well, about dermal absorption he actually  
5 didn't, but...

6 Q. Okay. Now, let's go to 992. Hand you what  
7 has been marked as Plaintiff's Exhibit 992. You had a  
8 chance to look at that?

9 A. I have.

10 Q. You are in this email chain?

11 A. I am.

12 Q. It is regarding the TNO skin studies?

13 A. It is the first draft report of the TNO  
14 study.

15 Q. First draft report, all right.

16 **MR. FRAZER:** Your Honor, I move in into  
17 evidence.

18 **THE COURT:** Any objection?

19 **MS. COOK:** No, Your Honor.

20 **THE COURT:** Be admitted.

21 Q. (By Mr. Frazer) So, it's a long document.

22 I know you are more familiar with it than I am, but my  
23 question to you is this. Just look at this cover  
24 page. You got the report on June 14, 2002, at least  
25 Fabrice -- Dr. Fabrice Broeckaert got that. You see

1 that on the second page, right?

2 A. I do.

3 Q. And he sends it a couple weeks later after  
4 he gets it, right?

5 A. Yes.

6 Q. He says: "Please find enclosed the draft  
7 reports of TNO on dermal penetration of propachlor and  
8 glyphosate."

9 Right?

10 A. Correct.

11 Q. So Monsanto is getting a draft of the TNO  
12 lab report before it is final, right?

13 A. That's how it usually works, yes.

14 Q. That's how it usually works?

15 A. Yes.

16 Q. You hire a lab. To the public it looks like  
17 it is an independent lab, but the draft is never final  
18 until Monsanto says it is, right?

19 A. We as a sponsor get a chance to review it,  
20 yes. But it is up to them what they include in that  
21 final.

22 Q. I think you just said this is a draft, this  
23 is what we always do and it can't be final until we,  
24 Monsanto, says it is final, right?

25 A. What we do is we make comments. The lab

1 sends us the draft and we are given the opportunity to  
2 make comments and then the lab can accept them or not  
3 accept them.

4 Q. Okay. So you kind of get to look behind box  
5 No. 1 before you pick box No. 1, right?

6 A. I wouldn't characterize it that way.

7 Q. You wouldn't?

8 A. No.

9 Q. All right. Well, that's what you did, you  
10 got to look at this draft and decide whether or not  
11 you wanted to move any more toward finality with TNO  
12 and their skin study, right?

13 A. No. If you read the very first thing we  
14 look at it for the scientific, what was going on  
15 scientifically with it, and there were some issues  
16 that we found with it.

17 Q. Fabrice sends it and he says simply:  
18 "Please find the enclosed draft reports of TNO on  
19 dermal penetration for propachlor and glyphosate.  
20 Please make your comments for Tuesday next week the  
21 latest."

22 Do you see that?

23 A. I do.

24 Q. He is writing on a Tuesday as well, correct?

25 A. Correct.



1 Q. He gives you a week with an intervening  
2 July 4th, holiday to come back with your comments on  
3 this report, right?

4 A. Yes.

5 Q. He had been sitting on this report for 18  
6 days, June 14, 2002, right?

7 A. I don't know if he was sitting on it. There  
8 could be a lot going on why he didn't give it to us  
9 the next day.

10 Q. Well, he didn't leave his office for 18  
11 days, at least not to the rest of you at Monsanto in  
12 the good old USA, right?

13 A. So that's the dates, yes.

14 Q. This report, this draft report, would it be  
15 fair to say that it was uneditable from Monsanto's  
16 perspective?

17 A. So we are --

18 Q. Yes or no?

19 A. We would not edit it, no. We would provide  
20 comment.

21 Q. It was in such a state that it couldn't even  
22 be salvaged by edit by the top scientist at Monsanto,  
23 right?

24 A. You are misrepresenting how this procedure  
25 goes.

1 Q. All right. That's the way it looks. You  
2 respond to this on July 14, right?

3 A. Yes.

4 Q. You blew the deadline that Dr. Broeckaert  
5 wanted you to meet, which was July 9th, correct?

6 A. It looks like that, yes.

7 Q. And you said: "It was my understanding that  
8 because the recovery at the end of the glyphosate  
9 study was found to be very variable."

10 That's what you wrote?

11 A. That's what happened, yes.

12 Q. "We agreed that the integrity of the study  
13 had been compromised and agreed to terminate the  
14 study."

15 Right?

16 A. Correct.

17 Q. Then you wrote: "I would like to see  
18 nothing more than a one-page summary of the study  
19 indicating the above" -- that's what you just wrote --  
20 "and that the study had been terminated. A full  
21 report like this and written as is implies to me we  
22 have accepted the results."

23 That what you wrote back on July 14th, 2002?

24 A. I did because the variable, the issues that  
25 we saw in the study were not incorporated into this

1 draft and I thought that was important.

2 Q. Let's look at the study. 828, bottom  
3 right-hand corner, Page 828, please, of Exhibit 992.

4 Summary, we see in paragraph 1 there were  
5 eight hours of exposure, right?

6 A. Yes.

7 Q. We see in paragraph 2 that 48 hours after  
8 application of concentrated MON 35012 of the dose  
9 glyphosate had penetrated -- 10.3 to 4.2 percent of  
10 the dose glyphosate had penetrated through the rat  
11 skin membranes, correct?

12 A. I can explain that, yes.

13 Q. But I'm saying what it says.

14 A. Yes, that's what it says.

15 Q. We know the German standard at the time was  
16 something less than 3 percent, right?

17 A. .An older study that's where they got that  
18 percent from, yes.

19 Q. 10.3 is, that's multiples of 3, right? That  
20 is 3.-- 320 percent, isn't it?

21 A. It is an increase, but it is not a valid  
22 increase. The study was compromised.

23 Q. Then we look at the conclusion in paragraph  
24 5 and it says: In conclusion an eight hour's  
25 exposure, just eight hours, resulted in a penetration,

1 ten percent of that 35,012 formulated Roundup  
2 concentrate?

3 A. It was concentrate, yes.

4 Q. Right?

5 A. But, again, I can explain these penetration  
6 numbers and the variables are up in paragraph 3. We  
7 talked about that high variable recovery.

8 Q. Well, based upon the conclusions of the  
9 study, it was your opinion that on the first page of  
10 992 to reduce the study to one sentence?

11 A. To talk about the variability -- not one  
12 sentence, but one summary that talked about why it was  
13 compromised.

14 Q. Wait a minute. Here is what you said in the  
15 second paragraph of your email you write: "I would  
16 like to say nothing more than a one-page summary of  
17 the study indicating the above and that the study was  
18 terminated."

19 The above the only thing you write is: "It  
20 was my understanding that because the recovery at the  
21 end of glyphosate study was found to be very variable,  
22 we agreed that the integrity of this study had been  
23 compromised and agreed to terminate the study."

24 Right?

25 A. I wrote that, yes.

**MR. FRAZER:** Your Honor, that is all I have for today. We are right on the 5:00 o'clock.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
The Honorable Timothy J. Boyer

JOHN L. DURNELL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Cause No. 1922-CC00221
	)	
MONSANTO COMPANY,	)	
	)	
Defendant.	)	

TRIAL TRANSCRIPT

Tuesday, October 10, 2023

Volume 5A

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**I N D E X**

**DR. DONNA FARMER**

Continued Direct Examination By Mr. Frazer	1027
Court Reporter's Certificate	1126

**E X H I B I T S**

<b>Plaintiff's</b>	<b>ID</b>	<b>REC</b>
22 Glyphosate Stewardship, Epidemiology in the Farm Family Exposure Study	1069	1070
185 MONGLY00922458	1120	1120
228 MONGLY01249878	1122	1122
268 MONGLY02052065	1089	1090
280 MONGLY02359075	1116	1117
300 MONGLY02155826	1081	1082
316 MONGLY04269072	1056	1056
318 MONGLY04277789	1057	1059
319 MONGLY04269049	1060	1061
393 MONGLY00987755	1110	1115
404 MONGLY03351983	1115	
705 MONGLY11696235	1088	1089
711 MONGLY03284245	1091	1091
729 MONGLY02062439	1087	1088

1	862		1091	
2	981	MSL 0025540: Amended Report updating MSL 0023134	1028	1028
3	983	MONGLY02321439	1118	1119
4	1208	MONGLY03856883	1080	1081
5	1643	MONGLY06693287	1067	1069
6	2367	Seasonal Urinary Levels of Glyphosate in Children from Agricultural Communities	1108	
7				
8	2370	National Health and Nutrition Examination Study	1109	
9				
10	2487	MONGLY00902357	1078	1078
11	2518	MONGLY04267739	1066	1066
12	2527	MONGLY03572687	1049	1049
13	2528	MONGLY04268579	1053	1055
14	2535	MONGLY04277710	1065	1066
15	2540	MONGLY04277603	1063	1065
16	2544	MONGLY04268965	1062	1062
17	2546	MONGLY04268732	1050	1050

1 (The following proceedings were held in open  
2 court outside the presence of the jury:)

3 THE COURT: I'm on the record with the  
4 attorneys outside the presence of the jury.  
5 There's an issue that needs to be raised.

6 MR. BLAIR: Yeah, Judge, so I can go ahead and  
7 start out.

8 You'll recall that in opening statements the  
9 defense went up and used a slide that was one  
10 specific question and answer from Dr. Hu, who is  
11 Mr. Durnell's treating oncologist. That was  
12 delivered to the jury in a vacuum without context  
13 behind the actual statements that she was making.

14 In light of that we designated trial testimony  
15 for Dr. Hu. Defense has objected because we didn't  
16 designate that testimony at the time that  
17 designations were originally exchanged between the  
18 parties.

19 At the same time, they had also designated  
20 Dr. Hu and his testimony to play in their case. We  
21 had already submitted counters and objections to  
22 what was submitted.

23 So we're just looking to play, in our case, as  
24 the case has unfolded and what's been represented  
25 to the Court or to the jury as far as what Dr. Hu's

1 opinions are already, we would like to bring that  
2 out and put context to it in our case.

3 And notably, we had also disclosed that Dr. Hu  
4 was designated as a witness in our case and also  
5 retained the right within our designations to,  
6 quote, call live or by deposition any witness  
7 identified by defendant for which defendant  
8 designated deposition testimony.

9 So based upon the circumstance, this is a  
10 matter of us playing in our case designations for a  
11 witness that they have already designated for, and  
12 it comes as a product of what was represented in  
13 opening statement. So that was new us to that they  
14 would take this out of context.

15 Given the totality of the circumstance, I  
16 don't understand what the prejudice is to where  
17 timing is an issue. It can certainly be done.  
18 It's not a long cumbersome transcript of hundreds  
19 and hundreds of pages.

20 So I think that's the long and the short of  
21 the issue.

22 THE COURT: Your response?

23 MS. BARTLEY: Your Honor, should -- plaintiff  
24 wanted to designate testimony from Dr. Hu who, by  
25 the way, is the treating oncologist in this case.

1 The deadline to do so was six weeks ago on August  
2 25th. This is not a surprise witness.

3 When that deadline came and went, Monsanto  
4 chose to designate affirmative testimony and  
5 complied with that deadline.

6 For whatever reason the plaintiff chose not  
7 to, even though they indicated they might bring him  
8 live or by deposition. They did not provide any  
9 affirmative designations according to that  
10 deadlines. They did not request any extensions.  
11 Both parties complied with that deadline.

12 When Monsanto provided their affirmative  
13 designations in compliance with that deadline, the  
14 plaintiff then provided all of their  
15 counter-designations, and they had the opportunity  
16 to do so.

17 We then proceeded meet all of the deadlines in  
18 the CMO appropriately and a completed spreadsheet,  
19 if you will, was then -- all of the efforts, all of  
20 the parties complied with those deadlines.

21 When plaintiff provided their notice that they  
22 wanted to play Hu in their case, the completed  
23 spreadsheet was then provided to Mr. Blair to  
24 provide to Judge Norton so that we could proceed  
25 and they could play it in their case.

1           Subsequently, last Friday, six weeks after the  
2 deadline to provide the affirmative depo  
3 designations and one week into trial, they then  
4 provided us with a brand-new set of affirmative  
5 designations.

6           As you know, according to the CMO, affirmative  
7 designations require a multistep process. There  
8 are objections. There are counters. There are  
9 counter-counters. And so we indicated at that time  
10 we have a spreadsheet that's ready to go that  
11 includes Mr. Blair's counter-designations. If they  
12 want to start the process all over again with  
13 brand-new affirmative designations, we advised them  
14 to seek leave of court.

15           THE COURT: Are the new designations by the  
16 plaintiff substantively different than the  
17 counter-designations?

18           MS. BARTLEY: They are.

19           THE COURT: What does it add that wasn't in  
20 the counter-designations that they had originally  
21 designated to counter you guys playing Dr. Hu?

22           MS. BARTLEY: There is additional testimony  
23 that is not included in their counters.

24           THE COURT: What additional testimony? Are we  
25 talking about 30 pages of additional testimony?

1 Are we talking about a few lines?

2 MS. BARTLEY: It is all testimony that could  
3 have been designated on August 25th.

4 THE COURT: That's not what I asked.

5 Is it substantially more testimony? Are they  
6 adding a few lines or are they adding dozens of  
7 pages?

8 MR. BLAIR: I'm going to defer to Mr. Sifton,  
9 because he is the one who actually prepared these  
10 for us.

11 MR. SIFTON: Your Honor, I think it's far more  
12 accurate to characterize it as a few lines. I  
13 believe there was a single question and answer long  
14 about page 65 that was added. I can't state  
15 definitively that's all that's been added, but the  
16 changes are not great and this deposition was taken  
17 back in June. They've had this testimony for  
18 months.

19 MS. BARTLEY: And I would dispute the accuracy  
20 that it is a single page and line on page 65. It  
21 is actually multiple pages. I would hesitate to  
22 give you an estimate, but I would say it is at  
23 least maybe five to ten pages.

24 MR. SIFTON: I don't think that estimate is  
25 accurate. I will acknowledge, as I think I just

1 did, it's more than one question, but it's not much  
2 more.

3 THE COURT: So I guess the issue we're facing  
4 here is, one, whether or not I'm going to allow  
5 these new designations and them to play it in their  
6 case or whether or not they just get to play  
7 whatever they counter-designated when the defense  
8 puts on Dr. Hu's deposition later in their case.

9 Is that the issue that I'm facing as you see  
10 it?

11 MR. BLAIR: Well, I think part of the issue is  
12 that we don't dictate what they do or do not call  
13 in their case. So if they choose not to call him  
14 and we haven't called him in our case, then we're  
15 kind of stuck with it.

16 MS. BARTLEY: And, your Honor, we have no  
17 objections if they want to play the existing  
18 spreadsheet in their case that they had an  
19 opportunity to present counters for. The issue is  
20 for them to late designate testimony that they had  
21 every opportunity to designate six weeks ago and in  
22 their counters to our designations.

23 THE COURT: I'll take it under submission, and  
24 I'd like Mr. Sifton and -- I'm sorry. I've already  
25 forgotten your name.



1 MS. BARTLEY: Ms. Bartley.

2 THE COURT: Ms. Barley.

3 Why don't you guys talk and figure out who's  
4 more accurate on whether or not it's a question and  
5 a few lines or five to ten pages and what the  
6 substantive addition is, and we'll talk about it at  
7 another break and then I'll make a ruling.

8 MS. BARTLEY: Thank you, your Honor.

9 THE COURT: Let's have Dr. Farmer come in.

10 (Counsel approached the bench and the  
11 following proceedings were had:)

12 THE COURT: We're at sidebar.

13 Ms. Cook, do you want make a record?

14 MS. COOK: Yes. I'm going to preserve my  
15 objection on Motion in Limine No. 1 involving  
16 impurities that have nothing to do with this case,  
17 P981 looks like it is going to be about this issue,  
18 so I would like to object to all questions subject  
19 to the motion in limine and the Court's ruling.

20 THE COURT: I feel like it was Motion in  
21 Limine No. 3?

22 MS. COOK: Okay. 1, 2, and 3 are all about  
23 it, so you're right. It was one of those three.

24 THE COURT: All right. I'll keep the prior  
25 ruling, but I'll let that record be made going

1 forward.

2 MS. COOK: Thank you.

3 (Proceedings resumed in open court.)

4 THE COURT: Good morning, everyone, and  
5 welcome back. I hope you enjoyed the long weekend  
6 and are ready to get the back at it this week.

7 You may have -- well, you have met Deputy  
8 Boleyjack. Deputy Boleyjack is my usual courtroom  
9 bailiff. He's who should be with us the rest of  
10 the trial. He was on his honeymoon last week, so  
11 he's now back from his honeymoon. So I can  
12 guarantee you he's very excited to be here this  
13 week and spending the week with us here in trial.

14 You all recognize Dr. Farmer. I'm going to  
15 turn it back over to Mr. Frazer.

16 MR. FRAZER: May it please the Court. Good  
17 morning, ladies and gentlemen. Good to see you.

18 **DR. DONNA FARMER,**  
19 having been previously duly sworn by the Deputy Clerk,  
20 testifies:

21 **CONTINUED DIRECT EXAMINATION**

22 BY MR. FRAZER:

23 Q Good morning, Dr. Farmer.

24 A Good morning.

25 Q Seems like we've had you on the stand for a

1 while, even though it's only been a day and a half, and  
2 I'm going to try to get through the rest of my  
3 questioning this morning.

4 Okay?

5 A Okay.

6 Q The first exhibit that I want you to take a  
7 look at has been marked as Plaintiff's Exhibit 981.

8 MR. FRAZER: I previously handed a copy to  
9 defense counsel, your Honor.

10 BY MR. FRAZER:

11 Q You're familiar with this document, are you  
12 not?

13 A I am.

14 Q And you're listed as one of the authors with  
15 Stephen Wratten and David Saltmiras?

16 A I am.

17 MR. FRAZER: And, your Honor, I move this into  
18 evidence.

19 THE COURT: Any objection?

20 MS. COOK: Subject to our discussion, no.

21 THE COURT: Understood. Then it will be  
22 admitted.

23 BY MR. FRAZER:

24 Q Dr. Farmer, this document is a draft of what  
25 Monsanto ultimately sent to the EPA regarding the

1 subject matter; right?

2 A I do believe it's a report -- I don't know.  
3 Dr. Wratten would have handled who this was sent to.

4 Q Pardon? I couldn't hear you.

5 A Dr. Wratten would have taken care of who this  
6 was sent to.

7 Q But this is prepared for the EPA. You can  
8 tell that by just going through this document; right?

9 A According to this document, yes.

10 Q That's all the questions I have on it.

11 Dr. Farmer, we have covered a lot of ground,  
12 and part of this morning I'm just going to go back over  
13 a few things where we actually have documents that talk  
14 about those subjects. Okay?

15 So I'm going to hand you what's been marked as  
16 Plaintiff's Exhibit 2527.

17 Do you have that in front of you, ma'am?

18 A I do, but I've never seen this before and I'm  
19 not on it.

20 Q You've never seen it, you're not on it, but it  
21 is a Monsanto Company document dated August 7th, 1978?

22 A It looks like it is, but I've not seen this  
23 before.

24 Q We see the MONGLY number down in the bottom  
25 right-hand corner; correct?

1           A     Yes.

2           Q     And we see that the subject is "Roundup  
3 toxicology data"; correct?

4           MR. FRAZER: Your Honor, I move this into  
5 evidence.

6           MS. COOK: Object to foundation.

7           THE COURT: All right. At this time I'm not  
8 going to admit it into evidence. We can discuss it  
9 later, but for now I'm not going to admit since  
10 Dr. Farmer doesn't have any knowledge of it.

11          MR. FRAZER: Your Honor, this is -- may we  
12 have a discussion on this?

13          THE COURT: Sure.

14          (Counsel approached the bench and the  
15 following proceedings were had:)

16          MR. FRAZER: This is a company document. It's  
17 a business record. It's an ancient document. It  
18 is -- and the foundation's there for it.

19          Number two, it's relevant. This is toxicology  
20 data. This is data that went in to the toxicology  
21 of glyphosate.

22          Number three, she is the person charged with  
23 everything in the company on toxicology.

24          Now, I'm not -- I don't, the fact that she's  
25 not on it should not make the Court even hesitate

1 to admit it into evidence.

2 THE COURT: Let me ask this. Typically, when  
3 we're admitting business records, we admit them  
4 with a business record affidavit and the rules that  
5 we follow. I haven't seen any affidavit. Is there  
6 any dispute from the defense this is a business  
7 record from Monsanto?

8 MS. COOK: Your Honor, the objection is not  
9 hearsay. The objection is to foundation with  
10 respect to this witness.

11 THE COURT: My question, Mr. Frazer, is even  
12 if I admit it as a Monsanto record, how is she  
13 supposed to answer questions about something she  
14 doesn't know about and she's never seen?

15 MR. FRAZER: Because it's a business record.  
16 Any witness can comment on an exhibit once it's in  
17 evidence. If she doesn't know anything about it,  
18 that's fine. I'm going to be able to show that she  
19 does know about this.

20 MR. SHAW: But, Judge, he keeps calling it a  
21 business record. He hasn't established any  
22 business record foundation under any circumstance  
23 other than his say-so.

24 MR. FRAZER: Your Honor, she didn't even  
25 object -- I'd ask the Court to restrict argument to

1 just two lawyers.

2 But she -- Ms. Cook knows this is a business  
3 record. Everybody here knows it's a business  
4 record. It's produced by Monsanto. I wouldn't  
5 even have it unless it was their business record.

6 THE COURT: I'm not disputing that this is a  
7 Monsanto record. I want to make sure that we  
8 follow the procedure to get this admitted into  
9 evidence.

10 For now I'm going to not admit it. We'll take  
11 it up at our next recess about -- so I can look at  
12 the court file about whether or not the foundation  
13 has been laid for business records, and then if I  
14 agree to admit, you can question with her after our  
15 morning break.

16 I'm not saying I'm not going to admit it. I'm  
17 just not going to admit it now so we can take it up  
18 at our morning break.

19 MS. COOK: Thank you, your Honor.

20 MR. FRAZER: On the grounds that it's not a  
21 business record foundation?

22 THE COURT: I mean, there are --

23 MS. COOK: I don't understand the ruling. I  
24 don't even understand --

25 THE COURT: In Missouri, if you're going to

1 admit something as a business record, you file an  
2 affidavit saying it's a business order. I'm not  
3 disputing that that might not be in the court file,  
4 I just haven't read every document in the court  
5 file to know whether or not -- and maybe it's a  
6 piece of paper sitting on your table.

7 MR. FRAZER: If the document itself on its  
8 face is a business record, that is sufficient  
9 foundation.

10 THE COURT: Well --

11 MR. FRAZER: You don't have to have an  
12 affidavit when it's produced out of a file.

13 THE COURT: We'll take this up at our morning  
14 break. Okay?

15 MS. COOK: Thank you, your Honor.

16 MR. FRAZER: We've got a number of these  
17 coming up.

18 THE COURT: That are not Dr. Farmer documents?

19 MR. FRAZER: They're all documents that go to  
20 the registration of glyphosate. She's already  
21 talked about -- in fact, she's going to talk about  
22 it on direct, because I've seen their slide show.  
23 When Ms. Cook gets up, she's going to ask about the  
24 history of glyphosate.

25 THE COURT: Is this your next set of documents



1 are all going to be the same set of documents?

2 MR. FRAZER: Some are; some aren't. And, I  
3 mean, I'm starting at '78. So you know when she  
4 became an employee. It's '91.

5 THE COURT: Understood.

6 MR. FRAZER: You know that the IBT thing was  
7 going on from '74 to '83. You know that the  
8 Knezevich and Hogan study and the Kushner that  
9 she's testified about was '83 to '90. So I'm  
10 hamstrung, your Honor.

11 MS. COOK: There are things she knows about  
12 and things she doesn't, so the significant things  
13 that happened before, I don't -- she doesn't have  
14 any knowledge of some meeting with a Connecticut  
15 department of the Environmental Protection, whether  
16 that's relevant or not here. So she just doesn't  
17 have foundation to talk about it, your Honor.

18 THE COURT: Well, if it's admissible and we've  
19 laid the business record foundation to admit it,  
20 she can say she doesn't know about it. What I'm  
21 struggling is to get over that first hump to make  
22 sure that we have the foundation so we can admit  
23 and we're not looking at a problem on the record on  
24 appeal right out of the gate.

25 MR. FRAZER: Well, then I would ask for a

1 brief recess so we can pull that document.

2 THE COURT: Let's take a recess then. I think  
3 that makes sense since it's going to be an issue  
4 going forward for a while.

5 MR. FRAZER: If that's going to be a  
6 requirement, then we probably are going to issue a  
7 subpoena for the business record custodian.

8 THE COURT: The moral of the story is maybe we  
9 can come to an agreement and maybe we can work this  
10 out, but I don't want it to be an issue on appeal  
11 that we could have avoided by taking a 15-minute  
12 recess and talking about it. Okay?

13 MR. FRAZER: Sure.

14 (Proceedings resumed in open court.)

15 THE COURT: This is inopportune, but an issue  
16 has come forward that I need to talk to the parties  
17 about outside of your presence.

18 So even though we've only been here for five  
19 minutes, I am going to take a brief recess rather  
20 than us talking about it at sidebar and all of you  
21 sitting here quietly.

22 Once again, don't talk about the case until  
23 it's finally given to you to decide. Don't talk to  
24 each other or anybody else about the case. Don't  
25 do your own independent research about the case.

1 I promise you we'll get you back down here as  
2 soon as we can and get started again. Okay?

3 (Recess taken.)

4 (The following proceedings were held in open  
5 court outside the presence of the jury:)

6 THE COURT: We're on the record. We're  
7 talking about the business records here. The  
8 foundation argument has been made by the defense  
9 counsel as to the foundation of a particular record  
10 and of a series of records that we anticipate are  
11 records of Monsanto made prior to Dr. Farmer's  
12 employment with the company.

13 Mr. Blair, you were saying something off the  
14 record that I thought was salient and I wanted to  
15 make sure we made a record of it, so go ahead.

16 MR. BLAIR: Sure, Judge.

17 This entire production in this litigation from  
18 Monsanto has been the product of an ESI search  
19 pursuant to their business records retention policy  
20 for documents kept by definition pursuant to their  
21 business records retention policy, and this goes  
22 back to production in the MDL where there was a ESI  
23 protocol that was entered, et cetera, et cetera.

24 So for them -- I don't know how they can at  
25 this point get up and claim that these are not

1 authentic Monsanto business records by virtue of  
2 not having an affidavit, which was not a requisite  
3 of the ESI protocol that was entered in federal  
4 court.

5 And it was agreed upon that these documents  
6 would be produced in this litigation as well that  
7 have been produced in prior litigations.

8 So I don't know -- I presume that's their  
9 argument is that they're saying that their own  
10 documents produced pursuant to this -- their own  
11 agreed-to ESI protocol or at least that was entered  
12 by, I believe it was in federal court in the MDL,  
13 was producing documents that seemed facially to  
14 clearly be Monsanto business records.

15 They're on Monsanto letterhead. They're  
16 MONGLY Bates-numbered. I don't know also, if  
17 they're not, how they can claim confidentiality  
18 pursuant to a protective order like you see in the  
19 left-hand corner if they're not authentic  
20 documents.

21 So I think that they're -- I don't like to use  
22 the word "sandbagging," but to raise this objection  
23 I don't think is a valid objection, particularly at  
24 this stage.

25 And I'd also say that right now we have a

1 subpoena being directed to their custodian of  
2 records out on in -- either headquarters on Olive  
3 or their registered agent in Cole County, and I  
4 would ask to be able to lay the foundation through  
5 that custodian of records, if necessary, before we  
6 go any further.

7 MR. FRAZER: The other thing I'd add, your  
8 Honor, is all these documents have what is called  
9 metadata so we know where Monsanto went to find  
10 these documents.

11 So, for instance, we know the custodian of the  
12 document in front of the Court right now, 2527, is  
13 David Saltmiras. We know the source was Monsanto  
14 tox files.

15 The other documents we know what the sources  
16 are, who the custodians were, tox files from  
17 Monsanto A library, tox files, Monsanto A library,  
18 Iron Mountain tox files, Monsanto, tox files,  
19 Monsanto A library, et cetera, et cetera.

20 This happened before and we had to subpoena  
21 their records custodian, and on the day that person  
22 was supposed to come they said, "Okay. Fine.  
23 They're business records."

24 So I mean, we'll go through that routine, if  
25 we have to. If we have to, I would just request

1 the Court to let them on conditional admissibility  
2 or else I need to have the right to recall  
3 Dr. Farmer after the records custodian testifies.

4 THE COURT: All right. Dr. -- Doctor. Ms.  
5 Cook, I want to hear your argument.

6 MS. COOK: Thank you, your Honor.

7 We're conflating a lot of things here. These  
8 were produced in the litigation. We have  
9 stipulated that the MONGLY Bates numbers like this  
10 are authentic documents. We are not challenging  
11 authenticity. That is not the issue.

12 With respect to business records, they  
13 proposed business records that we stipulated to an  
14 affidavit to and there is a whole list of those,  
15 none of the ones, not this one nor the ones that  
16 Mr. Frazer gave me the number of the other ones  
17 that he wants to show are on that affidavit.

18 The third point is you don't just get  
19 something to be a business record because it's  
20 produced in a litigation. A million things are  
21 produced in a litigation that have no -- nothing to  
22 do with the regular course of business activities  
23 and the other things that are part of the business  
24 record rule.

25 But most importantly, the issue that we're

1 raising here with the specific document is not a  
2 business record issue. It's a foundation and  
3 personal knowledge issue. Because even if this  
4 were in evidence, it is not appropriate to ask a  
5 witness who has no foundation or personal knowledge  
6 about it to sit up there as a mouthpiece while  
7 counsel testifies to documents she's never seen  
8 before.

9 There are some documents before her time that  
10 she has seen before, like the studies, like the  
11 submissions to the EPA, but a random memo about  
12 something happening in Connecticut that, by the  
13 way, violates motion in limine Ruling 29 because  
14 it's about testicular atrophy not about NHL is not  
15 one of them.

16 So that's the basis of our objection as to  
17 this document. I don't think we need to go down  
18 the road of is every document a business record.

19 THE COURT: All right. So let me unpack this.  
20 I want to make sure I unpack this. Everybody's  
21 getting emotional. I'm doing this to preserve  
22 whatever judgment we get here going forward,  
23 because this is the kind of technicality that a  
24 Court of Appeals or Supreme Court is going to love.

25 So you're not disputing that any of the

1 documents that he intends to offer are inauthentic?

2 MS. COOK: Well, as far as I know. He hasn't  
3 provided me copies. I just quickly tried to look  
4 to see what they are.

5 THE COURT: Understood.

6 Anything with the MONGLY number in the bottom  
7 right corner you would agree was produced pursuant  
8 to some form of Monsanto litigation and would  
9 represent an authentic document?

10 MS. COOK: Assuming it's not highlighted or  
11 otherwise, yes.

12 THE COURT: Correct. I'm not saying  
13 foundation. You would agree that's authentic.

14 So the need for a custodian of records under  
15 either 490.680 or 692, is there a need for there to  
16 be a custodian of records on things that you are  
17 admitting are authentic documents?

18 MS. COOK: If they want to admit them under a  
19 business records exception, which has specific  
20 components that have to be met, yes.

21 THE COURT: Well, then I'm going to find that  
22 with regard to the authenticity of these documents,  
23 based on the way they were produced, the  
24 litigation, the assertions that the attorneys have  
25 made in court that these are authentic documents,



1 here's what I'm going to do with these documents.

2 If they want to admit them, I'll allow them to  
3 be admitted. However, if Dr. Farmer says she's  
4 never seen the documents, I'm not going to let Mr.  
5 Frazer testify about what's in the documents during  
6 his cross-examination here. You'll have to find  
7 another way to use those documents in your case  
8 later, if I admit them, and we'll take up the  
9 relevancy and whether or not they violate my  
10 motions in limine one at a time.

11 Does that, at least that initial ruling, make  
12 sense?

13 MR. BLAIR: Judge, I think it's just as  
14 important with -- in her role and as the person who  
15 is speaking to the public and defending the safety  
16 of glyphosate to the EPA and other regulatory  
17 bodies across the country, it's just as important  
18 what she apparently hasn't seen and doesn't know  
19 whenever she's otherwise spouting the safety as it  
20 is what she does know.

21 So the fact that she hasn't seen this doesn't  
22 mean that she shouldn't have, doesn't mean that  
23 it's not relevant for what she doesn't know, and it  
24 goes to the heart of is what you're telling the  
25 public true.

1           Because she's made a lot of representations to  
2 the public and a lot of representations to the jury  
3 about why glyphosate is safe, what they do with the  
4 regulatory bodies and that she's basically the  
5 spokesperson for Monsanto.

6           So it's very important what she doesn't know  
7 as much as what she does know and hasn't seen.

8           THE COURT: I'm going to give you two  
9 responses to that. One is I told you can ask her  
10 whether or not she has seen these documents. And,  
11 two, it sounds like you're setting yourself up for  
12 an argument that you're going to make in argument.

13           Whether or not you can testify as to the  
14 contents of documents she doesn't know about, she  
15 either does or she doesn't, and if you want to make  
16 your arguments later that she didn't know these  
17 things and she should have and what the documents  
18 say, sounds like you're already starting your  
19 closing argument in your head.

20           Ms. Cook, do you want to respond to that?

21           MS. COOK: That was actually what I was about  
22 to say.

23           THE COURT: So if you still want to, for your  
24 own purposes, secure a business records affidavit  
25 that might apply to these documents, I'm making a

1 finding that I think they're authentic, but they're  
2 probably -- technically we haven't seen that filing  
3 under the rule. But based on the way they were  
4 produced and the assertions of counsel, I don't  
5 think that they are inauthentic documents, which is  
6 what that custodian of records affidavit is  
7 primarily geared at.

8 But if you still want to send than subpoena  
9 and get them one, we can take it up if you get one  
10 and file it to cover that ground later in the case.

11 MS. COOK: Or they can propose that these  
12 specific Bates numbers be part of that affidavit,  
13 which they didn't do and I've never seen it before  
14 today. So we can have a proposal from them to us.  
15 We don't need a subpoena, your Honor.

16 THE COURT: I'll leave that to you guys if you  
17 want to talk about that at a break, Mr. Frazer.

18 MR. FRAZER: We'll confer at a break.

19 I would like to point out one more thing on  
20 the record. Dr. Farmer has been the official  
21 corporate rep of the Monsanto Company at trials.  
22 So she just doesn't come in here as some scientist  
23 that was there from '91 to currently. She's been  
24 the actual, sat at counsel table as a corporate rep  
25 for the company.

1 THE COURT: There's a difference between a  
2 corporate representative and a custodian of records  
3 technically under the law is the only thing I'll  
4 point out. What I'm trying to avoid is some dumb  
5 technical thing that gets this case off -- derailed  
6 after we spent four or five weeks trying it, which  
7 is what I'm trying deal with right now.

8 MS. COOK: Just for the record, she is not  
9 here as a corporate representative. She's here in  
10 response to a subpoena.

11 Your Honor, as to P2527, I do need to make my  
12 record. This is a violation of Motion in Limine  
13 Ruling No. 29 which excludes evidence regarding  
14 injuries other than NHL.

15 This is a memo about testicular atrophy. This  
16 is a completely irrelevant to this case, and is  
17 offered to scare the jury.

18 THE COURT: Mr. Frazer, what's your response  
19 now to the relevancy argument with regard to my  
20 previous motion in limine ruling?

21 MR. FRAZER: Well, there are other things in  
22 this document besides testicular. It talks about  
23 the concentration that was run, skin irritation,  
24 changes in the tissue, why run statistics if you're  
25 not going to use them, sperm counts, the fact that

1 lawn and garden people, that the nonlabeled areas  
2 homes were too vague and not prohibiting homeowner  
3 use, hence we must protect them by keeping Roundup  
4 restricted.

5 So forth and so on. So there's a lot of stuff  
6 in here that is relevant to this case.

7 THE COURT: Do you want to respond to that,  
8 Ms. Cook.

9 MS. COOK: Well, sperm count certainly isn't.  
10 I don't know how any of the other things are  
11 relevant, but.

12 MR. FRAZER: The toxicological profile of  
13 Roundup and glyphosate is directly at issue in this  
14 case.

15 THE COURT: All right. I'll overrule the  
16 objection. I'll allow the admission of this  
17 exhibit because it shows the -- how the company  
18 reacted. However, I've got a feeling that you're  
19 not going to be able to ask many questions about it  
20 because Dr. Farmer's already said she's never seen  
21 it, so you're going to have to find another way to  
22 use it later on down the road.

23 Go ahead, Ms. Cook.

24 MS. COOK: You know, I haven't had a chance to  
25 look in depth at any of the other documents, I

1 haven't seen copies of them, but I was able to look  
2 at Exhibit P2319 and noticed right off the bat that  
3 it's a legal bill from a law firm related to Paul  
4 Wright's criminal defense, which obviously is  
5 subject to a motion that we filed about his  
6 designations.

7 Of course Donna Farmer has no idea what this  
8 is. It has no relevance in this case.

9 THE COURT: You want to respond to that, Mr.  
10 Frazer?

11 MR. FRAZER: Your Honor, during my examination  
12 she said she didn't know whether or not Monsanto  
13 paid for Paul Wright's attorneys fees, and I've got  
14 the document that shows that they did. Right out  
15 of their files.

16 And this is only one payment we have record  
17 of. It's about \$80,000, which is about a half a  
18 million in today's money, for two months of  
19 representation by a firm out of New York City.

20 THE COURT: Do you want to --

21 MS. COOK: She has no foundation to know what  
22 this bill is for. She has no business testifying  
23 about this even if it were relevant to this case  
24 whatsoever.

25 THE COURT: On that specific document, I'm

1 going to -- I want to take that document under  
2 submission, I don't know if that's the right  
3 phrase, until we have the further discussion of Dr.  
4 Wright's deposition testimony that's going to be  
5 read in. And if I allow Dr. Wright's deposition  
6 testimony to be read in, I'll allow that document  
7 to be admitted as a business record at that time,  
8 and we'll cross that bring when we get to Dr.  
9 Wright.

10 Does that make sense?

11 MR. FRAZER: Yes, your Honor. And I'll hand  
12 you a copy of that exhibit just for your  
13 edification. It's P23.

14 So we'll hold -- I will not ask her about  
15 this.

16 THE COURT: We'll hold it until I give you a  
17 ruling on Dr. Wright. If I rule that Dr. Wright's  
18 deposition, the portions that Special Master Norton  
19 said could be read in comes in, I'll allow it to  
20 come in as a business record at that time.

21 MR. FRAZER: Thank you, your Honor.

22 Any others? I gave Ms. Cook a list of the  
23 ones in this case.

24 THE COURT: Let's go off the record for a  
25 second.

1 (Proceedings resumed in open court.)

2 THE COURT: Folks, sorry about that. As you  
3 can see, it took us a few minutes to hash through a  
4 couple issues, and I figured you'd be more  
5 comfortable downstairs than you'd be down here.

6 I'm going to turn it back over to Mr. Frazer  
7 to get back at it.

8 MR. FRAZER: Thank you, your Honor. May it  
9 please the Court, counsel. Good morning again.

10 BY MR. FRAZER:

11 Q Dr. Farmer, we were talking before we had the  
12 break about Plaintiff's Exhibit 2527.

13 Have you ever seen this document before?

14 A No, I have not.

15 Q Do you know anything about the subject matter?

16 A No, I do not.

17 Q All right.

18 MR. FRAZER: Your Honor, we move 2527 into  
19 evidence.

20 THE COURT: Subject to the defense counsel's  
21 objection, I'll admit it as a business record of  
22 Monsanto.

23 BY MR. FRAZER:

24 Q Dr. Farmer, I hand you what's been marked as  
25 Plaintiff's Exhibit 2546.



1           Do you see that this is a Monsanto internal  
2 company document?

3           A     Again, I've not seen this before.

4           Q     I understand that. But I didn't -- my  
5 question wasn't have you seen it before. We'll get to  
6 that one in a minute.

7           My question was simply this is an internal  
8 Monsanto Company document, is it not?

9           A     It looks like it is, yes.

10          Q     And it's got the MONGLY Bates number down  
11 there this the right-hand corner; right?

12          A     It does.

13          Q     MONGLY04268732.

14                Do you see that?

15          A     I do.

16          Q     And it says it's confidential, produced  
17 subject to protective order; right?

18          A     I see that, yes.

19          Q     So my question to you now that you've already  
20 answered, have you ever seen this document before?

21          A     I have not even this document.

22                MR. FRAZER: Your Honor, we move 2546 into  
23 evidence.

24                MS. COOK: Same objection.

25                THE COURT: And I will admit it over your

1 objection as a record of Monsanto.

2 BY MR. FRAZER:

3 Q Do you know anything about the subject matter  
4 in this document?

5 A The only thing that I recognize is there are  
6 some studies listed here, and that's all I recognize  
7 about this document. I don't know what this document is  
8 about.

9 Q There are -- you recognize the studies that  
10 are listed here?

11 A There -- because I'm familiar that there are  
12 chronic feeding rat and mouse studies, but other than  
13 that I don't know anything about this document.

14 Q You're familiar with those studies, though;  
15 right, ma'am?

16 A When I started in 1996, yes, but I don't know  
17 anything about this document.

18 Q Okay. Those are studies that were used to get  
19 glyphosate-based herbicides made by Monsanto onto the  
20 market; correct?

21 A Again, I'm familiar with the list of studies,  
22 but I don't know anything else about this.

23 Q Well, when you were company spokesperson, we  
24 talked about that at length, did you ever go back and  
25 try to figure out what happened in the company

1 historically, or did you just stop time when you started  
2 with the company?

3 A So I started on glyphosate in 1996 and  
4 glyphosate had been reregistered with the U.S. EPA in  
5 1993, and that was the document that I went forward  
6 with, that document and those studies in that document.

7 Q That wasn't my question.

8 My question was when you started with the  
9 company, did you try to educate yourself on what  
10 happened in the company before you joined the company  
11 with regard to glyphosate-based herbicides or Roundup?

12 A No. As I said, I started in 1996, and I went  
13 back to the 1993 RED, and that was the beginning of how  
14 I learned about glyphosate.

15 Q So you went back to 1993. The 1993 RED had  
16 data from 1974 in it, didn't it?

17 A I don't remember. It probably had some. I  
18 don't remember.

19 Q So if you read the 1993 RED -- registration  
20 eligibility decision. That's what that stands for;  
21 right?

22 A Correct.

23 Q If you read the 1993 RED, then you should know  
24 all the data the company submitted for that RED, going  
25 back to the initial submission of glyphosate; right?

1           A       Well, I don't know if it was all the way back  
2 to the initial, but there was some studies like we see  
3 here with Bio/dynamics, yes.

4           Q       Yeah, and we talked about some of those last  
5 week. We talked about the IBT situation; right?

6                    You were aware of that?

7           A       Again, that was before my time. But I was  
8 aware of it from a big picture perspective, yes.

9           Q       We talked about rat studies that were done by  
10 the company and mouse studies that were questioned by  
11 the EPA because of the IBT situation; right?

12          A       We talked about the IBT. There was an audit  
13 and the EPA looked at those studies, yes.

14          Q       But you're telling the jury that you've never  
15 seen Plaintiff's Exhibit 2546?

16          A       I have never this seen this email, no.

17                   MR. FRAZER: Did I move to admit this, your  
18 Honor?

19                   THE COURT: Yes.

20                   MR. FRAZER: Thank you.

21 BY MR. FRAZER:

22          Q       2528. I'll hand you what's been marked as  
23 Plaintiff's Exhibit 2528, ma'am.

24                   That's another internal Monsanto document, is  
25 it not?

1 MS. COOK: Your Honor, objection.

2 Mischaracterizes the document.

3 THE COURT: I'm sorry?

4 MS. COOK: It's a mischaracterization of what  
5 the document is.

6 MR. FRAZER: I'll --

7 THE COURT: Why don't you ask a different  
8 question.

9 MR. FRAZER: I'll lay more foundation.

10 BY MR. FRAZER:

11 Q Dr. Farmer, you see this is a document that is  
12 produced by Monsanto in this litigation and it's got the  
13 Bates number down there at the very front page,  
14 MONGLY04268579?

15 A I do.

16 Q And you see it's marked by Monsanto as  
17 "Confidential - produced subject to protective order"?

18 A I do.

19 Q And it's dated January 11, 1982.  
20 Do you see that?

21 A I do.

22 Q And it's referencing a glyphosate lifetime  
23 feeding study in rats; correct?

24 A Correct.

25 MR. FRAZER: Your Honor, we move this into

1 evidence.

2 THE COURT: Ms. Cook?

3 MS. COOK: No objection.

4 THE COURT: All right. It will be admitted.

5 BY MR. FRAZER:

6 Q Have you ever seen this document, Dr. Farmer?

7 A Yes, I have.

8 Q Are you aware of what's in it, then?

9 A It's a summary of a lifetime feeding study in  
10 rats, yes.

11 Q Okay. This is a study that Monsanto did  
12 internally?

13 A No.

14 Q An outside lab did it for Monsanto?

15 A Yes. The BDN that you see, it's an  
16 abbreviation for Bio/dynamics, so it was an outside  
17 contract lab.

18 Q All right. Thank you.

19 MR. FRAZER: I move that into evidence. Did I  
20 already do that?

21 THE COURT: You already did.

22 MR. FRAZER: Let's go to the next document,  
23 please.

24 BY MR. FRAZER:

25 Q Dr. Farmer, I want to hand you what's been

1 marked as Plaintiff's Exhibit 316.

2 Have you ever seen this document? I'll start  
3 with that question.

4 A No.

5 Q This is a Monsanto internal document?

6 A Yes.

7 Q And it's got the Bates number and the  
8 confidential stamp at the bottom; right?

9 A It does.

10 MR. FRAZER: Your Honor, I move this into  
11 evidence.

12 MS. COOK: Same objection to foundation.

13 THE COURT: It will be admitted over that  
14 objection.

15 BY MR. FRAZER:

16 Q Now, even, though you haven't seen this  
17 document, you're familiar with the subject matter of  
18 this document; correct?

19 A The subject matter says, "EPA Toxicology  
20 Branch/Roundup."

21 Q Well, if you turn -- you're familiar -- strike  
22 that.

23 You're familiar with what happened with the  
24 Knezevich and Hogan study at the EPA level; right? We  
25 talked about that?

1 A Yes, I am.

2 Q And that's what this document is talking  
3 about?

4 A Again, I haven't seen this document before.

5 Q You haven't seen it?

6 A No.

7 Q All right.

8 MR. FRAZER: For the record, that's 316, your  
9 Honor. Let's go to 318.

10 BY MR. FRAZER:

11 Q Dr. Farmer, P318 is an internal Monsanto  
12 document; correct?

13 A Yes.

14 Q Have you seen this document before?

15 A No.

16 Q It has to do with Dr. Kuschner's evaluation of  
17 the tumor in a control group mouse; correct?

18 A It just says that he's going to review the  
19 kidney sections and present his evaluation, but I've not  
20 seen this memo before.

21 Q Never ever?

22 A No.

23 Q You know about the subject matter, though;  
24 right. Or do you?

25 A Yes, I'm aware of the subject matter, but I



1 have not seen this memo.

2 Q You know what Dr. Kushner was supposed to do;  
3 correct?

4 A Yes. And it even says it in this that he was  
5 going to review -- the EPA suggested that it would be a  
6 good idea to have a reevaluation of the sections of the  
7 slides of the kidney, and that's what Dr. Kushner was  
8 going to do.

9 Q So would have be fair to me to ask you some  
10 questions about this document since you know about it?

11 A I, again, have not seen this document.

12 Q Well, you just testified what it was about;  
13 right?

14 A I was reading it and I'm familiar with the  
15 situation.

16 Q Did you look at any of the Monsanto documents  
17 that had anything to do with the leadup to this  
18 document?

19 A No, I have not.

20 Q This one is dated April 3, 1985; correct?

21 A Yes.

22 Q And it says -- it says this, doesn't it:  
23 "Senior management" --

24 MS. COOK: Your Honor, I object to the  
25 foundation of reading the document.

1 THE COURT: Well, let's start with this. Are  
2 you moving to admit this document?

3 MR. FRAZER: I move to admit it, your Honor.

4 THE COURT: Do you have an objection to that?

5 MS. COOK: Your Honor, I don't have an object  
6 to admitting it.

7 THE COURT: I'll admit the document, and I'll  
8 let you ask if she has -- let me phrase it this  
9 way, Mr. Frazer. If she knows about the study  
10 you're going to ask about, you can ask her those  
11 questions.

12 Does that make sense?

13 MR. FRAZER: Yes, sir. And I think she just  
14 gave testimony what this was about. That's why I  
15 was -- let's actually look at the document.

16 THE COURT: I do believe the witness did start  
17 to read sections of the document. But if you want  
18 to ask her questions about the substance of the  
19 document, go ahead.

20 MR. FRAZER: I'd ask for 318 to be pulled up  
21 on the screen, your Honor.

22 THE COURT: That's okay.

23 BY MR. FRAZER:

24 Q Again, we see the date of April 3, 1985;  
25 correct?

1 A Yes.

2 Q This is an internal Monsanto document?

3 A Yes.

4 Q And it says, "The following item of  
5 information is in addition to those included in the  
6 current monthly report."

7 Do you see that?

8 A I do.

9 Q It says, "senior management at EPA is  
10 reviewing a proposal to classify glyphosate as a Class C  
11 possible human carcinogen because of kidney adenomas in  
12 male mice."

13 Did I read that properly?

14 A You did.

15 Q And then it says, "Dr. Marvin Kuschner will  
16 review the kidney sections and present his evaluation of  
17 them to the EPA in an effort to persuade the agency that  
18 the observed tumors are not related to glyphosate."

19 Did I read that right?

20 A You did.

21 Q 319. Dr. Farmer, I'm going to hand you what's  
22 been marked as Plaintiff's Exhibit 319. Have you ever  
23 seen this document before?

24 A No, I have not.

25 Q All right. Do you see that it relates to

1 Dr. Kushner?

2 A I do see that, yes.

3 MR. FRAZER: Your Honor --

4 BY MR. FRAZER:

5 Q Do you see that it's a MONGLY, M-O-N-G-L-Y,  
6 Bates number 04269049?

7 A I see that, yes.

8 Q And that it's confidential, produced subject  
9 to protective order by Monsanto?

10 A I do.

11 MR. FRAZER: Your Honor, we move this into  
12 evidence.

13 THE COURT: Same objection?

14 MS. COOK: No objection.

15 THE COURT: No objection. Okay. It will be  
16 admitted.

17 BY MR. FRAZER:

18 Q Do you have any idea when Dr. Kushner,  
19 actually got the tissue slides from these mice that he  
20 was supposed to look at back in 1985?

21 A No, I don't.

22 Q Okay. And you've never seen this document  
23 before?

24 A No, I've not.

25 Q And so this is the first time you've ever seen

1 this in a courtroom?

2 A Yes.

3 Q So same with all these other documents you say  
4 you haven't seen. First time ever you've seen them in a  
5 courtroom?

6 A Yes.

7 Q I'll hand you what's been marked as  
8 Plaintiff's Exhibit 2544. Do you see that this is an  
9 internal Monsanto document?

10 A I do.

11 Q It's got a Monsanto document identifier number  
12 down there at the bottom, MONGLY04268965; right?

13 A I see that.

14 Q And it's produced subject to protective order  
15 as a confidential Monsanto document; right?

16 A Yes.

17 Q Have you ever seen this document before?

18 A No, I've not.

19 Q So, again, my question is: All the times  
20 you've testified in court, in a court of law, this is  
21 the first time you've ever seen this document?

22 A Yes.

23 MR. FRAZER: Your Honor, we move this into  
24 evidence.

25 MS. COOK: No objection.

1 THE COURT: Admitted.

2 BY MR. FRAZER:

3 Q Dr. Farmer, I'm going to hand you what's been  
4 marked as Plaintiff's Trial Exhibit 2540. This is an  
5 internal Monsanto document; is that correct, ma'am?

6 A Yes.

7 Q And you've got the MONGLY number down at the  
8 bottom and got it marked "Confidential - produced  
9 subject to protective order"; correct?

10 A I see that, yes.

11 Q And have you ever seen this document before?

12 A No.

13 Q Never?

14 A No.

15 Q Again, my question to you, just to make sure  
16 you've never seen --

17 MS. COOK: Your Honor, may we approach?

18 (Counsel approached the bench and the  
19 following proceedings were had:)

20 MS. COOK: Your Honor --

21 THE COURT: Hold on.

22 MS. COOK: It's not really about the document.

23 THE COURT: Okay.

24 MS. COOK: The objection is to the serial  
25 argumentative questions about all the times you've

1           been in this courtroom. He established she hasn't  
2           seen it. And we don't need to be talking about all  
3           the lawsuits. In fact, I think that was something  
4           that was stipulated that we wouldn't be talking  
5           about.

6           It's different with an expert witness who has  
7           a bias issue, but this is now talking about all the  
8           times she's been subpoenaed to testify at trials.

9           MR. FRAZER: I didn't ask how many times.

10          MS. COOK: You asked that about every  
11          document.

12          MR. FRAZER: I asked, "Have you ever seen this  
13          document in a courtroom?"

14          THE COURT: I think I'm going to continue to  
15          allow Mr. Frazer to ask if she's ever seen the  
16          document before. I think he's made his point.  
17          I'll caution you that the over and over using the  
18          phrase "the courtroom" has the potential to be  
19          argumentative. I think the jurors know where  
20          you're going.

21          Once she says she hasn't seen it, I think we  
22          can assume that applies to inside and outside a  
23          courtroom.

24          MS. COOK: Thank you, your Honor.

25          (Proceedings resumed in open court.)

1 BY MR. FRAZER:

2 Q I just want to be clear on the record. You've  
3 never seen Plaintiff's Exhibit 2540?

4 A This?

5 Q Yes, ma'am.

6 A No, I haven't.

7 Q You can set that aside.

8 2535.

9 MR. FRAZER: I'll move that into evidence,  
10 your Honor.

11 THE COURT: Any objection?

12 MS. COOK: Same objection, your Honor.

13 THE COURT: It will be admitted as a corporate  
14 record over that objection.

15 MR. FRAZER: Thank you.

16 BY MR. FRAZER:

17 Q Hand you what's been marked as Plaintiff's  
18 Exhibit 2535, Dr. Farmer.

19 My first question is: This is another  
20 internal Monsanto Company document?

21 A Yes.

22 Q And it's got the document identifier number in  
23 the right-hand corner and it's got on the left-hand of  
24 every page at the bottom, "Confidential - produced  
25 subject to protective order"; correct?



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A Yes.

Q Have you ever seen this document before?

A No.

MR. FRAZER: Your Honor, we move Plaintiff's 2535 into evidence.

MS. COOK: Same objection, your Honor.

THE COURT: It will be admitted over that objection.

BY MR. FRAZER:

Q Dr. Farmer, I'm going to hand you what's been marked as Plaintiff's Exhibit 2518. This is an internal Monsanto Company document; correct?

A Yes.

Q And it's got the document identifier and the "Confidential - produced subject to protective order" stamped on the bottom page?

A I see that, yes.

Q Have you ever seen this document before?

A No.

MR. FRAZER: Your Honor, we moved Plaintiff's 2518 into evidence.

THE COURT: Ms. Cook?

MS. COOK: No objection, your Honor.

THE COURT: All right. It will be admitted.

1 BY MR. FRAZER:

2 Q Dr. Farmer, I'm going to hand you what's been  
3 marked as Plaintiff's Exhibit 1643. This is another  
4 internal Monsanto document, actually an email chain.

5 Do you see that?

6 A I do.

7 Q It's got the document identifier number on the  
8 bottom right and the "Confidential - produced subject to  
9 protective order" in the bottom left?

10 A Yes.

11 Q Have you ever seen this document before?

12 A I've seen parts of it.

13 Q Parts of it.

14 A Towards the very end.

15 Q Have you ever seen the first page?

16 A I'm not on this email.

17 Q The subject matter of the email chain is,  
18 quote, In Vitro Dermal Study; right?

19 A Correct.

20 Q Dermal, again, is skin; correct?

21 A Correct.

22 Q And you've never seen this document?

23 A I didn't say that. I said I haven't seen the  
24 front page. I'm not on this email, but I am on the back  
25 on a few of those emails.

1 Q You're on the back, but you've never seen the  
2 continuation of the conversation that was going on in  
3 vitro dermal studies. Is that what you're saying?

4 A I'm not on this email, no.

5 Q I didn't ask you if you were on the email.  
6 Have you ever seen the front page of this document ever  
7 in your life?

8 A No, I don't remember.

9 Q Do you know what, without looking at the  
10 document, do you know what MON15 -- 59117 is? 59117?

11 A I do.

12 Q What is that?

13 A It's a surfactant.

14 Q A surfactant?

15 A Correct.

16 Q Only?

17 A Correct.

18 Q Is there surfactant that was being sold in the  
19 marketplace in March of 2002?

20 A I don't know if it was in the marketplace. I  
21 know it's one that we were considering, but I don't  
22 know.

23 Q You don't know?

24 A No.

25 Q Thank you. You can set that one aside.

1 MR. FRAZER: Move this into evidence --

2 THE COURT: Any objection?

3 MR. FRAZER: -- plaintiff's Exhibit 1643.

4 MS. COOK: Just the objection to foundation,  
5 your Honor.

6 THE COURT: All right. I'll admit it over the  
7 objection.

8 BY MR. FRAZER:

9 Q Okay. 22.

10 Dr. Farmer, I'm going to hand you what's been  
11 marked as Plaintiff's Exhibit 22. Have you ever seen  
12 this document before?

13 A I have.

14 Q This is a document called Glyphosate  
15 Stewardship, Epidemiology in the Farm Family Exposure  
16 Study; right?

17 A Correct.

18 Q The acronym used in Monsanto documents for  
19 this study is FFES; is that right?

20 A Correct.

21 Q And this is a study that was sponsored in part  
22 by Monsanto; right?

23 A Monsanto and other ones sponsored through  
24 CropLife America, yes.

25 Q Other companies that were selling glyphosate

1 helped sponsor this study; right?

2 A I don't believe that they were -- other  
3 pesticides were involved in the Farm Family Exposure  
4 Study, and they were sponsoring as well, so it was a  
5 industry-sponsored study through CropLife America, run  
6 by the University of Minnesota.

7 Q Okay. And this study has actually got your  
8 name on it. You were one of the authors of the study?

9 A This isn't really a study. I wasn't a part of  
10 Farm Family Exposure Study. This is just talking about  
11 glyphosate stewardship and epidemiology in the Farm  
12 Family Exposure Study. It's kind of like an overview,  
13 reference document.

14 MR. FRAZER: Your Honor, I move this into  
15 evidence.

16 THE COURT: Any objection?

17 MS. COOK: No, your Honor.

18 THE COURT: All right. It will be admitted.

19 MR. FRAZER: And, Ed, would you mind pulling  
20 up the first page of 22, please.

21 BY MR. FRAZER:

22 Q I mean, this is the title page of the  
23 document, Exhibit 22; right?

24 A Correct.

25 Q And it says, "Glyphosate Stewardship,

1 Epidemiology and the Farm Family Exposure Study." Team  
2 members John Acquavella, Marian Bleeke, Donna Farmer,  
3 Daniel Goldstein, and Christophe Gustin; correct?

4 A Correct.

5 Q Those are all Monsanto employees; right?

6 A Yes.

7 Q Did you get extra compensation for this since  
8 it was being sponsored by other companies or is that not  
9 material to this document?

10 A That's not material to this document.

11 Q And it's a draft for June 11, 2002; right?

12 A Correct.

13 Q And let's turn to the second page, please.  
14 Under "Macro Issues," the second topic.

15 Do you see that?

16 A I do.

17 Q A macro issue is a big issue. Macro means  
18 large, big; right?

19 A Overriding issues. Sure.

20 Q Overriding. Overriding issues.

21 And the first paragraph under overriding or  
22 macro issues says, quote:

23 The general public is selectively risk averse,  
24 especially about perceived risks to children's health.  
25 Individuals will assume known risks (e.g. cigarettes)

1 yet object to infinitesimal potential risks from  
2 pesticide residues on foods or foreign DNA in  
3 genetically modified GM crops.

4 Did I read that properly?

5 A Yes.

6 Q So I mean, at this, at this stage of the game,  
7 2002, would it be fair to say that Monsanto knew that  
8 consumers, individuals, who saw a risk about a  
9 particular pesticide may not want to buy that pesticide?

10 A I wouldn't put it that way.

11 Q Well, that's what it says. It says people  
12 will assume a risk of smoking a cigarette, but they're  
13 going to object to all kinds of --

14 Infinitesimal, that means unlimited; right?

15 A No. It means tiny.

16 Q Tiny, infinitesimal risk from pesticides  
17 residues on foods and foreign DNA in genetically  
18 modified crops; right?

19 A That's what it says, yes.

20 Q And the people that you're talking about, the  
21 public, the general public, are your consumers; right?

22 A Yes.

23 Q Let's turn to page 457 at the bottom. It's  
24 the fourth page of this document.

25 Do you see where it's got the FFES glyphosate

1 results?

2 A I do.

3 Q This is back in 2002, just for point of  
4 reference; right?

5 A Yes.

6 Q It says, quote, in this Monsanto document what  
7 you are a team member of, "42 participated farmers apply  
8 glyphosate in 2000. Less than half, 45 percent of these  
9 farmers had detectable urinary glyphosate greater than 1  
10 part per billion."

11 Do you see that?

12 A Yes.

13 Q That means that 55 percent did have urinary  
14 glyphosate detectable at greater than 1 part per  
15 billion; fair?

16 A No. No. It means that although these 40  
17 percent had glyphosate detectable at the limit of 1 part  
18 per billion, the other 60 percent did not have any  
19 glyphosate that was detectable.

20 Q 45 percent did?

21 A Yes.

22 Q That's close to 50. We can agree on that;  
23 right?

24 A Correct.

25 But this is -- the limit is 1 part per



1 billion, like one drop in a Olympic-size swimming pool.

2 Q Oh, I understand that. I didn't ask that  
3 question, but that's a good point.

4 You're measuring it down to one drop in a  
5 Olympic-size swimming pool. That's how lethal this  
6 stuff is; right?

7 A No, it's not about being lethal. It's about  
8 analytically being able to detect something at such a  
9 small, small amount.

10 Q The second paragraph:

11 "Two of 42 farm spouses (5 percent) showed  
12 detectable values on the day of application, both at the  
13 limit of detection."

14 Do you see that?

15 A I do.

16 Q And it says -- skip the next sentence.

17 Then it says:

18 "Of 69 participating children, five or 7  
19 percent had detectable values on the day of application,  
20 which declined to 3 percent three days after  
21 application. The highest value for children was 20  
22 parts per billion."

23 Did I read that correctly?

24 A You did.

25 Q So is it fair to say that in 2002 Monsanto

1 internally knew that children who were around farming  
2 had detectable limits up to 20 parts per billion of  
3 glyphosate in their urine?

4 A All of the children were in the mixing and  
5 loading areas with their dads, so they did have some  
6 potential exposure. And so that's why we did the study.  
7 We wanted to know what were the farmers and their  
8 spouses and their children being exposed to, yes.

9 Q Did you call up any of these families and say,  
10 hey, in your child we found 20 parts per billion of  
11 glyphosate in their urine and maybe you ought to stay  
12 away from all that mixing and spilling in the future?

13 A You know, that's actually a really good point,  
14 because we actually worked with these families, we gave  
15 them the results, and we had a grant that we worked  
16 through Purdue University where they actually created a  
17 booklet that would be given to farmers and their  
18 families about children and others and how you minimize  
19 your exposure in the farm place.

20 Q What difference did it make if glyphosate is  
21 nontoxic as to whether or not children had it in their  
22 urine?

23 A Again, it isn't a particularly toxic substance  
24 at all. It's very minute amounts. But again, we want  
25 to people to understand, you know, how you can reduce

1 even more reduce your exposure, and we worked with the  
2 families.

3 Q Did you put that on your website or on a  
4 warning label for lawn and garden customers about, hey  
5 if you're around this stuff, mixing it, spilling it, it  
6 might get in your urine?

7 A Again, we know that it's in low levels and  
8 it's not a concern.

9 Q So you did not do that?

10 A So this was available publically. This  
11 information was available publically.

12 Q This internal Monsanto document was available  
13 publically?

14 A The Farm Family Exposure Study was published  
15 and the Purdue booklet was available as well.

16 Q Well, let's look at the very next page at the  
17 bottom of the page. Let's how see how you describe  
18 children's exposure.

19 Right there at the bottom of the page, it  
20 says:

21 "Inspection of the FFES field reports for  
22 glyphosate show that children's exposure in the study,  
23 though trivial, probably could have been prevented by  
24 rudimentary precautions, example, wearing gloves when  
25 helping their fathers, taking care to avoid incidental

1 contact with containers."

2 Did I read that properly?

3 A You did.

4 Q So you describe these children, when exposed  
5 to glyphosate, as a trivial exposure; right?

6 A It was very minute amounts.

7 And these children aren't working with just  
8 glyphosate. They're working with other pesticides that  
9 don't have the profile that glyphosate does, so we want  
10 them to use caution when they're working with all of the  
11 products on the farm.

12 Q Well, right here you don't call it what you  
13 just said. You call it trivial; right? You don't call  
14 it minute here. You call it trivial.

15 A Well, trivial, minute. It's all very, very  
16 small exposures, not of concern.

17 Q It says, quote:

18 Likewise, farmers' failure to wear gloves  
19 while mixing and loading was a common finding for those  
20 who showed detectable glyphosate values.

21 Do you see that?

22 A I do.

23 Q You never gave lawn and garden customers that  
24 go to Ace Hardware or Lowe's a warning to wear gloves  
25 while mixing or using Roundup Ready-to-Use or Roundup

1 concentrate, did you?

2 A It's not required, no.

3 Q So you didn't do it?

4 A It's not required, no.

5 Q Dr. Farmer, I'm going to hand you what's been  
6 marked as Plaintiff's Exhibit 2487. You're on this  
7 email; right?

8 A Yes.

9 Q And so you have seen this document before;  
10 right?

11 A I haven't for a while. Do you mind if I take  
12 a look at it?

13 Q Sure. It's from the year 2004, 2004.

14 A Correct.

15 MR. FRAZER: Your Honor, I move this into  
16 evidence.

17 THE COURT: Any objection?

18 MS. COOK: No, your Honor.

19 THE COURT: It will be admitted.

20 MR. FRAZER: Ed, if we pull 2487 up, we're  
21 going to focus on that second email from the top.

22 BY MR. FRAZER:

23 Q This is from Dr. Acquavella.

24 Do you see that?

25 A I do.

1 Q It's to you, Dr. Heydens, and a guy named Joe  
2 Kronenberg.

3 Do you see that?

4 A I do.

5 Q Who was Mr. Kronenberg. What was his job?

6 A He at this time I think was my reporting  
7 manager.

8 Q Your reporting manager?

9 A Yes.

10 Q Was he a toxicologist?

11 A Yes.

12 Q So you reported to him at the time?

13 A I believe so, yes.

14 Q Okay. And do you see where Dr. Acquavella  
15 writes in the last sentence there, quote:

16 "No other company gets this degree of access  
17 to the Ag Health Study and the audiences that they are  
18 trying to influence."

19 Do you see that?

20 A Yes, I do, and there's a reason why.

21 Q Well, you wrote back, you said, "Yes, indeed.  
22 I hope it worked out"; right?

23 A I didn't write that back. That was  
24 Dr. Heydens.

25 Q Oh, that was Dr. Heydens. I'm sorry.

1 Dr. Heydens was the only one that responded to  
2 that comment in this email chain; right?

3 A Correct.

4 MR. FRAZER: Your Honor, I move this into  
5 evidence.

6 THE COURT: You already did.

7 MR. FRAZER: I did. Thank you.

8 BY MR. FRAZER:

9 Q 1208. Dr. Farmer, I hand you what's been  
10 marked as Plaintiff's Exhibit 1208.

11 This is internal Monsanto Company email;  
12 correct?

13 A It is.

14 Q We can see that it's got the MONGLY number at  
15 the bottom, M-O-N-G-L-Y, and it's marked "Confidential -  
16 produced subject to protective order"; correct?

17 A Yes.

18 Q It's dated July the 3rd, 2007?

19 A Correct.

20 Q And the reference is "Nitrite in formulation  
21 water for Scotts."

22 A And I'm not inside email and I've not seen  
23 this before.

24 Q You've never seen this document before?

25 A No.

1 Q First time you ever saw it is right here  
2 today?

3 A Yes.

4 MR. FRAZER: Your Honor, we move 1208 into  
5 evidence.

6 THE COURT: Ms. Cook?

7 MS. COOK: Your Honor, object to foundation.  
8 Also to based on our motion.

9 THE COURT: I'll admit it over the objection,  
10 preserve your argument.

11 BY MR. FRAZER:

12 Q I'll hand you what's been marked as  
13 Plaintiff's Exhibit 300, ma'am.

14 Do you have that in front of you, Dr. Farmer?

15 A I see this, yes.

16 Q This is a Monsanto internal email chain;  
17 correct?

18 A It is.

19 Q And you're on this chain; correct?

20 A I am.

21 Q And it's dated November 12th, 2008.

22 Do you see that?

23 A I do.

24 Q All right. So, obviously, you've seen this  
25 before; correct?



1           A     I have.

2           Q     All right.  Let's start with -- let's go back  
3 and come forward, like we normally do in these long  
4 email chains, and I want to start with the one that's at  
5 Bates page 830 at the bottom right by the document  
6 identifier number.

7                     Do you see that?

8           THE COURT:  Before we put this up, are you  
9 moving to admit this?

10          MR. FRAZER:  Move to admit it, yes, your  
11 Honor.

12          THE COURT:  Any objection?

13          MS. COOK:  No, your Honor.

14          THE COURT:  All right.  It will be admitted.

15 BY MR. FRAZER:

16          Q     I want to focus in on the email from Jaime  
17 Costa to Christophe Gustin, with a copy to you and David  
18 Saltmiras on this page.

19                     Do you see that?

20          A     I do.

21          Q     It starts off with, "Christophe."  
22 Can you get to that part of it, Ed?

23          THE COURT:  It's up from there.

24 BY MR. FRAZER:

25          Q     It says -- do you see where it starts,

1 "Christophe" in that first paragraph?

2 A I do.

3 Q Let's skip down to the last two sentences of  
4 that first paragraph. "I imagine we" -- he's talking  
5 about Monsanto there; right?

6 A I believe so, yes.

7 Q "I imagine we do not have other studies on the  
8 urine/feces excretion after topical applications of  
9 glyphosate to support our position."

10 Did I read that properly?

11 A I did.

12 Q And then he says, quote, As it is critical  
13 that we have our product accepted in this coming  
14 meeting, I would like to complete my defense with a  
15 paragraph like this one, and he lists a paragraph.

16 Do you see that?

17 A I do.

18 Q And if we turn forward a page, David Saltmiras  
19 writes back, and at the bottom of that page, it says,  
20 back to Jaime Costa, "Joel, Donna, and I have discussed  
21 your approach and you are correct"; right?

22 A Yes.

23 Q All right. And then if we pull forward to the  
24 second page of this document, 827, at the bottom -- at  
25 the top of the page, we see an email from a Richard

1 Garnett, and you're copied on that in this chain; right?

2 A I think I've lost you. What page are you on?

3 THE COURT: Richard Garnett is at the very  
4 bottom of the page.

5 THE WITNESS: Okay.

6 BY MR. FRAZER:

7 Q Do you see that, ma'am?

8 A I do.

9 Q And Mr. Garnett writes, "Dear, Team. To me,  
10 all this discussion continues to show that we still need  
11 solid data for ADME."

12 What's that stand for?

13 A Absorption, distribution, metabolism, and  
14 excretion.

15 Q Would you say that just a little bit louder?  
16 I didn't quite here you.

17 A So absorption is how does it get into your  
18 body. Distribution is where does it go in your body.  
19 Metabolism is how does the substance metabolize in your  
20 body. And E is for excretion, how is it excreted.

21 Q So how does it get in, where does it go, what  
22 happens to it in the body, and where does it go at that  
23 point, how does it gets excreted; right?

24 A That's what ADME stands for, absorption,  
25 distribution, metabolism, and excretion.

1 Q He says, We still need data for that, arising  
2 from dermal exposure; correct?

3 A Yes.

4 Q And he's got some bullet points. The first  
5 one says, quote, Our dermal absorption endpoint is based  
6 on the literature and, as I recall, we failed to get the  
7 original data to support the results.

8 That's what he wrote; right?

9 A Correct.

10 Q That was back in November of 2008; right?

11 A That was a long time ago. There's other data  
12 since then.

13 Q This is state of the art in 2008. We can  
14 agree on that; right?

15 A That's what was stated in 2008, yes.

16 Q The second thing he says is:

17 "The movement of the glyphosate in the blood  
18 flow from dermal contact is different to that through  
19 oral or intravenous exposure. The little data we have  
20 suggests that the excretion is significantly more  
21 through the feces than the urine."

22 Did I read that correctly?

23 A You did, but unfortunately he's incorrect in  
24 that.

25 Q He's a Monsanto employee; right?

1           A       He's a reg affairs manager not, a scientist, a  
2 toxicology.

3           Q       Okay. He then writes, "Dermal exposure is the  
4 greatest risk of exposure for operators"; correct?

5           A       That's what he wrote there, yes.

6           Q       Then if we turn the page to the front, nobody,  
7 yourself included, say, hey, Garnett, Mr. Regulatory  
8 Affairs Manager, you don't know what you're talking  
9 about, do they?

10          A       There's other discussions going on.

11          Q       You don't write back and say, "Sir, you're  
12 incorrect," do you?

13          A       There were other discussions going on.  
14 They're not always in an email. No not in this email, I  
15 did not.

16                   MR. FRAZER: Your Honor, I want to be  
17 respectful of when you want to take a break.

18                   THE COURT: Well, since we had a big morning  
19 break, I'm going to keep going unless somebody  
20 gives me a sign, because we didn't come back until  
21 close to ten.

22 BY MR. FRAZER:

23          Q       Dr. Farmer, I'm handing you what's been marked  
24 as Plaintiff's Trial Exhibit 729.

25                   Do you see that?

1 A I do.

2 Q All right. This is an internal Monsanto  
3 document?

4 A It is.

5 Q It's between Mr. Garnett that we just talked  
6 about and Dr. Heydens and a guy named William Graham;  
7 right?

8 A Correct.

9 Q And it's dated in the year 2010, moving  
10 forward three years; right?

11 A Yes.

12 Q Have you ever seen this document before?

13 A No, I haven't.

14 Q It is a Monsanto internal document with a  
15 document identifier number and the confidential stamp  
16 produced subject to protective order; correct?

17 A I see that on there, yes.

18 MR. FRAZER: Your Honor, we move this document  
19 into evidence.

20 THE COURT: Ms. Cook?

21 MS. COOK: Object to foundation, your Honor.

22 THE COURT: It will be admitted over your  
23 objection.

24 BY MR. FRAZER:

25 Q Just to be clear, this is the first time

1 you've ever seen this document, Plaintiff's Exhibit 29?

2 A Yes.

3 BY MR. FRAZER:

4 Q Dr. Farmer, I'm going to hand you what's been  
5 marked as Plaintiff's Trial Exhibit 705.

6 It's a one-page email; is that right?

7 A Yes.

8 Q It's a Monsanto internal document; correct?

9 A It is.

10 Q Have you ever seen this document before?

11 A No.

12 Q It's got Michael Koch. He is your boss at the  
13 time on this email?

14 A Yes.

15 Q It's got Dr. Heydens. He was your colleague  
16 at the time. You all were coequals by the year 2015;  
17 right?

18 A Correct.

19 Q It's dated January 15, 2015?

20 A It is.

21 Q It's got a document identifier document and  
22 it's produced subject to a protective order as  
23 confidential by Monsanto; right?

24 A Correct.

25 Q And there's another person at the bottom of

1 the page named Dan Jenkins. We talked about him  
2 earlier, but it says U.S. agency lead.

3 What does that mean?

4 A Dr. Jenkins was with the part of the company  
5 that worked with like the EPA and the different  
6 agencies.

7 Q And he was -- he's got an office number of a  
8 202 area code. Was he in Washington, D.C.?

9 A Yes, he was.

10 Q And did he work directly with the EPA kind of  
11 as the U.S. agency lead for Monsanto?

12 A That was part of his role was having the  
13 conversations, working with the EPA, yes.

14 MR. FRAZER: Your Honor, we move 705 into  
15 evidence.

16 THE COURT: Ms. Cook?

17 MS. COOK: Just the same objection.

18 THE COURT: It will be admitted over  
19 objection.

20 BY MR. FRAZER:

21 Q 268. Dr. Farmer, I'm going to hand you what's  
22 been marked as Plaintiff's Trial Exhibit 268. This is  
23 another internal Monsanto email chain.

24 Do you see that?

25 A I do.



1 Q And there's a name on there that we haven't  
2 talked about, Jennifer Listello. What was Jennifer  
3 Listello's role in the company?

4 A She was a regulatory affairs manager for  
5 glyphosate at this time.

6 Q Regulatory affairs manager for glyphosate in  
7 the U.S.?

8 A Yes.

9 Q And this is -- this has got a document  
10 identifier number, a MONGLY number at the bottom; right?

11 A Yes.

12 Q And it's produced subject to protective order  
13 as confidential by Monsanto; right?

14 A It says that, yes.

15 Q And have you ever seen this document before?

16 A No.

17 MR. FRAZER: Your Honor, we move 268 into  
18 evidence.

19 THE COURT: Ms. Cook?

20 MS. COOK: Same objection.

21 THE COURT: Admitted over the objection.

22 MR. FRAZER: 708.

23 BY MR. FRAZER:

24 Q Dr. Farmer, I'm going to hand you what's been  
25 marked as Plaintiff's Exhibit 711.

1 Do you have that, ma'am?

2 A I do.

3 Q This is a document produced by Monsanto?

4 A Yes.

5 Q Got the document identifier number, got the  
6 confidential stamp at the bottom; correct?

7 A Correct.

8 Q Have you ever seen this document before?

9 A No.

10 Q Do you know about it?

11 A No.

12 MR. FRAZER: Your Honor, we move 711 into  
13 evidence.

14 MS. COOK: Your Honor, same objection to lack  
15 of foundation.

16 THE COURT: All right. It will be admitted  
17 over objection.

18 BY MR. FRAZER:

19 Q Dr. Farmer, I'm going to hand you what's been  
20 marked as Plaintiff's Exhibit 862.

21 MS. COOK: Your Honor, may we approach?  
22 (Counsel approached the bench and the  
23 following proceedings were had:)

24 THE COURT: Ms. Cook.

25 MS. COOK: This is the January 2020 document

1 that we've been talking about with respect to the  
2 Ninth Circuit that's been withdrawn, and I'm  
3 assuming he's trying to open his own door to get  
4 the Ninth Circuit in.

5 If he just plans to ask her about the document  
6 without saying anything about it being withdrawn, I  
7 don't have an objection, but I think that's where  
8 this is going. We have said we would not offer it  
9 into evidence for that reason.

10 THE COURT: Mr. Frazer.

11 MR. FRAZER: I'm sorry. I couldn't hear you,  
12 Ms. Cook. Would you please repeat that?

13 THE COURT: Here, let me summarize for you,  
14 Mr. Frazer. She thinks you're trying to open your  
15 own door to the Ninth Circuit decision.

16 I'm willing to let you ask her questions about  
17 this document, but my ruling with regard to the  
18 Ninth Circuit still stands at this point.

19 Do you understand that?

20 MR. FRAZER: I understand that.

21 THE COURT: So I think it's a relevant  
22 document, but we're not getting into that opinion.

23 MS. COOK: And we're not getting into the fact  
24 that it was withdrawn because the reason it was  
25 withdrawn is because the Ninth Circuit told it to.

1 Right?

2 THE COURT: Well, what's your reaction to  
3 that, Mr. Frazer?

4 MR. FRAZER: I'm not going to do that, but if  
5 they get into that.

6 THE COURT: All right. Well, if they get into  
7 that then --

8 MR. FRAZER: I'm going to drive through the  
9 door.

10 THE COURT: I'll allow you to ask questions  
11 about it, but we're not talking about the fact that  
12 it was withdrawn or the Ninth Circuit decision.

13 Fair enough?

14 MR. FRAZER: Yes, sir.

15 THE COURT: Thank you.

16 (Proceedings resumed in open court.)

17 MR. FRAZER: Your Honor, we'll move on. This  
18 document is so long, I'm just not going to offer  
19 it.

20 THE COURT: Fair enough.

21 MR. FRAZER: At this time. I reserve the  
22 right to offer it at another time.

23 BY MR. FRAZER:

24 Q You should have this document somewhere up  
25 here, D25. We talked about it earlier. Here. I'll

1 hand you a clean copy. I'll represent to you this is a  
2 complete copy of D25.

3 MS. COOK: What number?

4 MR. FRAZER: D25. Defendant's Exhibit 25.

5 THE COURT: This is the 2016 EPA paper? Is  
6 that what it is?

7 THE WITNESS: '17.

8 MR. FRAZER: 2017.

9 THE COURT: I was going to sound really smart  
10 if I got the year right.

11 MR. FRAZER: That refers to this case. 2016,  
12 '17 is pretty close, your Honor.

13 BY MR. FRAZER:

14 Q Do you have that, ma'am?

15 A I do.

16 Q I want to go back to the page number 25.164.  
17 Toward the back. It's the Appendix A.

18 MR. FRAZER: Ed, do you have that one, D25?

19 THE WITNESS: Sorry. What was it again?

20 BY MR. FRAZER:

21 Q It's D25.164.

22 THE COURT: I believe last time we just used  
23 the ELMO for this document.

24 MR. FRAZER: Do you have a clean copy, your  
25 Honor?

1 THE COURT: Let's find out.

2 MR. FRAZER: I'm sorry. Mine is all written  
3 up, and I know you don't want the jury to see that.

4 MS. COOK: Do we need another copy, your  
5 Honor?

6 THE COURT: We're looking for a clean copy to  
7 put on the ELMO.

8 MR. FRAZER: Thank you very much. We've got  
9 one, your Honor. Is the ELMO on? Thank you.

10 BY MR. FRAZER:

11 Q So let's go to that. Are you there at  
12 Appendix A?

13 A I am.

14 Q Pull that up. You see that it starts -- it's  
15 a table.

16 Do you see that it says "Appendix A - Journal  
17 Articles Obtained from an Open Literature Search";  
18 correct?

19 A Correct.

20 Q And again D25, Defense Exhibit 25 is an EPA  
21 document; right?

22 A It is.

23 Q And in Appendix A, the EPA is listing the  
24 articles that they found related to glyphosate; right?

25 A Through their systematic literature search,

1 yes.

2 Q And do you see that they list a lot of things.  
3 They list a few articles, abstracts only, and they list  
4 some articles that aren't even in English. They list  
5 three articles that just have to do with cancer  
6 treatment on this first page.

7 Do you see that?

8 A I do.

9 Q And then they list what are called  
10 correspondence articles. Those are basically letters  
11 written into a journal about a particular article;  
12 right?

13 A Correct.

14 Q They're not published studies. They're just  
15 comments or whatever by somebody about an article that  
16 got published; right?

17 A Correct.

18 Q Then, if we turn to the very next page, we see  
19 some more correspondence articles. Then we see some  
20 articles that have been classified as effects on  
21 cellular processes.

22 Do you see that?

23 A I do.

24 Q And that's about seven articles listed right  
25 there; correct?

1 A It looks like that, yes.

2 Q And we can agree that all seven show adverse  
3 effects on the cellular process; right?

4 A In their conditions of their studies, yes.

5 Q And then we see towards the bottom of this  
6 page, the column says, "Not relevant to current fit for  
7 purpose of review"; right?

8 A Yes.

9 Q In fact, one that we can see right there is  
10 dated 1939.

11 Do you see that?

12 A I do.

13 Q That's before the Pearl Harbor was bombed;  
14 right?

15 A Yes.

16 Q And glyphosate wasn't on the market in 1939.  
17 In fact there are two there 1930 -- one in '34, '38,  
18 '39, '39.

19 Do you see that?

20 A I do.

21 Q All right. And the EPA writes, "Not relevant  
22 to current fit for purpose of review"; right?

23 A Correct.

24 Q And if we turn the page, we see that column  
25 repeated on all these articles.



1 Do you see that?

2 A I do.

3 Q And if we keep turning the pages, let's turn  
4 them, we turn them all the way to page -- if I get  
5 there. Takes a while to get there. Turn to page  
6 25.191.

7 Do you see that?

8 A I do.

9 Q Every page before there, every listing says  
10 "Not relevant to current fit for purpose of review" of  
11 all these articles; right?

12 A Right, based on EPA's criteria.

13 Q Yeah.

14 So we finally get to a page where they pick  
15 back up where some things are relevant.

16 Do you see that?

17 A I do.

18 Q And that starts at 25.191; right?

19 A Correct.

20 Q And we see some that were -- the first two  
21 that pop up, they're in alphabetical order here;  
22 correct?

23 A Correct.

24 Q The first two are from John Acquavella. He's  
25 the former epidemiologist at Monsanto; correct?

1 A Correct.

2 Q The next two are industry studies, the Baker  
3 and Chang studies; right?

4 A Baker was involved with the Farm Family  
5 Exposure Study, and Dr. Chang and Delzell did a  
6 meta-analysis of glyphosate.

7 Q Both were sponsored by industry?

8 A Chang and Delzell were sponsored by us, and  
9 Baker, again, was part of that CropLife America  
10 Association that was done in Minnesota.

11 Q Both were sponsored by industry then, the  
12 glyphosate industry?

13 A Well, other pesticide industry.

14 Q Okay. Then the next one we see is from  
15 Dr. De Roos; right?

16 A Correct.

17 Q And Dr. De Roos finds the cancer incidence  
18 among glyphosate-exposed pesticide applicators in the  
19 Agricultural Health Study; correct?

20 A Correct.

21 Q We see that, if we go to that document right  
22 here. Sorry -- put that up.

23 We see -- and these are all cancer epi  
24 studies; right?

25 A Correct.

1 Q Monsanto disagrees with the De Roos study;  
2 correct?

3 A Not the 2005. That's the one where she found  
4 no association with non-Hodgkin's lymphoma.

5 Q We'll see that.

6 Then, if you turn the page, if you look at --  
7 there are three studies, four studies in a row that  
8 Monsanto had something to do with: Mink, Sorahan,  
9 Greim, and Williams; correct?

10 A Yes.

11 Q All right. Then, if we go on down, we see two  
12 studies, one by Dr. Heydens and one -- do you see his  
13 name right there?

14 A I do.

15 Q And one by the good Dr. Kier right here;  
16 right?

17 A By Dr. Kier, yes.

18 Q And so you got -- those are two people that  
19 had Monsanto connections; correct?

20 A Yeah. They had studies that were in the  
21 published peer-reviewed literature, yes.

22 Q And then we have one by Mandel; right?  
23 Monsanto's connected to that study; correct?

24 A Again, Dr. Mandel was part of the University  
25 of Minnesota, and that was a part of the Farm Family

1 Exposure Study in general.

2 Q But, again, Monsanto is connected to  
3 Dr. Mandel and that study; right?

4 A We have been, yes.

5 Q All right. Then we have a retracted article  
6 on the last page.

7 Do you see that?

8 A I see that, yes.

9 Q All right. So that wasn't considered either  
10 if it's retracted; right?

11 A This is according to the EPA's criteria for  
12 what they include and don't include.

13 Q Okay. We see Paz-y-Mino.

14 Do you see that?

15 A Yes, I do.

16 Q You see another Paz-y-Mino study; right?

17 A Correct.

18 Q We see Peluso. We talked about that one;  
19 right?

20 A Correct.

21 Q We see Rank. We talked about that one;  
22 correct?

23 A Right.

24 Q And we see a number of studies on this page  
25 that we talked about. We see Bolognesi. We see another

1 Bolognesi. We see Ghisi.

2 Do you see those?

3 A I do.

4 Q We see Lioi. You and I talked about that one;  
5 right?

6 A Yes.

7 Q Have you ever gone back to try to count how  
8 many studies were industry studies on this reference  
9 list?

10 A So industry publications?

11 Q Yeah, industry connected. Either it was  
12 written by somebody from industry or sponsored in part  
13 or edited, helped with data, whatever.

14 Have you ever done that?

15 A No.

16 Q Okay. Have you ever gone back and counted the  
17 ones that are not relevant, all those pages?

18 A No, I haven't.

19 Q Would it surprise you to know that number is  
20 668?

21 MS. COOK: Foundation, your Honor.

22 THE COURT: Do you have an answer to that,  
23 Dr. Farmer?

24 THE WITNESS: No.

25 THE COURT: Okay.

1 BY MR. FRAZER:

2 Q Would that surprise you that it's 668 listed  
3 that the EPA wrote "not relevant"?

4 MS. COOK: Same objection, your Honor.

5 THE COURT: Again, she can answer the  
6 question. I'm taking Mr. Frazer at his word.

7 THE WITNESS: So the EPA does a systematic  
8 review and they have criteria for which they  
9 include or exclude publications, and that would  
10 have been done on their criteria.

11 BY MR. FRAZER:

12 Q That wasn't my question.

13 They listed 668 here, and by their own  
14 category put in that little block that we looked at --  
15 and we can go through them in excruciating detail. I'm  
16 just trying to cut to the chase here. 668 of those.

17 A So the EPA looked at them, looked at them for  
18 quality and reliability and relevance, and it appears,  
19 based on what you're saying, they came up with a large  
20 number that they did not think were high quality,  
21 reliable, or relevant for their review.

22 Q Well, like the pre World War II studies;  
23 right? Those are clearly not relevant, but EPA puts  
24 them in the table; right?

25 A Well, because they did a systematic review and

1 they're telling you, they're being very transparent in  
2 what they're looking at.

3 And they're not just looking at glyphosate as  
4 a search word. They're looking for other things. So  
5 they're just being very transparent in telling you what  
6 they looked at, and then you can go and look at each of  
7 the studies and find out why they did or did not include  
8 them in their review.

9 Q I mean, there's one on here that says not  
10 relevant to current fit for purpose of review that talk  
11 about Roundup condoms.

12 Were you aware of that, that that's in there?

13 A No, I'm not.

14 Q Monsanto's never made any condoms in its  
15 company history, has it?

16 A Not that I'm aware of but, again, the search  
17 word might have been Roundup, so whatever came up they  
18 looked at it and then they, based on their criteria,  
19 looked to see if it was quality and reliable and  
20 relevant for their evaluation of glyphosate.

21 Q Now, we know that the data -- this is 2017;  
22 right?

23 A Correct.

24 Q None of the studies since 2017 were -- are in  
25 this document, Defense Exhibit 25, or were considered by

1 the EPA because that would be impossible; right?

2 A Well, not in this, but there are other studies  
3 considered in other regulatory reviews since then.

4 Q My simple question was, nothing past 2017 is  
5 included in this document, Defense Exhibit 25; right?

6 A That would be correct.

7 Q In fact, there's some pre-2017 studies that  
8 are not in here; correct?

9 A I don't know what you're talking about.

10 Q You don't see De Roos 2003 in there, do you?

11 A I don't, no.

12 Q You don't see Hardell 2002, do you?

13 A Again, this is the EPA's document. I  
14 didn't -- we'd have to go back and look and see if  
15 they're in there.

16 Q You don't see McDuffie 2001, do you?

17 A We have to go back and look and see if they're  
18 in there.

19 Q Take your time. It's alphabetical. You can  
20 look.

21 I can tell you, it's not in the big long part  
22 called not relevant for purposes of this review.

23 A So De Roos 2003 is in the report.

24 Q One of the De Roos 2003; right?

25 A Pardon?



1 Q One of those; right?

2 A The De Roos, they've got the 2005, and the  
3 2003 is in their writeup.

4 Q Where is Hardell?

5 A McDuffie is in there.

6 Q Where is Hardell 2002?

7 A It's down here on the same page.

8 Q You found that one?

9 A Uh-huh.

10 Q Not in that. I'm talking about the reference  
11 page. You're going back and looking inside the body of  
12 the document, aren't you?

13 A So, yes. So they did discuss them. They did  
14 look at them.

15 Q I'm talking about these 800 or so references  
16 in Appendix A that the EPA has. That's what I want to  
17 ask you. That's what I'm asking you about.

18 A So they --

19 Q I'm not asking you if it's in the body of the  
20 document.

21 It's not in their references, is it?

22 A Let me go back and look. At least we know  
23 that there are -- they were evaluated by the EPA, so why  
24 they don't have are them in here I don't know.

25 Q Let's move on. The document --

1 MS. COOK: Your Honor.

2 MR. FRAZER: The document speaks for itself.

3 MS. COOK: Your Honor, I object. This is a  
4 mischaracterization, and I'd like the witness to  
5 answer the question.

6 THE COURT: I think that we've been through it  
7 enough that everybody knows the answer. I'm going  
8 to let Mr. Frazer move on.

9 Thank you, Doctor.

10 BY MR. FRAZER:

11 Q The Zhang meta-analysis of 2019 is not in this  
12 document?

13 A It was published in 2019, so it wouldn't be in  
14 a 2017 document. Correct.

15 Q The Kabat 2021 meta-analysis is not in this  
16 document?

17 A Again, I'm not familiar with that publication.  
18 But you're right. If it was 2021, it wouldn't be in a  
19 2017 document.

20 Q The Hashimoto article is not in this document?

21 A I don't know when Hashimoto was published.

22 Q The 96 scientists letter is not in this  
23 document?

24 A I don't know what letter you're referring to  
25 there.

1 MR. FRAZER: Your Honor, I think I'll finish  
2 up in about 15 minutes if you want to use that as a  
3 placeholder.

4 THE COURT: Sounds good. That's a hard  
5 promise there, Mr. Frazer.

6 MR. FRAZER: I know, your Honor. I'm going to  
7 try my best. My wife tells me I do a fairly good  
8 job.

9 BY MR. FRAZER:

10 Q Hand you what's been marked as Plaintiff's  
11 Exhibit 2367. This is for identification only.

12 We talked earlier about the Mexican children  
13 urine study in 2021. This is that study; correct?

14 A You mentioned it to me, but I wasn't familiar  
15 with it, no.

16 Q You never heard of it; right?

17 A I'm not following the literature like I used  
18 to. There's someone else who's more involved in this  
19 than I am these days.

20 Q And, if you would, right on the very first  
21 page it says, in the abstract, which the jury knows what  
22 this is, it is a shortened version of the preview. It's  
23 like a movie preview of what the movie is about.

24 THE COURT: Hold on, Mr. Frazer.

25 Do you have an objection, Ms. Cook?

1 MS. COOK: I do. I object to asking any  
2 questions on this for a lack of foundation.

3 THE COURT: Mr. Frazer, you said you're just  
4 offering it for demonstrative. If she doesn't know  
5 what this document is, I guess what are you asking  
6 her specifically?

7 MR. FRAZER: Well, I'll rephrase the question.

8 THE COURT: Thank you.

9 BY MR. FRAZER:

10 Q In looking at the results and the conclusion,  
11 does this refresh memory as to whether or not you know  
12 anything about the Mexican children urine study?

13 A No. I haven't read this study.

14 Q Haven't read it. Okay.

15 Dr. Farmer, I think we discussed earlier the  
16 CDC study on glyphosate and urine, people in America.

17 Do you remember that?

18 A I remember you talking about it, but I haven't  
19 seen this report.

20 Q I handed you Plaintiff's Trial Exhibit 2370,  
21 which I'm offering for ID purposes only.

22 You're not familiar with what the Centers for  
23 Disease Control reported in 2013 -- or in 2022 about  
24 urine in American -- glyphosate in urine in the American  
25 public; right?

1           A     No.  As I said, I'm not the lead toxicologist  
2  for glyphosate anymore, so I don't follow the  
3  publications on a day-to-day basis.

4           Q     Thank you.  You can put that aside.

5                     Dr. Farmer, I handed you what's been marked as  
6  Plaintiff's Exhibit 393.  Do you see that's an internal  
7  email at Monsanto Company?

8           A     I do, and I've not seen it before.

9           Q     You've not seen this one ever before?

10          A     No.

11          Q     It is a business record of the company as you  
12  can see by the document identifier number and that it  
13  was produced subject to protective order.  It's  
14  confidential.

15                    MS. COOK:  Objection to foundation as a  
16  business record, your Honor.

17                    THE COURT:  Let's have her answer the  
18  question.

19                    THE WITNESS:  I see that.

20                    THE COURT:  Are you moving to admit it?

21                    MR. FRAZER:  Move to admit it, your Honor.

22                    THE COURT:  Are you making your same  
23  objection?

24                    MS. COOK:  No, actually I have another, your  
25  Honor.

1 THE COURT: Go to sidebar.

2 (Counsel approached the bench and the  
3 following proceedings were had:)

4 THE COURT: Ms. Cook.

5 MS. COOK: Your Honor, the objection is to  
6 hearsay on page 2. There is a quote from a  
7 nonMonsanto employee that is hearsay with no  
8 exception offered to be shown any impact on the  
9 company or that the company was told this  
10 information. It has no relevance to this case.  
11 It's a quote from a third party. It's hearsay  
12 within hearsay, even if they can establish a  
13 business record, which they can't with this  
14 witness.

15 THE COURT: Mr. Frazer, do you have a  
16 response?

17 MR. FRAZER: Yes, your Honor. The foundation  
18 is that Dan Jenkins is the head of U.S. regulatory  
19 affairs and that he is talking about a conversation  
20 he had with the Jess Rowland, who is the guy who  
21 signed Defense Exhibit 25. And he's reporting what  
22 Mr. Rowland told him.

23 And I'm not offering it for the truth of the  
24 matter. I'm saying obviously Mr. Jenkins thought  
25 he was telling the truth or he wouldn't have sent

1 an email to Dr. Heydens that --

2 MS. COOK: Keep your voice down.

3 THE COURT: I want to make sure I understand  
4 the parameters of the argument here. Obviously  
5 you're making the same foundational argument as you  
6 made before?

7 MS. COOK: Yes.

8 THE COURT: But you're also making a hearsay  
9 argument because this statement is made by a  
10 nonMonsanto employee and is being quoted in the  
11 email, so then it's a hearsay from a nonMonsanto  
12 employee?

13 MS. COOK: Correct. It's hearsay within  
14 hearsay.

15 He said he's not offering it for the truth,  
16 but you have to offer it for something, and he's  
17 given no hearsay exception at all.

18 THE COURT: So I guess what are you offering  
19 it for if not for the truth?

20 MR. FRAZER: It's offered for notice. He  
21 said:

22 "Jess called me out of the blue this morning.  
23 We have enough to sustain our conclusions. We  
24 don't need any more gene tox or epi. The only  
25 thing is the Cheminova study with sarcoma in mice.

1 We have that study now and its conclusions are  
2 irrelevant. I'm the chair of the CARC and my folks  
3 are running this process for glyphosate in reg  
4 review. I have called a meeting in June."

5 And then he comments on it.

6 And Mr. Jenkins, who we've established is the  
7 U.S. regulatory lead in the country, he comments on  
8 what they need to do.

9 THE COURT: Well, first of all --

10 MS. COOK: I'm not talking about that part.  
11 I'm talking about this quote right here.

12 MR. FRAZER: So this shows the effect on the  
13 listener. It's not offered for the truth. He  
14 escalates this, and Dan Jenkins, the U.S.  
15 regulatory lead, escalates it to Dr. Heydens and  
16 Jennifer Listello, and Dr. Heydens responds to it.

17 THE COURT: So, first of all, I'll admit the  
18 document as a business record, though, since  
19 Dr. Farmer is not on it, I'm going to limit you for  
20 simply asking whether or not she's seen it, which  
21 means you're not going to get to that quote.

22 I'll admit the document, and I -- to the  
23 extent that that quote comes up later, we'll take  
24 it up. But you have ever offered that you're not  
25 going to offer it for the truth of the matter



1           asserted, and I'm going to caution you that I'm  
2           going to hold you to that statement with any use of  
3           the document going forward.

4           But if Dr. Farmer says she hasn't seen this  
5           document, I'm not going to let you ask about that  
6           quote for this time.

7           MS. COOK: Can we ask that it be redacted?

8           THE COURT: I'm not going to redact it based  
9           on the assertion of why he says he's admitting it.

10          MS. COOK: He's not going to argue that that  
11          statement was made?

12          THE COURT: Well, he's not going to argue that  
13          it was made for the truth of the matter asserted.

14          MR. BLAIR: Judge, just one other thing for  
15          the record is Plaintiff's 323 -- is that the  
16          correct exhibit number?

17          THE COURT: 393.

18          MR. BLAIR: 393 is also one of those subject  
19          to a prior stipulation in terms of the authenticity  
20          argument.

21          MS. COOK: It's not about the authenticity.  
22          It's hearsay upon hearsay.

23          THE COURT: All right. I'm going to admit it.  
24          He's going to get to ask whether she's seen it. If  
25          she says no, we're moving on.

1 (Proceedings resumed in open court.)

2 THE COURT: That's going to knock us off the  
3 15-minute statement, Mr. Frazer.

4 Just giving you trouble.

5 So go ahead and ask your question.

6 MR. FRAZER: We move to admit 393, your Honor.

7 THE COURT: I'll admit it over the objection  
8 we just went over at sidebar.

9 BY MR. FRAZER:

10 Q You've never seen this document before?

11 A No, I haven't.

12 Q Do you know anything about it?

13 A No.

14 MR. FRAZER: 404.

15 BY MR. FRAZER:

16 Q Dr. Farmer, I hand you what's been marked as  
17 Plaintiff's Exhibit 404.

18 That's an internal Monsanto Company email; is  
19 that correct?

20 A Yes.

21 Q And it's got the Monsanto document identifier  
22 number on it, does it not?

23 A It does.

24 Q Now, this one's not marked confidential, is  
25 it?

1 A No, it's not.

2 Q Okay. Have you ever seen this Exhibit P404  
3 before, this document?

4 A No.

5 MR. FRAZER: Your Honor, we move to admit 404.

6 MS. COOK: Your Honor, this is a violation of  
7 the Court's order.

8 THE COURT: For now I'm going to take it under  
9 submission to save us time. We'll take it up at  
10 our next break.

11 BY MR. FRAZER:

12 Q I'll hand you what's been marked as  
13 Plaintiff's Trial Exhibit 280.

14 Do you have that?

15 A Yes.

16 Q This is a document you've seen, isn't it?

17 A Yes.

18 Q You're on it, aren't you?

19 A I am.

20 MR. FRAZER: Your Honor, I move to admit 280.

21 THE COURT: Objection to 280?

22 MS. COOK: Your Honor, there's some  
23 highlighting on the second page and I'm not sure --

24 MR. FRAZER: That's how it was produced to us,  
25 your Honor.

1 THE COURT: All right. I'll admit --

2 MS. COOK: Subject to that.

3 THE COURT: Subject to that, I'll admit 280.

4 MR. FRAZER: Sure. Sure.

5 BY MR. FRAZER:

6 Q Dr. Farmer, it says that the subject matter of  
7 the --

8 Let's pull 280 up there, please, Ed.

9 The subject matter in the very first page in  
10 your email to Dr. Goldstein, Dr. Heydens, Janet Collins,  
11 at CropLife America -- and that's the trade  
12 organization; right?

13 A Correct.

14 Q It's dated July 1st, 2016; right?

15 A Correct.

16 Q And you write that email, and then Janet  
17 Collins responds; correct?

18 A Yeah. She wrote an email to us, and I was  
19 responding to her emails.

20 Q Yeah. And you're -- the subject matter of all  
21 of these conversations in these emails is that NTP, all  
22 caps, will be evaluating glyphosate now, exclamation  
23 point; correct?

24 A That's what she put into the title.

25 Q Yeah. And so NTP is what?

1 A The National Toxicology Program.

2 Q National Toxicology Program. And that's -- is  
3 that a U.S. governmental organization?

4 A It is.

5 Q And the response back from Ms. Collins is that  
6 this is something -- quote, This is something that is  
7 going to need some communication at the Hill level;  
8 right?

9 A That's what she says.

10 Q And that's capital H hill. That's talking  
11 about Capitol Hill; correct?

12 A I assume so.

13 Q Assume so.

14 And she's, again, "This is more of the same  
15 and there's not a thing that would be good coming out of  
16 this"; correct?

17 A That's what she says.

18 Q Okay. Dr. Farmer, I'm going to hand you  
19 Plaintiff's Exhibit 983. This is an email that you're  
20 familiar with; correct?

21 A Actually, no.

22 Q You're not -- have you ever seen this one?

23 A No.

24 Q It's a Monsanto internal company email, David  
25 Saltmiras, your colleague, Michael Koch, your boss, and

1 Dr. Heydens, your colleague, dated in 2016; correct?

2 A I see that, yes.

3 Q And this is the first time you're ever seeing  
4 this document, Exhibit 983?

5 A That I remember, yes.

6 MR. FRAZER: Your Honor, I move this into  
7 evidence.

8 THE COURT: Ms. Cook?

9 MS. COOK: No foundation with this witness,  
10 your Honor.

11 THE COURT: I'll admit it over your objection.

12 BY MR. FRAZER:

13 Q One thing I do want to ask you about in this  
14 document, at the very bottom of the page, it talks about  
15 a Med Tox dinner Donna and I had a conversation.

16 Do you see that?

17 A I see that.

18 Q Does that ring a bell with you at all?

19 A No, it doesn't. This was like 2016. I'm  
20 sorry.

21 Q Okay. All right. Do you remember the first  
22 few questions I asked you way back on last Tuesday  
23 afternoon was about that one document that you wrote, we  
24 can't say that Roundup, the formulation, does not cause  
25 cancer.

1 Do you remember that?

2 A And I remember telling you that you had taken  
3 that out of context, yes.

4 Q Well, you wrote another email that said the  
5 same thing, didn't you?

6 A And it too needs to be put back into context.

7 Q Let's look at this email first.

8 Dr. Farmer, I'm going to hand you what's been  
9 marked as Plaintiff's Exhibit 185.

10 You're very familiar with this one, aren't  
11 you?

12 A I am.

13 Q And in this document --

14 MR. FRAZER: Your Honor, I move this into  
15 evidence. It's an email, Mr. Farmer's on it.

16 THE COURT: Ms. Cook?

17 MS. COOK: No objection.

18 THE COURT: It will be admitted.

19 BY MR. FRAZER:

20 Q Let's pull up Exhibit 185 there, please, and  
21 let's just go right to the bottom of the page 1.

22 Do you see that?

23 A I do.

24 Q This is what you write; correct?

25 A Yes.

1 Q Dated November 22nd, 2003?

2 A Correct.

3 Q And you write at the bottom of the page, you  
4 say, "The terms glyphosate and Roundup cannot be used  
5 interchangeably nor can you use Roundup for all  
6 glyphosate-based herbicides anymore."

7 I read that properly, didn't I?

8 A You did.

9 Q And then you say, "For example, you cannot say  
10 that Roundup is not a carcinogen . . . We have not done  
11 the necessary testing on the formulation to make this  
12 statement."

13 Did I read it properly?

14 A You did.

15 Q And then you say, "The testing on the  
16 formulations are not anywhere near the level of the  
17 active ingredient."

18 Did I read that properly?

19 A You did.

20 Q The active ingredient you're referring to is  
21 technical glyphosate?

22 A Correct.

23 But, again, it needs to be in context with the  
24 next sentence.

25 Q But your lawyer's going to get a chance to ask



1 you a lot of questions.

2 I'll hand you what's been marked as  
3 Plaintiff's Exhibit 228.

4 You're familiar with this document, aren't  
5 you?

6 A I am.

7 Q And in this document --

8 MR. FRAZER: Your Honor, I move this into  
9 evidence, an email.

10 THE WITNESS: Ms. Cook?

11 MS. COOK: No objection.

12 THE COURT: It will be admitted.

13 BY MR. FRAZER:

14 Q Let's pull up 228. Let's look at the bottom  
15 half of the page, the first page.

16 Do you see that?

17 A I do.

18 Q And if we actually, we go back to the chain,  
19 go to the second page, and Bruce Chassy writes -- who is  
20 Bruce Chassy, by the way?

21 A He was an academic that Dr. Goldstein and  
22 Dr. Sachs knew.

23 Q An academic. He was not in the company. He  
24 was outside the company?

25 A Correct. You can see his email says EDU,

1 whatever university.

2 Q I'm sorry. I didn't mean to interrupt you. I  
3 apologize. I'm trying to get there.

4 He writes on March 3rd, 2010, to Dan  
5 Goldstein: "Dan, this is like playing whack-a-mole at  
6 the carnival"; right?

7 A Correct.

8 Q And the subject matter is actually, "Another  
9 mole needing a whacking"; correct?

10 A Yes. He's referring to Dr. Jeffrey Smith.

11 Q And if we turn the page to the front page, Dr.  
12 Goldstein replies and he copies you on this reply;  
13 correct?

14 A He did, yes.

15 Q And he says, "Two comments. Number one, funny  
16 you said say that . . . Donna Farmer, (glyphosate tox)  
17 and I have been playing whack-a-mole, in all caps, for  
18 years and calling it just that."

19 All caps and bold; right?

20 A Yes, and I can explain that.

21 Q And he says, "We were just joking about it  
22 yesterday"; right?

23 A And I can explain it, yes.

24 Q And then you, you don't respond to that at  
25 all; right?

1 A Again, because I can explain what that means.

2 Q Well, in this context he's talking about this  
3 article that Mr. Chassy attached that's entitled Food  
4 Consumer: Genetically Modified Foods are More Dangerous  
5 for Children than Adults; right?

6 A What we're talking about is --

7 Q Is the answer yes to that?

8 A Yes. Because I can again put it in context.

9 MR. FRAZER: That's all the questions I have,  
10 your Honor. I tender the witness.

11 THE COURT: All right. Ladies and gentlemen,  
12 let's take a break. I don't know if it's going to  
13 be our lunch break or not. I'm going to check with  
14 Ms. Urban in back about when lunch will arrive.

15 If the lunch is going to be here in the next  
16 half an hour, we might take a break where you can  
17 have a break and eat lunch and come back in an  
18 hour, or we might come back for Ms. Cook's  
19 questioning of Dr. Farmer sooner. Either myself or  
20 the sheriff will come upstairs and let you know how  
21 long the break is going to be after I figure out  
22 with the status of lunch is.

23 I'll again remind you not to form or express  
24 any opinions about this case until it's finally  
25 given to you to decide. You shouldn't speak to

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each other or anyone else about the case or do your own independent research into any issues related to the case get.

We'll be in recess.

(Recess taken.)

(Continues to Volume 5B.)

COURT REPORTER'S CERTIFICATE

I, Tina Givens, Certified Court Reporter and Registered Professional Reporter, do hereby certify that I am the Official Court Reporter for Division 8 of the Circuit Court of the City of St. Louis, State of Missouri; that on October 10, 2023, I was present and reported all the proceedings had in the case of JOHN L. DURNELL, Plaintiff, vs. MONSANTO COMPANY, Defendant, Cause No. 1922-CC00221.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.

I hereunto set my hand on this 10th day of October, 2023.

/s/ Tina Givens  
Tina Givens, CCR RPR  
CCR #481